



March 31, 2022

The Honorable Dick Durbin, Chairman
Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley, Ranking Member
Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

RE: Confirm Judge Ketanji Brown Jackson to the U.S. Supreme Court

Dear Chairman Durbin and Ranking Member Grassley:

Earthjustice writes today to express our support for the confirmation of Judge Ketanji Brown Jackson as the next associate justice to the United States Supreme Court.

Judge Jackson is one of the brightest legal minds in the country. Her character and qualifications have earned bipartisan support in all her past confirmations. She has served as a federal judge for eight years, worked as a public defender, and served on the U.S. Sentencing Commission to address disparities in federal criminal sentencing. Her even-handed judicial philosophy is reflected in her substantially lower reversal rate compared with other district court judges on average, both across the nation and within the D.C. Circuit. We believe that these qualifications make her a welcomed addition to the Court.

Confirming Judge Jackson would also improve the Court's perspective and credibility. As Judge Jackson eloquently stated in her own words during her confirmation hearing:

"The judicial branch, its force in our system is the protection of the rule of law, which can only be done by essentially the consent of the governed. It can only be done if people in our society believe, decide and agree that they're going to follow what it is that courts decide. And so, one of the reasons why having a diverse judicial branch is important is because it lends and bolsters public confidence in our system.

We have a diverse society in the United States. There are people from all over who come to this great nation and make their lives. And when people see that the judicial branch is comprised of a variety of people who have taken the oath to protect the Constitution and who are doing their best to interpret the laws consistent with that oath, it lends confidence that the rulings that the judge, that the court, is handing down are fair and just, that everything has been considered, that no one is being excluded because of a characteristic like race or gender or anything else, and that's important.

I would also say that it's important, from the standpoint of role modeling, that I have been so touched by the numbers of people who've reached out to me in this period of time to say how much it has meant to their daughters, to their sons, to the next generation that I have been ...nominated and hopefully confirmed."

Our nation's pollution control system has perpetuated sacrifice zones in communities where severe health impacts are compounding other racial injustices. Our public lands policies have deprived Indigenous communities of their sacred lands. And our inattention to the climate crisis is already falling most heavily on



those least able to bear its impacts. We need fair-minded Justices who decide cases based on facts, science, and settled law, and who understand the Court's proper place in our system of government. We believe that Judge Jackson will be exactly this kind of Supreme Court Justice, and we urge you to confirm her as quickly as possible.

We are in urgent need of a Supreme Court Justice who understands facts are lived and who will fairly apply the law, particularly in the context of environmental protection and scientific uncertainty. We are confident of Judge Jackson's ability to decide environmental cases fairly based on our review of her record. In many instances, judges decide environmental cases by applying administrative law principles to complex regulatory regimes and difficult scientific judgments by administrative agencies. It is not easy to make these decisions, nor is it easy to explain the decision in a way that the public can understand. Judge Jackson's record shows that she understands the complexities of administrative law and the need to articulate clear decisions that lower courts and agencies can apply to their work.¹

Judge Jackson spoke to the importance of this quality during the confirmation process:

"As I mentioned earlier in this hearing, judges are the only branch of government who are required to write our opinions, to explain our decisions. And I have long believed in that capacity that our clarity and language matters. We're explaining the law to people. And people read and understand what the law is, what the rule of law is in this country through the opinions of judges. So, they do matter..."

We support the confirmation of Judge Ketanji Brown Jackson because she is a well-qualified and fair-minded judge who understands the power and responsibility the federal government has under the Constitution to protect the environment and public health, who knows how to evaluate difficult questions about administrative law and complex regulations, and who understands the need to keep the courthouse doors open to those seeking justice. We strongly urge you to support her nomination and vote to confirm her as the next associate justice to the U.S. Supreme Court.

Sincerely,

Abigail Dillen, President

¹ See [clerk letter of support](#) "She is keenly aware that judges serve the public, and because of that, she strives to ensure that the parties and the public understand the law and the basis for her decisions in each case;" [Dahlia Lithwick, Ketanji Brown Jackson's Lesser-Known SCOTUS Qualifications, Slate \(2-28-22\)](#) ("Judge Jackson approaches every opinion with the clear intention that anyone can access it, read it, and understand it. And I think that's what is so extraordinary about her as a jurist. It's something that is deep-seated in her commitment to public service, and through her family's commitment to service").