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May 5, 2021

VIA EMAIL

The Honorable Dick Durbin  
Chair  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C., 20510

The Honorable Chuck Grassley  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C., 20510

Re: *Letter in Support of Ketanji Brown Jackson for the U.S Court of Appeals for the District of Columbia Circuit*

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the National Women's Law Center (the "Law Center"), I write to express support for the confirmation of Ketanji Brown Jackson for the U.S Court of Appeals for the District of Columbia Circuit. The Law Center fights for gender justice – in the courts, in public policy, and in society – working across the issues that are central to the lives of women and girls. The Law Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm women and girls – especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families. For nearly 50 years, the Law Center has been on the leading edge of every major legal and policy victory for women.

Judge Jackson is a dedicated public servant and seasoned legal practitioner with experience defending equal justice and constitutional rights.<sup>1</sup> As Assistant Special Counsel and later Vice Chair of the Sentencing Commission, she worked on bipartisan reforms to the federal sentencing guidelines that disproportionately harm Black and brown communities. She also spent two years working as Assistant Federal Defender where she represented indigent criminal appellants before the D.C. Circuit. Additionally, while working as an associate at Proctor Gamble, she drafted an amicus brief on behalf of a range of Massachusetts-based groups and health centers in *McGuire v. Reilly*, defending the constitutionality of Massachusetts' law aimed at protecting people who seek abortion care and health care providers from harassment, violence, and unwanted contact from anti-abortion demonstrators.<sup>2</sup>

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<sup>1</sup> Ketanji Brown Jackson, Senate Judiciary Committee Questionnaire.

<sup>2</sup> Brief in Support of Defendant-Appellant Women's Bar Ass'n of Mass., Abortion Access Project of Mass., AIDS Project of Worcester, Alternative Medical Care of Mass., American Ass'n of Univ. Women-Mass., Big Sister Ass'n of Greater Boston, Boston Women's Health Book Collective, Everywoman's Center, Four Women, Inc., League of Women Voters of Mass., Mass. NARAL, Mass. Chapter of NOW, Mass. Public Health Ass'n, National Council of Jewish Women-Mass., Religious Coalition for Reproductive Choice, Tapestry Health Systems, Union of American

Judge Jackson is eminently qualified to be a circuit court judge. She is a respected jurist who has opined on over 550 cases during her eight-year tenure on the District Court for the District of Columbia.<sup>3</sup> Her record shows careful consideration of the law and facts in each case, including ones that touched on issues relating to reproductive health care and education, labor rights, and disability rights. For example, in *Healthy Futures of Texas v. HHS* and *Policy and Research v. HHS*, Judge Jackson blocked the government's unlawful attempts to terminate federal teen pregnancy prevention funding to non-profits providing essential health education.<sup>4</sup> She protected the rights of federal employees to collectively bargain in *American Federation of Government Employees v. Trump*.<sup>5</sup> In addition, she affirmed the rights of people with disabilities, including people who were systematically discriminated against by the ride-sharing company Uber, as well as an incarcerated deaf person who was denied necessary accommodations by the D.C. Department of Corrections.<sup>6</sup> Given her record safeguarding civil rights, it is unsurprising that Judge Jackson has reputation as a fair and impartial jurist who is committed to the rule of law.

Judge Jackson's professional experience and personal background and identity add much needed diversity to the Circuit Courts of Appeals, which have historically failed to reflect the rich diversity of this country. Only about one percent of sitting circuit court judges have spent most of their career working as public defenders or within a legal aid setting.<sup>7</sup> Currently, women make up only 34 percent of the federal judiciary, and women of color a mere seven percent.<sup>8</sup> We have not had a Black woman confirmed to a circuit court in almost 10 years.<sup>9</sup> The D.C. Circuit needs a thoughtful, dedicated, and experienced attorney like Judge Jackson who will bolster the rights of everyone.

Furthermore, Judge Jackson demonstrated at her hearing that she is ready to transfer her exemplary legal career to an appellate judgeship. Both her testimony and her judicial record prove she

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Hebrew Congregations–Northeast Council, Womancare/Repro Associates, and YWCA of Cambridge, amici curiae, *McGuire, et al. v. Reilly, et al.*, 260 F.3d 36 (1st Cir. 2001); *McGuire v. Reilly*, 386 F.3d 45 (1st Cir. 2004), cert. denied, 544 U.S. 974 (2005).

<sup>3</sup> Ketanji Brown Jackson SJQ

<sup>4</sup> *Healthy Futures of Texas v. Dep't of Health & Hum. Servs.*, 315 F. Supp. 3d 339 (D.D.C. 2018); *Pol'y & Rsch., LLC v. United States Dep't of Health & Hum. Servs.*, 313 F. Supp. 3d 62 (D.D.C. 2018)

<sup>5</sup> *Am. Fed'n of Gov't Emps., AFL-CIO v. Trump*, 318 F. Supp. 3d 370 (D.D.C. 2018), *rev'd and vacated*, 929 F.3d 748 (D.C. Cir. 2019) Judge Jackson found that certain provisions of the executive orders conflicted with the Federal Service Labor- Management Relations Statute (FSLMRS). The D.C. Circuit reversed on the threshold issue of subject-matter jurisdiction, without reaching the merits of her determination concerning the lawfulness under the FSLMRS.

<sup>6</sup> *Equal Rts. Ctr. v. Uber Techs., Inc.*, No. 17-CV-1272 (KBJ), 2021 WL 981011 (D.D.C. Mar. 15, 2021); *Pierce v. D.C.*, 128 F. Supp. 3d 250 (D.D.C. 2015)

<sup>7</sup> Maggie Jo Buchanan, *Pipelines to Power: Encouraging Professional Diversity on the Federal Appellate Bench*, CENTER FOR AMERICAN PROGRESS, Aug. 13, 2020, <https://www.americanprogress.org/issues/courts/reports/2020/08/13/489312/pipelines-power-encouraging-professional-diversity-federal-appellate-bench/>

<sup>8</sup> CENTER FOR AMERICAN PROGRESS, *Examining the Demographic Compositions of U.S. Circuit and District Courts*, Feb. 13, 2020, <https://www.americanprogress.org/issues/courts/reports/2020/02/13/480112/examining-demographic-compositions-u-s-circuit-district-courts/>

<sup>9</sup> LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS, *We Need More Black Women on Our Federal Appellate Courts*, Feb. 25, 2021, <https://civilrights.org/blog/we-need-more-black-women-on-our-federal-appellate-courts/>

will approach cases guided by a consistent methodology of analyzing the facts, the law, and record of the case. She also expertly answered questions from the Committee and displayed her brilliance, temperament, and exemplary qualifications to serve as an appellate judge.

The Law Center offers its support of the nomination of Ketanji Brown Jackson to serve on the Court of Appeals for the District of Columbia Circuit and urges the Committee to approve her nomination quickly. Please feel free to contact me, or Theresa Lau, Senior Counsel, at (202) 956-3064 should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Fatima Goss Graves". The signature is written in a cursive, flowing style.

Fatima Goss Graves  
President and CEO