

CBS Mornings

03/23/22

7:01:16 a.m. [TEASE]

9 seconds

[ON-SCREEN HEADLINE: Historic Hearings]

NATE BURLESON: Republicans step up the pressure on the confirmation hearing of Judge Ketanji Brown Jackson.

SENATOR LINDSEY GRAHAM (R-SC): So, you wouldn't say that you're an activist judge?

KETANJI BROWN JACKSON: I would not say that.

(....)

7:08:57 a.m.

3 minutes and 52 seconds

[ON-SCREEN HEADLINE: Judge Jackson's Testimony; Supreme Court Nominee Faces First Day of Confirmation Questions]

GAYLE KING: And now to Capitol Hill — Capitol Hill, rather, where Judge Ketanji Brown Jackson did as much listening as speaking yesterday during her Supreme Court nomination. Several Republican senators questioned her on issues that matter to the party's voters, including critical race theory. Over 13 hours, Jackson was also asked about her philosophy. Nikole Killion was on Capitol Hill where the hearing continues this morning. Nikole, good morning to you. I went out to dinner last night, got home at 9:00, I couldn't believe she was still sitting there. What a very long day for the judge.

NIKOLE KILLION: Yeah and it could be another long day for Judge Jackson, Gayle. But, look, the White House and Democrats are dismissing some of these questions from Republican senators. They say they cross the line and are even pushing on smears based on conspiracy theories. Out of the gate, Judge Ketanji Brown Jackson addressed the elephant in the room.

JACKSON: As a mother and a judge, I was thinking that nothing could be further from the truth.

JACKSON: Jackson refuted debunked claims by Missouri Republican Senator Josh Hawley that she issued lenient sentences in child pornography cases.

SENATOR JOSH HAWLEY (R-MO): We're talking about eight-year-olds and nine-year-olds and 11-year-olds and 12-year-olds, he's got images of these, the government said, added up to over 600 images. Help me understand that, what word would you use if it's not heinous or egregious? What — how would you describe it?

JACKSON: It is heinous. It is egregious. What a judge has to do is determine how to sentence defendants proportionately[.]

KILLION: It wasn't the only issue Senate Republicans raised as Texas Senator Ted Cruz also brought up critical race theory, questioning Jackson's role on a private school board.

SENATOR TED CRUZ (R-TX): Are you comfortable with — with these ideas being taught to children?

JACKSON: Senator, I have not reviewed any of those books.

KILLION: When Senator Cruz was asked how this is relevant to the Supreme Court, he said critical race theory is divisive.

CRUZ: There's too much division in our country, and I think it is concerning if we have justices who are embracing that view.

KILLION: But by and large —

SENATOR DIANNE FEINSTEIN (D-CA): I think you're doing very well, and as you can see, this is a bit of a tough place.

KILLION: — the majority of questions from both sides of the aisle centered on Judge Jackson's judicial philosophy.

JACKSON: I do not believe that there is a living constitution. [SCREEN WIPE] I must admit that I don't really have a justice that I've molded myself after or that I would. What I have is a record.

KILLION: A record that almost brought the judge to tears as she talked about the challenges of balancing motherhood.

JACKSON: You know, I said in my opening that girls, you know, you've had to deal with me juggling motherhood and job responsibilities, and I — I didn't always get the balance right and so I would hope for them seeing me moved to the Supreme Court that they can know that you don't have to be perfect in your career trajectory, and you can still end up doing what you want to do.

KILLION: Back to some of those questions from Senator Hawley, he doubled down telling me he thought Judge Jackson's responses were excuses and that he can't vote for someone like that. But in the end, it may not matter because Democrats don't necessarily need GOP votes to confirm her. Vlad?

VLADIMIR DUTHIERS: And there will be more questions today. Nikole Killion for us, thank you so much.

(....)

8:00:42 a.m. [TEASE]

10 seconds

[ON-SCREEN HEADLINE: SCOTUS Confirmation Hearings]

KING: Coming up in this hour, day three of confirmation hearings for Supreme Court nominee Ketanji Brown Jackson. We'll ask our Jan Crawford and Robert Costa how's it going so far.

(....)

8:01:42 a.m. [TEASE]

16 seconds

[ON-SCREEN HEADLINE: SCOTUS Nominee Hearings]

DUTHIERS: Supreme Court nominee Ketanji Brown Jackson continues her Senate testimony today after a marathon day and night of questioning.

JACKSON: What a judge has to do is determine how to sentence defendants proportionately.

(....)

8:05:14 a.m.

6 minutes and 48 seconds

[ON-SCREEN HEADLINE: Judge Jackson's Testimony; Ketanji Brown Jackson Grilled by Republicans on Her Judicial Record]

KING: Supreme Court nominee Ketanji Brown Jackson is back on Capitol Hill this morning for a second day of senate questioning. Senators quizzed the federal judge for 13 hours yesterday on a wide range of topics. Republicans pointed to her sentencing record in child pornography cases and her work defending detainees at Guantanamo Bay.

GRAHAM: Do you support the idea — did you support then the idea that indefinite detention of an enemy combatant is unlawful?

JACKSON: Respectfully, senator, when you are an attorney and you have clients who come to you, whether they pay or not, you represent their positions before the court.

CRUZ: Do you believe the voice of the children is heard when 100 percent of the time you're sentencing those in possession of child pornography to far below what the prosecutor is asking for?

JACKSON: Yes, senator, I do. [SCREEN WIPE] Your chart does not include all of the factors that Congress has told judges to consider, including the probation office's recommendation in these cases.

[ON-SCREEN HEADLINE: Judge Jackson's Testimony; How Ketanji Brown Jackson's Hearings Have Played Out So Far]

DUTHIERS: Joining us now from Washington, our chief legal correspondent Jan Crawford and chief election and campaign correspondent Robert Costa. They've each covered at least half a dozen Supreme Court confirmation hearings. Good morning to you both. Jan, let me begin with you. This is the first time we've seen Judge Jackson defend herself against Republican lawmakers during these hearings. Senator Ted Cruz, his line of query to Judge Jackson seemed to indicate to the first black woman ever to be nominated to the Supreme court that she's soft on crime, she's soft on pedophiles, and that she holds views that whites are somehow oppressors. What did you make of her reaction?

JAN CRAWFORD: Look, I think, throughout the day, I mean, she was this mix of forceful when she needed to defend herself, and then you know, compassionate when she was talking about her family and some of her hard decisions that she's had to make as a judge, including in those child pornography cases, which she's handled as a federal trial court judge. You saw Senator Cruz, Senator Josh Hawley really kind of go after her on the allegation that she was lenient in sentencing these horrific child pornography offenders. But Vlad, there is just no there there. I mean, if you look at her sentencing in those cases, it's not out of whack with how other federal judges approach these cases. It does not take into account what we heard from those Republican senators yesterday, does not take into account that her sentences were actually in line with what probation officers were recommending in those cases. So, I think today they're going to move on and focus more generally on how she is maybe a lenient sentencer in other cases. You know, there was no — I mean, they got no traction with that. And I thought what was interesting is that you saw her personality really come through in that questioning. You know, she was forceful, but then she was compassionate in talking about how hard those cases were. It's been very effective. I mean, it's like when you're trying — I thought yesterday, when you're trying to strike a match and it won't light, you know, there's just no spark. You saw the Republicans trying to strike that match, but there weren't any sparks which, I mean, from her perspective, I think that is a very good thing.

DUTHIERS: Yeah. I mean, Robert, I saw a headline in the *National Review* — the *National Review* — that said Josh Hawley's attacks on the senator — on the judge are disingenuous.

ROBERT COSTA: That is the Republican consensus, at least among some senators behind the scenes. And when I pull them aside, they say that these hearings are not just about Judge Jackson. They are a prism for the upcoming midterm elections. So many of the issues that Republicans want to be talking about on the campaign trail beyond Ukraine, beyond the economy, crime, matters of race, matters of gender, they are bringing up in these hearings. It's a reflection of issues they believe will motivate their own voters ahead of the November elections.

KING: I'm so glad that you made that point, Robert because I was wondering if some of that line of questioning was even relevant to why she was in the room yesterday. But I know you've been speaking with lawmakers on both sides of the aisle about this. Do you get the sense that there will be some Republicans — it's so partisan these days in Washington — do you get the sense that any Republicans will vote for her?

COSTA: Here's who I'm paying attention to, Gayle — two of the Republican senators who voted for her confirmation last year to the bench, Senator Susan Collins of Maine, Senator Lisa Murkowski of Alaska, and late last night, Gayle, I pulled aside a few Republican senators and asked who else. They say pay attention to retiring Republican senators who may not feel the same obligations politically to vote against Judge Jackson. They could come out in support of her in the coming days.

BURLESON: Jan, what do you make of Senator Cory Booker's exchange with Judge Jackson asking about her parents and her children, getting a bit emotional? Do you believe that strategy for the Democrats is going to work?

CRAWFORD: Oh, I mean, they — that was striking. You know, sometimes in these hearings there's going to be this moment where you can just feel the fight just leaves the room and we saw that in the confirmation hearings for Justice Alito, for example, his wife burst into tears, rushed out. And I thought Senator Booker's questioning came pretty close to a moment. I mean, it was among the most powerful of the day. Not only that exchange you mentioned about her parents, but also when he asked about the high murder rates of black men, her worries for her own family. She called it anguishing, something I know she said all too well. That revealed that personal side of her. And then, of course, on the other side of the aisle there was a misstep by Republican Senator Kennedy from Louisiana who described her as articulate as if that's somehow surprising for a star debater, Harvard law grad who's been a federal judge for a decade. So — but I think that's going to be interesting to see how all of this, you know, what we saw with the powerful questioning from Senator Booker and then that misstep by Senator Kennedy, how that affects some of the tone of today's questioning.

KING: Well, we know the numbers are in her favor. You know, she certainly is going to be confirmed. Do you think this is still the best way to do this, guys, knowing what the outcome — we already know what the outcome is going to be. Seems to lend itself to a lot of grandstanding.

CRAWFORD: That's also been the case. Robert knows that just as well as anybody. I mean, it's always more about hearing the senators talk. We do, the American people, do get to see Judge Jackson and it's like, that — that's really valuable, I think. Bob, what do you think?

COSTA: Gayle, it is the United States Senate. I'm never surprised to see a little grandstanding in this chamber.

DUTHIERS: Very true.

KING: That sort of sums it up. Very accurately. Spot on. Thank you, Bob. Thank you, Jan.

DUTHIERS: Thank you, Rob and Jan. Thank you so much. You can follow the confirmation hearings for Judge Jackson throughout the day on CBS News Streaming.