



March 30, 2022

The Honorable Charles Schumer
Senate Democratic Majority Leader
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Senate Republican Minority Leader
S-230, The Capitol
Washington, DC 20510

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

Dear Leader Schumer and Leader McConnell,

The Association of Mature American Citizens - AMAC, a 2.3 million-plus member association of Americans committed to faith, family, and freedom strongly opposes the nomination of Judge Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States.

Under Article III of the Constitution, the responsibility of the Judiciary is to apply the Constitution and rule of law, not to make it up and effectively legislate policy from the bench. In other words, a judge's role is to neutrally apply the rule of law, within the confines of the authority given to the Article III judiciary by Congress subject to the Constitution. An Article III nominee's judicial philosophy should reflect deep awareness of these limits and the scope of Article III authority. It is clear from her record and testimony in the Senate Judiciary Committee that Judge Jackson would be a judicial activist on behalf of the left and seek opportunity to attempt to legislate policy, if confirmed to the Supreme Court.

We agree with the assessments of Senate Republican Leader McConnell on Judge Jackson's lack of fitness to join the Supreme Court. Leader McConnell concluded:

- "First, Judge Jackson refuses to reject the fringe position that Democrats should try to pack the Supreme Court. ...Judge Jackson was the court-packers' pick. And she testified like it."
- "Second — for decades, activist judges have hurt the country by trying to make policy from the bench. ...President Biden said he would only nominate a judicial activist. Unfortunately, we saw no reason to suspect he accidentally did the opposite."
- "Third, and relatedly — we are in the midst of a national violent crime wave and exploding illegal immigration. Unbelievably, the Biden Administration has ... launched a national campaign to make the federal bench systematically softer on crime. ...This is one area where Judge Jackson's trial court records provide a wealth of information. ...The Judge regularly gave certain terrible kinds of criminals light sentences that were beneath the sentencing guidelines and beneath the prosecutors' requests. ...Judge Jackson declined to walk Senators through the merits of her reasoning in specific cases. She just kept repeating that it was her discretion, and if Congress didn't like it, it was [Congress'] fault for giving her the discretion."

In March 24 testimony, Jennifer L. Mascott, Assistant Professor of Law & Co-Executive Director of the C. Boyden Gray Center for the Study of the Administrative State, George Mason University's Antonin Scalia Law School, advised that

"...Judge Jackson's statements indicated willingness to extend beyond constitutional text in the evaluation of individual rights described as within the "substantive due process" clause of the Fourteenth Amendment. [Moreover], there is a lack of evidence suggesting [Judge Jackson's] commitment to exclusive reliance on originalism and textualism [of the Constitution] as ... traditionally applied. Senators who understand originalism and textualism as the constitutionally appropriate methods for discerning legal meaning, and who are committed to voting on nominees on the basis of judicial philosophy, could conclude there is reason to oppose the nomination here."

Accordingly, AMAC strongly urges the Senate to reject Judge Jackson's nomination.

Sincerely,

A handwritten signature in black ink that reads "Bob Carlstrom". The signature is written in a cursive, slightly slanted style.

Bob Carlstrom
President
AMAC Action