



Judge Ketanji Brown Jackson on Religious Freedom

On February 25, 2022, President Biden nominated Judge Ketanji Brown Jackson to serve as the 116th Associate Justice of the Supreme Court, following Justice Stephen Breyer's retirement announcement. Rabbi Jack Moline, president of Interfaith Alliance, [highlighted](#) Judge Jackson's "impeccable credentials" and commended the president for "fulfill[ing] his commitment to bring new perspective by adding the first Black woman to the court in U.S. history." As part of our work to champion religious freedom in the courts, Interfaith Alliance has put together a deep-dive into Judge Jackson's record on our core issues.

Employment and Religious Discrimination

During her time as a United States District Judge in Washington, DC, Judge Jackson heard the case *Tyson v. Brennan*¹, which concerned a complaint of religious discrimination. The plaintiff, Howard T. Tyson, Sr., filed an instant employment discrimination action after he was transferred to another duty location within the United States Postal Service (USPS) and was not allowed to return to his original position. Tyson, a self-identifying Christian, was approached by the plant manager at his government mails facility. The manager asked him to "turn [his] gospel music down," which Tyson alleged was another in a series of confrontations with the manager over the playing of gospel music. The complaint noted that the manager, Cecil Harriston, did not say anything to those who played secular music in the same space. Tyson details that his job was "abolished" and he was transferred to another facility. Tyson's complaint posited that he retained the right to return to his original position if the job opened up. After discussing with his union representative when a position at the original facility opened up, Tyson alleged that he received an offer to return. The complaint outlined that two days after accepting, Tyson was told the position was not available. Tyson's complaint argued that plant manager Harriston did not want Tyson to return to the position because Tyson exercised his religious rights as a Christian by playing gospel music.

Judge Jackson was asked by USPS to dismiss Tyson's complaint of religious discrimination, a motion which she denied. As a judge, Judge Jackson's paramount responsibility is to ensure the integrity of the legal process. In denying the USPS's motion to dismiss the complaint outright, Judge Jackson protected Tyson's right to have his claims of religious discrimination heard.

¹*Tyson v. Brennan*, 277 F. Supp. 3d 28 (D.D.C. 2017)



Personal Views and Judicial Responsibility

A Complaint of Judicial Misconduct² was filed against Judge Edith Jones of the United States Court of Appeals for the 5th Circuit. One charge in this complaint said that Judge Jones justified the death penalty by advocating her personal religious views. The Judicial Council, which Judge Jackson sat on, determined that her statements were prefaced by the separation of her personal views and her judicial responsibilities. The Council ultimately dismissed the complaint against Judge Jones, affirming her ability to explore matters of personal conscience while staying true to judicial obligations.

Position with Montrose Christian School

Judge Jackson served on the board of Montrose Christian School over a decade ago. In the school's statement of faith, it maintained that "[the school] should speak on behalf of the unborn" and "marriage is the uniting of one man and one woman." She was asked about this in her 2021 confirmation hearing to the United States Court of Appeals, DC Circuit³. In response to a question from Senator Josh Hawley (R-MO) about her belief in a constitutional right of religious liberty, Judge Jackson said, "I do believe in religious liberty." She went on to say "any personal views about religion would never come into my service as a judge." Judge Jackson clarified that she served on many boards and does not necessarily agree with everything those boards have stated. She also noted that she was unaware of the statement Senator Hawley read and questioned whether the statement was part of the school's materials during the one year she served on the board.

Appointing a Supreme Court Justice is one of the most sacred responsibilities of the presidency. If appointed, Judge Jackson would play a critical role in directing the course of whether and how religious freedom and civil rights are upheld in this country. It is essential that members of Congress consider all resources and input when deliberating. We urge members of Congress to approach the nomination process with open minds and a critical eye to ensure that it is treated with the integrity it demands.

² *In re Charges of Judicial Misconduct*, 769 F.3d 762 (D.C. Cir. 2014)

³ Ann E. Marimow, *Biden judicial pick Ketanji Brown Jackson defends her independence in Senate hearing*, Washington Post, April 28, 2021, https://www.washingtonpost.com/politics/judge-ketanji-brown-jackson-defends-independence-in-senate-hearing/2021/04/28/ea4015c8-a794-11eb-8d25-7b30e74923ea_story.html