

March 21, 2022

The Honorable Dick Durbin
Chairman
Senate Judiciary Committee
U.S. Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Senate Judiciary Committee
U.S. Senate
Washington, DC 20510

Dear Senators,

As the Senate engages in its important role in the Supreme Court nomination process, we write as a coalition of national and state pro-life leaders to raise grave concerns regarding Ketanji Brown Jackson's nomination.

President Joe Biden has committed to only appoint justices who support the *Roe v. Wade* jurisprudence.¹ Scholars from across the spectrum of legal thought have criticized *Roe* as “bad constitutional law”² and “among the most damaging of judicial decisions.”³ *Roe* not only denigrates our legal system, but also authorizes our nation's radical policy of abortion on demand until birth.

One of the destructive outcomes of the *Roe* decision was removing policymaking decisions from elected representatives. Judicial activism promotes and extends this blatant overstepping of separation of powers. Especially now, as the Supreme Court considers a case that questions *Roe*'s core holding, confirming a justice to the Supreme Court with a commitment to judicial activism would be a step in the wrong direction.

Jackson's past writings strongly indicate that she may be unable to fairly consider arguments from those politically divergent from her own. In an amicus brief co-authored by Jackson on behalf of the Massachusetts National Abortion Rights Action League (Mass. NARAL) and other abortion groups regarding buffer zones around abortion clinics in Massachusetts, she portrayed pro-life sidewalk counselors as a “hostile, noisy crowd of ‘in-your-face’ protesters.”⁴ However, offering life-affirming support or prayer outside of a clinic is not “harassment”⁵ and to insist that offering an alternative to abortion is “indisputably harmful to a medical patient's physical well-being”⁶ is the height of absurdity.

¹ <https://www.washingtonexaminer.com/news/biden-endorses-abortion-litmus-test-for-supreme-court-nominees>

² https://openyls.law.yale.edu/bitstream/handle/20.500.13051/15536/50_82YaleLJ920_1972_1973_.pdf?sequence=2&isAllowed=y

³ <https://supreme.findlaw.com/legal-commentary/the-lingering-problems-with-roe-v-wade-and-why-the-recent-senate-hearings-on-michael-mcconnells-nomination-only-underlined-them.html>

⁴ 1 Brief in Support of Defendants-Appellants by Amici Curiae Women's Bar Association of Massachusetts; Abortion Access Project of Massachusetts, et. al., *McGuire v. Reilly*, 260 F.3d 36 (1st Cir. 2001).

⁵ *Ibid.*

⁶ *Ibid.*

Even before Justice Breyer’s retirement announcement, radical pro-abortion groups had spent six-figure sums⁷ promoting Jackson. Now that she is the nominee, they have already pledged a million more.⁸ Planned Parenthood⁹, NARAL¹⁰, and the National Women’s Law Center¹¹ have issued support for Jackson’s confirmation. The American Constitution Society, which has frequently hosted Jackson as a speaker and applauded her nomination, has publicly supported efforts to “reform” the Supreme Court to protect abortion.¹²

Ketanji Brown Jackson’s record speaks loudly of the type of justice she would be on the Supreme Court. She has been handpicked by a pro-abortion president to satisfy the pressure campaign from pro-abortion, progressive activists. These activists refuse to acknowledge the toll that *Roe v. Wade* has inflicted on our country. More than 62 million lives have been lost to abortion since the 1973 *Roe* decision. As science has advanced, our policymakers have been held back from enacting laws to protect the unborn.

As the Judiciary Committee considers Jackson’s nomination, we ask that you thoroughly examine her concerning pattern of judicial activism, hostility to the pro-life community, and connections to the deep-pocketed pro-abortion industry.

Sincerely,

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⁷ <https://demandjustice.org/demand-justice-kicks-off-six-figure-ad-campaign-targeted-to-black-audiences-in-support-of-ketanji-brown-jackson/>

⁸ <https://demandjustice.org/demand-justice-announces-initial-1m-ad-buy-in-support-of-judge-ketanji-brown-jacksons-nomination-to-supreme-court/>

⁹ <https://www.plannedparenthood.org/about-us/newsroom/press-releases/planned-parenthood-statement-on-nomination-of-judge-ketanji-brown-jackson-to-the-u-s-supreme-court>

¹⁰ <https://www.prochoiceamerica.org/2022/02/25/naral-pro-choice-america-celebrates-president-bidens-nomination-of-judge-ketanji-brown-jackson-to-the-u-s-supreme-court/>

¹¹ <https://nwlc.org/press-release/nwlc-applauds-the-nomination-of-judge-ketanji-brown-jackson-to-the-supreme-court/>

¹² <https://www.acslaw.org/expertforum/protecting-abortion-means-reforming-the-supreme-court/>

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