

***LEADERS OPPOSING THE CONFIRMATION OF
JUDGE KETANJI BROWN JACKSON
TO THE SUPREME COURT OF THE UNITED STATES***

April 4, 2022

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Re: Judge Ketanji Brown Jackson, Nominee to the Supreme Court of the United States

Dear Senator McConnell,

As you are aware, the United States Senate will vote on Judge Ketanji Brown Jackson's confirmation to the Supreme Court of the United States in the coming days. We respectfully request that you vote "no" on her confirmation for three reasons. First, she has demonstrated her willingness to pander to the radical left by refusing to provide the definition of the word "woman." Second, she has failed to demonstrate that she would forsake the anti-constitutional practice of legislating from the bench. Third, Judge Jackson has consistently issued lenient sentences to child porn offenders.

1. Judge Jackson Failed to Define the Word "Woman."

In her testimony before the Senate Judiciary Committee, Judge Jackson refused to define the word "woman." This alone should be sufficient grounds for her disqualification. It is unlikely the fifty-two (52) year-old, Harvard-educated, female federal judge has no definition or metric to identify a woman. Rather, it is probable that she has a basic, biology-based definition of a woman that would alienate the radical left. This is concerning because no Supreme Court Justice should cater to the radical left's transgender agenda that destroys – not just women's sports and college scholarships – but also the unique and essential role of women in our nation.

2. Evidence Shows Judge Jackson Would Engage in Judicial Activism.

During the Senate confirmation process, the burden of proof rests with Judge Jackson to convince the Senate that she is fit for a lifetime appointment to the Supreme Court. Specifically, Judge Jackson must convince the Senate that she would accept and function within the constitutional limits placed upon a justice. The Constitution provides that: "[t]he judicial power shall extend to all cases, in law and equity, arising under this Constitution, [and] the laws of the United States" Simply put, the Constitution confers judicial power upon judges to "decide cases" but prohibits them from exercising legislative power, which Article I, Section 1 assigns exclusively to "a Congress of the United States."

Judge Jackson's judicial philosophy is called into question by numerous factors and is highlighted by the following two concerns. First, she was mentored by one of the most activist Justices in the history of the Supreme Court: Justice Stephen Breyer. Justice Breyer literally wrote the book

“Active Liberty” which is an apology for judicial activism. Yet, during the entirety of her testimony before the Senate, Judge Jackson failed to renounce the activist judicial philosophy of her mentor, Justice Breyer. Moreover, Jackson engaged in judicial activism in the case, *Make the Road New York v. McAleenan*, 405 F. Supp. 3d 1 (D.D.C. 2019), wherein she disregarded the separation-of-powers doctrine and, accordingly, was reversed on appeal. For these reasons, Judge Jackson remains a threat as a judicial activist.

3. Judge Jackson’s Poor Judgment is Evidenced by Her Lenient Sentencing of Child Porn Offenders.

Judge Jackson has a pattern of issuing lenient sentences for child porn offenders. Her sentencing was consistently well below both the Congressional Sentencing Guidelines and the prosecutorial recommendations. This prompted Senator Hawley to conclude: “This is a disturbing record for any judge, but especially one nominated to the highest court in the land. Protecting the most vulnerable shouldn’t be up for debate. Sending child predators to jail shouldn’t be controversial.” Judge Jackson had ample opportunity to quell the concerns of the Republican senators during the hearing, yet she was unable to successfully defend her poor judgment.

There is ample evidence that Judge Jackson should not be confirmed to the Supreme Court of the United States. Accordingly, we respectfully ask you to vote “no” on her confirmation.

Respectfully,

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