

In the name of God, the Most Compassionate, the Most Merciful.
All praise and thanks belong to God, the Lord of the Worlds.
May peace and prayers be upon Prophet Muhammad and his family.



Council on American-Islamic Relations
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March 16, 2022

The Honorable Dick Durbin
Chair
U.S. Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

CC: Members and Staff of the U.S. Senate Committee on the Judiciary

RE: Nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States

Dear Chair Durbin and Ranking Member Grassley:

On behalf of the Council on American-Islamic Relations, the nation's largest Muslim civil rights and advocacy organization, I am writing to address concerns that a few members of the U.S. Senate Committee on the Judiciary have publicly and privately raised issue with U.S. Supreme Court nominee Ketanji Brown Jackson's prior defense work on behalf of a Guantánamo Bay detainee.

In February, our civil rights organization welcomed President Joe Biden's historic nomination of federal appeals court Judge Jackson to serve on the Supreme Court.

We encourage all members of the Senate Committee on the Judiciary to question Judge Jackson during her confirmation hearing next week on all her legal perspectives on issues related to civil rights, religious freedom, and the limits of presidential power, particularly in relation to immigration.

However, Judge Jackson's prior public defense work and private amicus briefs written on behalf of Guantánamo Bay detainees should be viewed as a positive and significant milestone in her

legal career – and not a likely “line of attack” from some committee members as *The Hill* reported on Monday, March 14.¹

This year marks the 20th anniversary of the George W. Bush administration opening the unconstitutional U.S. military detention camp at Guantánamo Bay, Cuba. For twenty years, our government has illegally operated a military detention camp that has indefinitely detained prisoners without charge or trial at Guantánamo, Cuba.

The Guantánamo prison camp was designed to detain and try foreign terrorism suspects outside of the reach of the Constitution to deny detainees their due process rights or the expectation of a fair trial.

While 780 individuals have been detained at the Guantánamo Bay prison over the past 20 years, only 0.3% have been convicted, and the vast majority have been released.

With 39 men remaining at Guantánamo, our government still has a responsibility to either fairly charge and try these men within the U.S. judicial system or to release them.

The Sixth Amendment of the U.S. Constitution guarantees every person under U.S. custody – including Guantánamo detainees - the right to legal counsel.

Judge Jackson’s work of providing legal counsel to a Guantánamo detainee was her professional responsibility as a public defender and follows in the long held American tradition of ensuring that every person charged with a crime in U.S. custody has the right to a fair and impartial trial, regardless of public sentiment.

American patriot, founding father, and one day president John Adams was publicly vilified for his legal defense of the British soldiers accused of the Boston Massacre of 1770. Persevering through calls for mob justice and threats to his own personal safety, then attorney Adams secured the acquittal of the soldiers’ captain, not guilty verdicts for six of the soldiers, and the lesser verdict of manslaughter for two other soldiers.

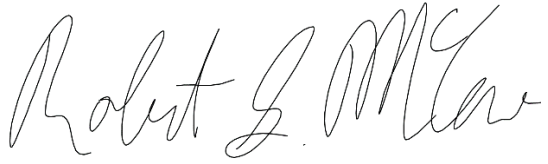
Remarking on his defense of these English soldiers, President Adams said it was “one of the best pieces of service I ever rendered my Country.” Americans and the detainees at Guantánamo both deserve justice and a fair trial.

Judge Jackson’s public defense work on behalf of a Guantánamo detainee, and her private amicus briefs in support of others, have been some of the best services that she has rendered our country.

We respectfully encourage that all members of the U.S. Senate Committee on the Judiciary to consider Judge Jackson’s past work as a public defender and private citizen as a patriotic service to our nation.

¹ The Hill, “GOP raises red flag on Supreme Court nominee’s Guantánamo work,” by Jordain Carney, March 14, 2022. Website link: <https://thehill.com/homenews/senate/597938-gop-raises-red-flag-on-supreme-court-nominees-guantanamo-work>

Sincerely,

A handwritten signature in black ink that reads "Robert S. McCaw". The signature is written in a cursive style with a large, prominent "M" and "C".

Robert S. McCaw

CAIR Director of Government Affairs Department