



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

The Honorable Dick Durbin
Chairman
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington DC 20510

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

April 4, 2022

Subj: Opposition to Nomination of Judge Ketanji Brown Jackson to the U.S. Supreme Court

Dear Chairman Durbin and Ranking Member Grassley:

The undersigned attorneys general and I write to express our opposition to the nomination of Judge Ketanji Brown Jackson to the United States Supreme Court because of her unconscionable leniency toward criminals who possess, publish, and produce child pornography—or, more accurately, images of child rape.

Judge Jackson hasn't merely erred on the more forgiving end of a spectrum of available punishments, as many judges sometimes do. Rather, during her decade-long tenure as a federal district court judge, she repeatedly cast victims aside, elevated criminal defendants above them, and sentenced the abusers well below the accepted federal guidelines. For example, in dozens of child pornography cases, she imposed sentences that were anywhere from 15 to nearly 70 percent less than what the prosecutor had requested.

In a March 20, 2022 letter addressed to you, several members of Congress rightly point out that Judge Jackson has a “profoundly troubling pattern of leniency towards some of the most disturbing crimes in our society.” Three particular instances showed “an unsettling history” of her “sid[ing] with sexual predators”:

1. *U.S. v. Hawkins*, where Judge Jackson sentenced a man convicted of possessing child pornography to three months when sentencing guidelines called for 10 years.
2. *U.S. v. Stewart*, where she sentenced a man convicted of possessing thousands of images of child pornography, along with attempting to cross state lines to molest a 9-year-old girl, to only 57 months when sentencing guidelines called for 97–121 months.
3. *U.S. v. Chazin*, where she sentenced the defendant to 28 months for possession of child pornography when sentencing guidelines called for 78–97 months.

Her weakness toward the sexual exploitation of children is not new. Indeed, it stretches back to her time as a law student. In a 1996 *Harvard Law Review* note, she argued that registration and community-notification requirements for sex offenders were unfairly punitive toward criminals, while failing to recognize those requirements' protective value for communities. Judge Jackson was determined not to “deprive[] the [sex] offender of his right to mobility or bodily

integrity,” and warned of the risks that such “harsh” punishments would have on a community’s “rejection, antipathy, and scorn” toward him. But this view undermines all the hard work that anti-abuse advocates have made in recent years to refocus the conversation on victims—here, our precious children, who are too often overlooked by people like Judge Jackson.

Later, during her work on the U.S. Sentencing Commission, she said that the “current system of mandatory minimums” with respect to “[c]ertain non-contact sex offenses”—that is, sharing images of child rape—“may be excessively severe.” It’s true that some victims of child porn may not be contacted physically by their abusers. But in our technological age, the lack of actual touch in some cases makes the crimes no less severe or appalling. And because the means and methods of the crimes are digital, they live on forever, thus continually revictimizing children into their adulthoods.

On one level, Judge Jackson’s alarming history as a judge and lawyer reflects a commitment to being soft on crime that is completely out of touch with how Americans want our justice system to treat child-sex criminals. But on deeper level, it suggests a disdain for the recommendation of prosecutors and the political process—the voice of the People—which set minimum sentencing guidelines and related statutes. What’s more, it’s an insult to the victims of child exploitation, who are revictimized every time one of Judge Jackson’s prematurely released criminals views, copies, shares, or talks about those images.

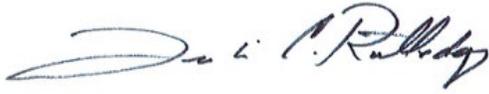
Judges should be cutting off the supply of porn that feeds these criminal monsters by being tough on offenders. Instead, by being soft on them, Judge Jackson has made it more likely for images of child rape to proliferate and thus made it easier for children to be sexualized, abused, and exploited. Bottom line: child pornographers don’t deserve a break; they deserve to go to prison for a very, very long time, and certainly much longer than Judge Jackson ever imposed.

President Biden has nominated Ketanji Brown Jackson to replace Justice Stephen Breyer on our nation’s highest court. This isn’t merely swapping out one liberal for another. Rather, it’s replacing an old-school progressive with a modern leftist who has demonstrated—in word and deed—shocking leniency toward child pornographers. Based on her record, Judge Jackson’s elevation to the Supreme Court would harm that institution, as well as children’s public safety nationwide. The United States Senate should do its job and protect the American people from this dangerous nominee.

For Liberty and Justice,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style with a large initial "K".

Ken Paxton
Attorney General of Texas



Leslie Rutledge
Attorney General of Arkansas



Lawrence Wasden
Attorney General of Idaho



Todd Rokita
Attorney General of Indiana



Jeff Landry
Attorney General of Louisiana



Eric Schmitt
Attorney General of Missouri



Austin Knudsen
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John O'Connor
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Alan Wilson
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Jason Ravensborg
Attorney General of South Dakota