

May 19, 2020

Dear Senator:

On behalf of the undersigned organizations, we write in strong opposition to the confirmation of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit. Mr. Wilson's extreme views would render him incapable of serving as a neutral arbiter. If confirmed to the Fifth Circuit, his rulings would impact the approximately 37 million residents of the three states within that important and racially diverse circuit—Louisiana, Mississippi, and Texas.<sup>1</sup> The Senate must reject his nomination for a lifetime appointment to the federal judiciary.

In the midst of a pandemic and in a presidential election year, voters across the entire country are facing poll closures, cuts to early voting, unnecessary fines and fees, rampant voter purges, and many other voter suppression tactics that disproportionately impact our country's most vulnerable communities. Litigation to combat these types of voter suppression tactics is moving through the courts and Mr. Wilson's record demonstrates a hostility to voting rights and an inability to act impartially in such cases. Moreover, Mr. Wilson's extreme views on health care are deeply disturbing in a year in which the United States is facing a horrific public health crisis and the protections provided by the Affordable Care Act (ACA) are more important than ever.

Mr. Wilson has expressed reflexive support for discriminatory photo ID laws and contempt for those who disagree with him on the merits of such laws. In a November 1, 2012 op-ed, he wrote: "The Democratic line is that voter ID is a solution in search of a problem, that there are no cases of voter fraud that ID would prevent. The Rachel Maddows of the media world have joined the chorus of 'voter suppression' right on cue from Team Obama. This is as phony as the 'war on women.'"<sup>2</sup>

In an October 2, 2013 op-ed, Mr. Wilson criticized Justice Department observers who had come to Mississippi to monitor a local election, and he asserted: "Those same observers also might spend less time suing states to block voter ID, as Attorney General Eric Holder again announced they were doing in North Carolina on Monday. I think most of the mostly black Rowan voters came with IDs already out, ready to show. No intimidation observed. But facts have never deterred the Obama administration when politics could be played."<sup>3</sup>

Mr. Wilson's refusal to acknowledge the reality of this country's history of voting rights violations and the prevalence of voter suppression is unsettling and indicates he would not have an open mind in such critical civil rights cases that often arise in the Fifth Circuit.

Regarding access to health care, Mr. Wilson has repeatedly attacked the ACA, which has provided critical health care coverage to tens of millions of Americans. In a June 28, 2012 op-ed, "Obama's day of reckoning," Mr. Wilson expressed hope that the Supreme Court would soon strike down the ACA, and he declared: "If the law is struck down, Team Obama will flail, attack the Court, and try to explain how they wasted billions of dollars and even more political capital ramming a freedom-infringing mess down our

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<sup>1</sup> <https://www.kff.org/other/state-indicator/distribution-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>2</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p164.pdf>.

<sup>3</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p95-97.pdf>.

throats. Colossal incompetence and arrogance, all while the economy moldered. If Obama's agenda lies in ruins (amongst those Greek columns from 2008), it couldn't happen to more deserving folks."<sup>4</sup> He added: "For the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended."<sup>5</sup>

Still seething about the ACA in 2013, Mr. Wilson opined that "Obamacare is less about healthcare than it is about redistribution of wealth and power. For those objectives, liberals are apparently happy to shut down the American dream."<sup>6</sup> In another 2013 op-ed, he expressed opposition to Medicaid expansion in Mississippi and called the ACA "liberal-utopia-dictated healthcare."<sup>7</sup> In 2014, Mr. Wilson wrote an op-ed, "ACA: Big, intrusive government," in which he labeled the law "perverse" and "illegitimate" and complained: "The big promises made by supporters have all proven false. 'If you like your health care plan you can keep it,' is 2013's lie of the year."<sup>8</sup> These are not the statements and viewpoints of someone who can serve as an even-handed jurist.

In the circuit court of appeals with the largest percentage of people of color, Mr. Wilson, like most of President Trump's nominees, is a white male. President Trump's lack of commitment to diversifying the federal judiciary is deeply disturbing; he has appointed the least diverse group of nominees in decades. Of President Trump's 56 appellate nominations, not a single one is African American. Only one is Latinx. And only 11 are women. Our nation's great diversity should be reflected in its government institutions, especially the federal judiciary, which serves as the ultimate guardian of our rights and liberties. At a time when the legal profession has more women and attorneys of color than ever before, President Trump's record on judicial diversity is truly appalling.

For the reasons stated, we the undersigned urge you to oppose the confirmation of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit. Thank you for your consideration of our views.

Sincerely,

Baton Rouge NOW (National Organization for Women)  
Center for Civic and Public Policy Improvement  
Crescent City Media Group/Center for Civic Action  
Houston Area Urban League  
Independent Women's Organization of New Orleans  
Justice & Beyond  
League of Women Voters of Louisiana  
Louisiana Courts Matter Coalition  
Louisiana NOW (National Organization for Women)  
Louisiana Progress  
Louisiana Trans Advocates  
Nancy Marsiglia Institute of Justice  
NARAL Pro-Choice Texas

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<sup>4</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p193.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p93-94.pdf>.

<sup>7</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p143-145.pdf>.

<sup>8</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>.

National Association of Social Workers - Louisiana Chapter  
National Council of Jewish Women, Austin Section  
National Council of Jewish Women, Greater New Orleans Section  
National Council of Jewish Women, Greater Dallas Section  
National Council of Jewish Women, Greater Houston Section  
National Council of Jewish Women, San Antonio Section  
New Orleans Abortion Fund  
Newcomb Institute  
Puentes New Orleans  
The New Orleans Coalition  
Transgender Education Network of Texas (TENT)

ALLIANCE FOR JUSTICE REPORT

# Nomination of Cory Wilson

*U.S. Court of Appeals for the Fifth Circuit*



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Alliance for Justice Report:

# Cory Wilson

## Introduction

On October 15, 2019, President Trump [nominated](#) Cory Wilson to the United States District Court for the Southern District of Mississippi. On March 30, 2020, before he had been considered by the Senate, Trump withdrew his nomination to the district court and nominated him to the Fifth Circuit, where he would have even greater power to determine the rights of the American people.

Like many of Trump's nominees to the federal bench, Wilson is an ideologue committed to using the power of the judiciary to implement ultraconservative policies, not to be a neutral, unbiased jurist. Those who enter his courtroom will have significant reason to doubt Wilson's impartiality or dispassionate application of facts to law. Alliance for Justice strongly opposes his confirmation.

For just over a year, Wilson has [served](#) as a state court judge in Mississippi. Before that, he served in the Mississippi House of Representatives and various government, legal, and academic jobs. Wilson's record as a legislator, his prolific presence on social media, and his op-ed writings, paint a picture of a deeply partisan political actor. In fact, much of his record consists of dutifully parroting the right-wing media's talking points of the day. He [lamented](#) the imagined "War on Christmas," [hammered](#) the Obama Administration for investing in the solar panel company Solyndra, and [repeated](#) the "Crooked Hillary" nickname.

Wilson's nomination to the Fifth Circuit comes after Trump's first choice for the spot, Judge Sul Ozerden, was vigorously opposed by Senate Republicans, including Ted Cruz, and right-wing organizations because Ozerden [dismissed](#) a case, without prejudice, challenging rules under the Affordable Care Act (ACA). Since regulations were not yet final, Ozerden found the case wasn't ripe (in other words, he applied rules learned by every first-year law student). At his hearing, Ted Cruz directly [asked](#) Ozerden if he's ever "been affiliated with the conservative movement." Apparently not satisfied with his answers, Ozerden was withdrawn and Wilson nominated in his stead.

In Wilson, Trump and Senate Republicans have found someone who meets their ideological litmus tests, including in his commitment to take away health care from millions.

## Judicial Temperament

Wilson has not hesitated to make broad, insulting generalizations about those who disagree with him politically, showing a lack of respect for his opponents and a narrow mind about the issues he is likely to confront as a federal judge. For example, in an op-ed, he [claimed](#) that his wife's parameters for their Thanksgiving location were "no state that voted Democrat." He [said](#) that an "intellectually honest Democrat" was a "rare sighting" and "exotic creature."

He repeatedly demeaned President Obama, who he referred to as "[King Barack](#)," "[petty and small](#)," "a [fit-throwing teenager](#)," and the "[Anointed One](#)." He attacked Obama for playing golf (there is no similar criticism of President Trump's far-more prolific golf [outings](#)), labeled Obama a "[radical](#) leftist," "[shrill](#), dishonest, and intellectually bankrupt," and accused Obama of running the "most [paranoid](#) and politicized White House since Nixon's." He said those who support Obama were [drinking](#) "Kool-Aid" – which would include over [528,000](#) Mississippians in 2012. He described taking "an old-fashioned great American road trip," before [sniping](#), "[b]efore the Obama EPA makes those illegal." He [bemoaned](#) that "Success is the root of all evil. Every kid gets a trophy. And the favored kids get a green-energy grant/Obamacare waiver/union payoff."

Wilson [peddled](#) right-wing talking points about Hilary Clinton [email server](#) and the [Clinton Foundation](#). He called her "criminal and clueless," pondered whether she is "felony dumb or willfully ignorant," and accused her of destroying documents under subpoena, a charge which the FBI found [no evidence](#) to support. Clinton hasn't been his only target. He also publicly [called](#) Congresswoman Alexandria Ocasio-Cortez a "claptrap."

These kinds of comments led Senator Mitt Romney to vote [against](#) another Trump nominee Michael Truncale for the Eastern District of Texas. After Truncale's similar statements about President Obama, calling him "un-American," came to light, Senator Romney stated, "He made particularly disparaging comments about President Obama... I just couldn't subscribe to that in a federal judge." Senator Romney was absolutely correct – statements like these are unbecoming of a federal judge and should be disqualifying.

Wilson has also ruthlessly attacked the press with comments that undermine his ability to properly protect the First Amendment. He [asserted](#), "The 'media' are now so slanted as to be dangerously unreliable." "The legacy media have largely abdicated their vital function of speaking truth to power. Democrats get a free pass; Republicans get 'accountability'; Tea Partiers get [mocked](#)." He [wrote](#), "The mainstream media seem to be actively rigging the 2012 election." "Sort of like President Obama's miserable record in office, the media's heavy left slant has now been so frequently pointed out, with clear evidence, that it becomes background [noise](#)."

It is not just his temperament, however, that raises serious concerns. As is clear from his record, he intends to use the courts to advance a dangerous agenda.

## Health Care

President Trump explicitly said he would nominate judges who are hostile to the Affordable Care Act (ACA), and who “will do the right thing unlike Bush’s appointee John Roberts on Obamacare.” Wilson meets that test. If he could, evidence suggests that he would eliminate protections for [130 million people](#) with preexisting conditions and take away health insurance from millions of Americans.

- He called the ACA “[illegitimate](#)” and “perverse” because it [passed](#) without Republican votes. By this logic, the Republican giveaway to the wealthiest Americans (the Tax Cut and Jobs Act of 2017) was also illegitimate, as it passed on a party-line [vote](#) without any support from Democrats.
- Wilson also [said](#) the Supreme Court should invalidate the ACA: “For the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended.”
- He [called](#) the ACA “big intrusive government,” and [said](#), “Obamacare is less about healthcare than it is about redistribution of wealth and power.” In fact, the ACA insured over [20 million](#) Americans, cutting America’s uninsured population in half.
- Wilson [opposed](#) the [expansion](#) of Medicaid in Mississippi, [calling](#) it the “ever-expanding welfare state.” This refusal to expand Medicaid has been [disastrous](#), perhaps even deadly in its failure to cover the roughly 100,000 Mississippians who would have qualified for coverage under the proposed expansion.
- Wilson supports [banning](#) embryonic stem cell research, critical research used to discover new treatments for a range of life-threatening diseases.

## Reproductive Rights

President Trump made clear that he will only nominate judges who pass his litmus test of overturning *Roe v. Wade*. Trump said overturning *Roe* “will happen automatically. . . because I am putting pro-life justices on the court.” Wilson, who [called](#) the “war on women” “certainly phony,” meets that test as well.

- Wilson [bemoaned](#) that “[f]orty years on, we still live under *Roe v. Wade*, the result of a liberal activist court.” He “support[s] the complete and immediate [reversal](#) of the *Roe v. Wade* and *Doe v. Bolton* decisions.”
- As a legislator, Wilson [voted](#) for HB 732, to prohibit abortions after a heartbeat can be detected in a fetus. This can be as early as six

weeks, before most individuals even realize they are pregnant. He also [supported](#) a 15-week abortion ban.

- As a legislator, he [voted](#) to defund Planned Parenthood.
- Wilson signed an [amicus brief](#) in *Whole Woman's Health v. Hellerstedt* in support of Texas's restrictive abortion law that required doctors at abortion clinics to get admitting privileges at local hospitals; the Supreme Court later held that this practice violated the Constitution.
- Wilson [supports](#) requiring that any "mother" considering an abortion must first be provided with information about a fetus' capacity to feel pain.

## LGBTQ Rights

- Wilson opposes marriage equality. He [said](#) that "gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted." He [criticized](#) the media for "fawning media praise" on "Obama's enlightened 'evolution' toward gay marriage," while "merely pay[ing] lip service to the conviction held by many that homosexual marriage is wrong, or at least a marked departure from a few thousand years of social order."
- He [wrote](#) that "[p]rivate citizens who dare oppose marriage 'equality' (read: full sanction of homosexual marriage) will now be bashed, banned, and bankrupted, simply for expressing their views."
- As a legislator, Wilson [voted](#) to allow businesses to refuse service to LGBTQ persons and individuals who have sex outside of marriage. The U.S. District Court for the Southern District of Mississippi later enjoined the law, before the Fifth Circuit ultimately [reversed](#) on standing grounds. Judge Carlton Reeves [wrote](#) that, "[HB 1523] creates a vehicle for state-sanctioned discrimination on the basis of sexual orientation and gender identity." It is disturbing that Wilson supported such a law to undermine the rights of so many Mississippians.

## Voting Rights

- Wilson is a [strong supporter](#) of voter ID laws and purges from voter rolls, both practices which have resulted in thousands of voters losing their rights. From 2008 to 2011, he served as Deputy Secretary of State and Chief of Staff to Mississippi's Secretary of State. While in this position, his office sponsored a voter ID petition that was later implemented in Mississippi. Speaking about this time, Wilson [wrote](#): "Bloated voter rolls are a problem in Mississippi. Removing long-gone voters from the rolls was a focus during Secretary of State Delbert Hosemann's

first term. I participated in the hard push for real progress while I was Delbert's Deputy, but the problem persists. It also shows why voter ID is important. Without ID, anyone can show up for a person on the rolls."

- Mississippi has a long-documented history of voter suppression and intimidation. Yet, Wilson [criticized](#) the Justice Department for sending election observers to the state. He suggested that these election observers instead focus on "voter fraud," an incredibly rare phenomenon more often used as an excuse to implement restrictive laws that prevent young people, tribal communities, and people of color from voting. He also derided the Obama administration's concern about voter suppression. In an op-ed he [wrote](#), "The Rachel Maddows of the media world have joined the chorus of 'voter suppression' right on cue from Team Obama. This is as phony as the 'war on women.'"
- Following his time in the Secretary of States' office, Wilson published a series of op-eds spreading misinformation about election fraud. In one he wrote, "[Voter fraud happens, and we proved that voter ID can work to help.](#)" After the NAACP voiced its concerns over a proposed Mississippi voter ID law, Wilson [said](#) the fears were "poppycock. Unless you count the dead vote."
- Wilson also went after other civil rights organizations. In one op-ed he [wrote](#), "With evil like this afoot, the ACLU and other rent-a-mobs naturally will join the hunt for the GOP bogeyman, by whatever means."
- After attending a meeting in 2012 to hear then-Attorney General Eric Holder discuss his rationale for opposing voter ID laws, Wilson [wrote](#) that "Holder whined, like many liberals, that voter ID laws are part of an illegitimate, orchestrated effort by Republicans to suppress poor and minority voting." In the same article, Wilson also accused the Obama administration of "smear[ing] anyone who simply wants fair and clean elections as seeking to use neutral voter identification at the polls to suppress votes." He then added, "Isn't that ironic? Or is tyranny the better word?"

## Gun Safety

- In an NRA questionnaire, Wilson [indicated](#) that he would be against "any additional restrictive state legislation regulating firearms," and that he believes gun laws should be less restrictive in Mississippi, even though it already has the most [permissive](#) gun laws in the country.
- As a legislator, he [supported](#) authorizing concealed carry on any public property. He also [voted](#) to authorize individuals to carry firearms in churches and places of worship.

## Conclusion

Throughout his career, Cory Wilson has advocated for ideologically extreme positions. He has repeatedly demonstrated that he is a partisan zealot whose main concern is dismantling critical protections. It is particularly egregious that, as we face a pandemic that has already claimed the lives of over 80,000 people in this country, Trump has selected a nominee who believes the courts should invalidate the ACA and take away health care from [millions](#). For these reasons, Alliance for Justice strongly opposes his confirmation to a lifetime seat on the Fifth Circuit.

# AFL-CIO

AMERICA'S UNIONS

June 10, 2020

Chairman Lindsey Graham  
Ranking Member Dianne Feinstein  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510-6050

Dear Chairman Graham and Ranking Member Feinstein:

The AFL-CIO urges you to oppose the nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit. With scant judicial experience -- Mr. Wilson has been a Mississippi state court judge for just over a year --- he is known for his inflammatory diatribes against the broad provision of healthcare, of voting rights protection, and marriage equality. Nothing over the course of his career suggests that Mr. Wilson has the temperament or experience to warrant a Court of Appeals nomination.

The long history of voter suppression and intimidation in Mississippi is well documented and, throughout our nation, equal access to the polls remains a widely acknowledged problem. Mr. Wilson, however, has worked to impose more restrictions on voting, repeatedly dismissing evidence of voter suppression. He also has consistently disparaged federal efforts to monitor Mississippi elections and ridiculed civil rights organizations that attempt to protect the vote and other critical legal protections.

Mr. Wilson was first nominated in October 2019 to the district court for the Southern District of Mississippi. His nomination to the Fifth Circuit comes only after the White House withdrew the initial nominee's nomination because Senate Republicans viewed him insufficiently committed to ultra-conservative causes. Mr. Wilson is now their approved candidate.

We urge you to oppose this ideologically extreme nominee.

Sincerely,



William Samuel  
Director, Government Affairs

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**American Federation of Labor and Congress of Industrial Organizations**

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**TEFERE GEBRE**  
EXECUTIVE VICE PRESIDENT

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Hon. Ayanna Pressley, MA - '19

Hon. Lauren Underwood, IL - '19



May 18, 2020

The Honorable Lindsey Graham  
Chairman  
Judiciary Committee  
United States Senate  
Washington, DC 20510

The Honorable Dianne Feinstein  
Ranking Member  
Judiciary Committee  
United States Senate  
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

We write today to strongly oppose the nomination of Cory Wilson to the Fifth Circuit Court of Appeals. Wilson has expressed more support for ultra-right-wing ideology than support for equal protection of the law, equal access to the ballot box and established precedent in the area of civil rights. We urge you to oppose his nomination.

As the Congressional Black Caucus (CBC), we, of course, start our evaluation of judicial nominees with how they will protect the rights of minorities. In this area, Wilson fails miserably. Most seriously, Wilson has written, worked and voted in support of laws that have the necessary effect of suppressing minorities' right to vote – most notably by supporting voter ID laws – and he has derided federal efforts to ensure everyone, including minorities, has the right to vote. In one op-ed, Wilson mocked the Obama Administration's attempt to protect access to the ballot box, writing, "So, why don't we (finally) have voter ID in place? The Obama Justice Department." He went on to write, "The Democratic line is that voter ID is a solution in search of a problem, that there are no cases of voter fraud that ID would prevent." He continued, "This is as phony as the 'war on women' (or the 'Youtube' explanation of the outrage of Benghazi)." This overtly political mischaracterization of the fight for the right for universal enfranchisement fits with his other political critiques on issues meant to protect the rights of the American people.

In another op-ed, Wilson suggested that voter intimidation was impossible when all of the poll workers were African American, and derided the Justice Department for interviewing voters who were not allowed to vote. He said, "Those same observers might spend less time suing states to block voter ID, as Attorney General Eric Holder again announced they were doing in North Carolina on Monday." It is impossible to see how Wilson could fairly interpret any administration's enforcement of voting rights laws. This alone should disqualify him from the Fifth Circuit.

Wilson has also spoken out against the rights of women, and the almost half century precedent of *Roe v. Wade*. While a candidate for elected office, Wilson answered affirmatively to the question, “Do you support the complete and immediate reversal of the *Roe v. Wade* and *Doe v. Bolton* decisions, thereby allowing the state legislatures and the Congress to once again protect unborn children?” He more than once has mocked the “war on women.” Wilson also supported legislation that would require a woman to be told, despite a lack of medical evidence, that a fetus will experience pain. In contravention of decades of Supreme Court precedent, Wilson voted for legislation that would prohibit an abortion after a heartbeat is detected. He also voted for a bill that would prohibit abortions after 15 weeks. This bill was declared unconstitutional. Wilson continued to accost established legal precedent by writing, “Forty years on, we still live under *Roe v. Wade*, the result of a liberal activist court.” Wilson also signed onto an amicus brief in *Whole Woman’s Health v. Hellerstedt*, claiming Texas’ abortion restrictions were constitutional. The Supreme Court disagreed and overturned the restrictions. Again, it is difficult to see how Wilson will uphold decades of decisions on women’s rights with this history.

LGBTQ individuals have also fallen under Wilson’s criticism, especially as he has written in opposition to same-sex marriage. In one article, Wilson criticized President Obama’s support for marriage equality, writing that “it is a cynical flip-flop, at that. Obama came out of the closet for gay marriage for another reason: It represents another attempt to change the subject from the economy, runaway spending and ballooning government.” He went on to expound upon his political extremism by writing, “Like the imagined ‘war on women’ and Bain Capital, gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted.” Perhaps most importantly, as it shows a glimpse into how he might rule as an appellate judge, Wilson wrote, “And, by re-electing Obama, who could then appoint two or three more Supreme Court justices, the [radical left] may well achieve redefinition of marriage by judicial decree.” Again, politics appear to trump constitutional precedent and theory for Wilson. He also wrote, “Twenty years ago, when I was starting at Yale Law School, I first encountered liberal ‘political correctness.’ At the time, the idea of homosexual marriage was so beyond seriousness that I thought it could never happen. I soon came to see that ‘tolerance,’ as that term is used by liberals, really means zero tolerance for traditional, religious or conservative views. The culture warriors on the left demand unconditional surrender.” Indeed, we believe that all courts should follow the Constitution, which guarantees the right to marriage equality. It is difficult to see how Wilson would be able to abandon his political ideology and follow that precedent.

While a member of the Mississippi legislature, Wilson voted in support of an extremist resolution opposing marriage equality, sex outside of marriage and transgender rights. The resolution allows businesses to discriminate against LGBTQ individuals. This law was declared unconstitutional in federal district court, before the decision was reversed on standing grounds. This again demonstrates Wilson’s belief that his right-wing ideology should be upheld over constitutional norms, a position unacceptable for a federal judge.

Wilson has also decried the Affordable Care Act, which is essential for African Americans, and even continued to denounce it as unconstitutional after it was upheld by the Supreme Court, again showing his belief that his political beliefs should trump the law. Even after the Affordable Care Act’s individual mandate was declared constitutional by the Supreme Court, Wilson wrote that it was “perverse” and “illegitimate.”

It should be clear that if Wilson is confirmed, he would not support and uphold laws that support inclusion, diversity, equal rights and protection, and other long upheld civil right protections so important to all Americans, but especially to African Americans. We strongly urge you to reject this nominee, who shows that his politics will trump long-held precedent.

Sincerely,



Karen Bass  
Chair, Congressional Black Caucus



Eleanor Holmes Norton  
Chair, CBC Judicial Nominations Working Group



Eddie Bernice Johnson  
Member of Congress



Bennie Thompson  
Member of Congress



Al Green  
Member of Congress



Cedric Richmond  
Member of Congress



Colin Allred  
Member of Congress

May 20, 2020

The Honorable Lindsey Graham  
Chairman, Senate Committee on the Judiciary  
290 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member, Senate Committee on the Judiciary  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of Giffords, I write to urge you to reject the nomination of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit.

Impartiality and independence are essential for any federal judge. Unfortunately, Mr. Wilson lacks both. Mr. Wilson has demonstrated a dangerous commitment to gun lobby groups who challenge all common-sense firearm regulations as unconstitutional. This view is a radical departure from *District of Columbia v. Heller*, in which Justice Antonin Scalia described several categories of firearms regulations that comply with the Second Amendment.<sup>1</sup> Indeed, since *Heller*, courts have repeatedly upheld the vast majority of gun safety laws in line with Justice Scalia's guidance.<sup>2</sup> Mr. Wilson's fealty to the gun lobby's extreme ideology ignores Supreme Court precedent and renders him unfit for a life-tenured seat on the federal bench.

During his 2015 candidacy for the Mississippi House of Representatives, Mr. Wilson pledged to side with the gun lobby on a vast array of firearms issues. In his responses to a candidate questionnaire from the National Rifle Association ("NRA"), he promised to oppose universal background checks, which ensure criminals, domestic abusers, and other dangerous individuals cannot easily obtain a firearm (and which 97% of Americans support).<sup>3,4</sup> He also pledged to oppose any restriction on the sale of semi-automatic assault rifles, which have been used in the seven deadliest shootings in the past decade.<sup>5</sup>

Not only did Mr. Wilson oppose new gun safety measures in Mississippi, he also stood in lockstep with the gun lobby by actively undermining existing gun laws in the state, which are already the weakest in the country.<sup>6</sup> During his time in the Mississippi House, Mr. Wilson helped pass a law that allows the carrying of a concealed firearm

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<sup>1</sup> *District of Columbia v. Heller*, 554 U. S. 570 (2008).

<sup>2</sup> <https://lawcenter.giffords.org/wp-content/uploads/2019/07/PHLS-June-2019-Update.pdf>

<sup>3</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p450-453.pdf>

<sup>4</sup> <https://poll.qu.edu/national/release-detail?ReleaseID=2521>

<sup>5</sup> <https://lawcenter.giffords.org/wp-content/uploads/2019/08/Assault-Weapons-Giffords-Law-Center.pdf>

<sup>6</sup> <https://lawcenter.giffords.org/scorecard/#MS>

without a permit or any firearms training whatsoever and permits guns to be carried in houses of worship. The Mississippi Association of Chiefs of Police opposed this dangerous measure, which they said puts “law enforcement officers and all Mississippians directly in harm’s way.”<sup>7</sup> Mr. Wilson also supported a bill to effectively bar state officials from restricting concealed firearms on public property, including colleges and universities. The state’s flagship public universities opposed this “guns on campus” bill, as did the Southeastern Conference (“SEC”).<sup>8</sup>

It is critical to note that debates about gun violence are not academic exercises in Mississippi. The state has one of the highest rates of gun deaths in the country.<sup>9</sup> Yet Mr. Wilson has repeatedly made clear that he chooses loyalty to the gun lobby’s extreme positions over even the most incremental, reasonable measures to address this ongoing threat to public safety. Mr. Wilson’s fealty to NRA extremism led him to disregard the views of even his own state police and institutions of higher education—the ones who now must bear the harsh consequences of Mississippi’s reckless firearm policies.

The Fifth Circuit Court of Appeals is closely divided on the constitutional status of critical gun safety laws. A recent major Second Amendment case in the Fifth Circuit, *Mance v. Barr*, illustrates this division. In a vote among all 15 active judges on the Fifth Circuit, the judges voted 8-7 to leave undisturbed a three-judge panel’s ruling upholding the federal law requiring out-of-state handgun purchases to be completed through an in-state federal firearms licensee.<sup>10</sup> This vote involved more than the federal law at issue: all of the dissenting judges framed the case as an opportunity to revise well-established Second Amendment methodology in favor of a radical reinterpretation that would treat the Second Amendment as having fewer limitations than other rights and seriously undermine gun safety. This reinterpretation conflicts with the U.S. Supreme Court’s holdings in the *Heller* and *McDonald* cases, which made clear that “the right secured by the Second Amendment is not unlimited” and “reasonable firearms regulations will continue under the Second Amendment.”<sup>11</sup>

The Supreme Court is reviewing a petition for certiorari in *Mance v. Barr*, meaning that the case could eventually return to the Fifth Circuit for further review. If confirmed, Cory Wilson would shift the Circuit’s balance towards a radical new Second Amendment doctrine, under which gun safety laws would be more vulnerable than in any other time or place in American history.

In addition to a pending lawsuit regarding regulation of 3D-printed firearms,<sup>12</sup> the Fifth Circuit recently reviewed challenges to concealed carry of firearms on college campuses;<sup>13</sup> restrictions on firearm possession by minors;<sup>14</sup> and a federal firearm prohibition for people with felony convictions.<sup>15</sup> Mr. Wilson might be the deciding vote in reviewing these and other life-saving gun safety laws.

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<sup>7</sup> <https://www.pbs.org/newshour/nation/mississippi-governor-signs-law-authorizing-guns-in-churches>

<sup>8</sup> <https://mississippitoday.org/2018/02/07/sec-officials-threaten-repercussions-on-concealed-carry-bill/>

<sup>9</sup> <https://lawcenter.giffords.org/scorecard/#MS>

<sup>10</sup> *Mance v. Sessions*, 896 F.3d 699 (5th Cir. 2018)

<sup>11</sup> *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008); *McDonald v. City of Chi.*, 561 U.S. 742, 785 (2010).

<sup>12</sup> *Defense Distributed, et al v. Gurbir Grewal, et al*, No. 19-50723 (5th Cir.)

<sup>13</sup> *Glass v. Paxton*, 900 F.3d 233 (5th Cir. 2018) *Mance v. Sessions*, 896 F.3d 699 (5th Cir. 2018)

<sup>14</sup> *NRA of Am., Inc. v. McCraw*, 719 F.3d 338 (5th Cir. 2013)

<sup>15</sup> *United States v. Massey*, 849 F.3d 262 (5th Cir. 2017)

With a significant volume of Second Amendment litigation in the federal courts, it is likely that Mr. Wilson, if confirmed to the Fifth Circuit, would be called upon to rule on the NRA's radical attempts to upend constitutional precedent and dismantle broadly supported gun safety measures. Mr. Wilson's confirmation could tilt the balance towards Second Amendment extremism. His record indicates that he is poorly suited to cast deciding votes in these cases. Americans deserve judges with a neutral and measured approach to legal decision making. Yet Mr. Wilson's opinions on gun safety are far from neutral. His demonstrated allegiance to the gun lobby, coupled with his ignoring the devastating toll of gun violence on families and communities, disqualifies him from serving on the federal bench.

As an organization dedicated to reducing gun violence in America, Giffords must oppose Mr. Wilson's nomination. We urge you to vote against confirming Mr. Wilson to serve on the U.S. Court of Appeals for the Fifth Circuit.

Signed,

Adam Skaggs  
Chief Counsel & Policy Director

March 31, 2020

RE: 20 Healthcare Advocacy Groups Oppose the Confirmation of Cory Wilson

Dear Senator,

We, the undersigned 20 healthcare advocacy organizations, write to oppose the confirmation of Cory Wilson to the United States Court of Appeals for the Fifth Circuit. No senator who professes to care about the health and well-being of their constituents, including protecting people with preexisting conditions, can support Wilson's confirmation.

According to [Protect Our Care](#), if the Affordable Care Act (ACA) is invalidated, 20 million Americans would lose health coverage. The ACA also made clear that insurers can no longer deny or drop coverage because of a preexisting condition – a provision impacting 135 million Americans. Nearly 12 million Americans will have to pay millions more for drugs because the prescription drug donut hole will be reopened. The ACA also prohibited discrimination against women and LGBTQ people – ending insurance practices that charged women more for identical care and denied care altogether to some LGBTQ people. The ACA also greatly improved coverage of and access to health care services, including contraception and maternity care, especially for communities of color and those with intersecting identities.

Yet, after numerous failed legislative attempts to strip healthcare protections, President Trump and conservatives across the country are committed to using the courts to continue their relentless attacks. President Trump has made clear that he would appoint judges to the federal court who will take away health care for millions. He [said](#), “my judicial appointments will do the right thing unlike Bush’s appointee John Roberts on Obamacare.”

Cory Wilson meets Trump’s litmus test, and we have no doubt his commitment to undermining the law will put the health of millions at stake should he, as a judge, encounter litigation challenges to the ACA.

Wilson called the law, which among other provisions protects people with preexisting conditions, “[illegitimate](#)” and “[perverse](#).” He encouraged the Supreme Court to invalidate it, stating, “[\[f\]or the sake of the Constitution, I hope the Court strikes down the law.](#)” Wilson also called the ACA “[big intrusive government](#),” and said, “[Obamacare is less about healthcare than it is about redistribution of wealth and power.](#)”

Wilson also [openly fought Medicaid expansion](#) in Mississippi. Because Wilson’s position was successful, the state refused to expand Medicaid and [roughly 100,000 Mississippians](#) who would have qualified under the expansion went without critical health coverage.

Our concerns, moreover, are not merely hypothetical. Right now, there is a lawsuit challenging the constitutionality of the ACA. This challenge was recently kept alive by judges on the Fifth Circuit – the very circuit where Wilson would serve. And, after nearly a decade of unrelenting legal challenges, it is easy to imagine future lawsuits emerging even if the present

one is unsuccessful.

As a federal judge, Cory Wilson will have the power to determine the rights and legal protections of people in Louisiana, Mississippi, and Texas. In some instances, an individual's liberty, or very life, may be in his hands. Someone so glib about the health and welfare of his fellow citizens should not be given such awesome power. We strongly encourage you to oppose his confirmation.

Sincerely,

The undersigned organizations:

Alliance for Justice  
Autistic Self Advocacy Network  
Bazelon Center for Mental Health Law  
Equality California  
Health Care for America Now (HCAN)  
Little Lobbyists  
NAACP  
NARAL Pro-Choice America  
National Action Network  
National Asian Pacific American Women's Forum (NAPAWF)  
National Association of Social Workers  
National Center for Transgender Equality  
National Council of Jewish Women  
National Partnership for Women and Families  
National Women's Law Center  
People for the American Way  
PFLAG National  
Protect Our Care  
SIECUS  
Silver State Equality-Nevada



May 5, 2020

The Honorable Lindsey Graham  
Chair  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein,

On behalf of the Human Rights Campaign (HRC), America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality, we write to oppose the nomination of Cory Wilson to the U.S. Court of Appeals for the 5th Circuit. Lifetime appointment to the federal bench demands not only exceptional intellectual ability and distinguished legal experience, but a commitment to fairness and a temperament that prioritizes fact and law over individual ideology and biases. Cory Wilson's professional record and public statements represent a jurist who does not rise to these demands. As a state legislator, Wilson consistently supported exclusionary actions that targeted the most vulnerable Mississippians. Outside of the state house, Wilson's inflammatory and disrespectful language regarding political rivals shows a political pundit lacking the judicial temperament required by the federal bench.

As you consider this nomination, America is fighting one of the most deadly public health crises in modern history. This crisis is testing our nation's healthcare system and is exposing the deadly

health disparities that have plagued marginalized communities for decades, including LGBTQ people. As we navigate this uncertain time, LGBTQ people – particularly in communities of color – are at a heightened risk as a result of underlying conditions, limited access to care, and lack of preventative care for chronic conditions like diabetes and asthma. Cory Wilson has consistently argued that the Affordable Care Act is “perverse” and “illegitimate.”<sup>1</sup> He opposed Medicaid expansion in Mississippi, which would have provided additional coverage to 170,000 adult Mississippians. He has also argued that the ACA is “about redistribution of power and wealth” rather than providing healthcare access.<sup>2</sup> The ACA has changed the face of healthcare in this country for LGBTQ people and people living with HIV. In addition, tens of thousands of people living with HIV have qualified for care and treatment under Medicaid expansion, gaining access to life-saving treatments before becoming disabled by the virus. Mississippians living with HIV have been denied this life-saving – and dignity preserving – benefit of the Act.

We must approach this moment with a commitment to promoting public health and ensuring access to critical care. Cory Wilson’s consistent record of attacks against the ACA have already placed thousands of Mississippians at risk as a result of his opposition to Medicaid expansion in the state. As a federal circuit judge, Wilson would incorporate his dangerous resistance to healthcare access into the fabric of judicial precedent that will undoubtedly shape the future of this Act.

In the state legislature, Cory Wilson also supported the discriminatory House Bill 1523, which empowered businesses in the state to refuse to serve LGBTQ people. This case was enjoined by the District Court of Southern Mississippi and was later reversed by the 5<sup>th</sup> Circuit. In this reversal, Judge Carlton Reeves wrote that this legislation, “creates a vehicle for state-sanctioned discrimination on the basis of sexual orientation and gender identity.” Central to the debate over the legislation was its doubtful Constitutionality. Wilson’s disregard for the Constitutional concerns and his willingness to support legislation that explicitly discriminates against thousands of Mississippians is disturbing.

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<sup>1</sup> *ACA: Big, Intrusive Government*, Madison County Journal, Feb. 20, 2014, at A4.

<sup>2</sup> *Shutting Down the American Dream*, Madison County Journal, Oct. 24, 2013, at A4.

We are also deeply concerned by Cory Wilson’s habitual use of pejorative language to describe his political opponents, including the use of “Crooked Hillary” and “King Barack.” Similar statements by previous nominees have been deemed disqualifying even by leading Republican voices like Senator Mitt Romney.<sup>3</sup> These statements go beyond normal political discourse and betray a partisan, ideologue lacking the measured and unbiased temperament required to serve on the federal bench. These previous statements raise serious concerns for prospective litigants before Wilson who may express diverging political affiliations.

Cory Wilson’s record reveals a troubling commitment to partisan ideology and a lack of judicial temperament that makes him unfit for the federal bench. Accordingly, we urge you to vote against his lifetime appointment to a seat on the United States Court of Appeals for 5<sup>th</sup> Circuit. Thank you for your consideration. If you have any questions or need more information, please contact me at [David.Stacy@hrc.org](mailto:David.Stacy@hrc.org).

Sincerely,

A handwritten signature in cursive script that reads "David Stacy".

David Stacy

Government Affairs Director

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<sup>3</sup> *Romney rejects Trump judicial pick who smeared Obama*, [Politico](#), Burgess Everett, May 14, 2019.



May 5, 2020

United States Senate  
Washington, D.C. 20510

**Re: Letter from Board of Directors of the Lawyers' Committee for Civil Rights Under Law in Opposition to Nomination of Cory Wilson to the Fifth Circuit Court of Appeals**

Dear Senator:

We, the undersigned members of the Board of Directors of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), write to urge you to oppose the nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit. Since its founding in 1963, at the request of President John F. Kennedy, the Lawyers' Committee has been devoted to the recognition and defense of the civil rights of racial minorities and low-income people in the United States.

As members of the private bar, we expect and rely on the judiciary to ensure fair trials and secure equal rights for all by upholding the rule of law. Historically, in evaluating nominees, we have considered whether their record demonstrates exceptional competence to serve on the Court, and profound respect for the importance of protecting the civil rights afforded by the Constitution and the nation's civil rights laws.

Mr. Wilson's record on voting rights and access to health care, as well as his judicial temperament, indicates that he is unfit to serve as a fair and impartial appellate judge and, if confirmed, would cause harm to African-Americans, other people of color, and low-income people within the Fifth Circuit, which includes Louisiana, Mississippi and Texas. Furthermore, he lacks federal judicial experience and received the American Bar Association's lowest qualified rating for his 2019 nomination to the United States District Court for the Southern District of Mississippi. Our nation requires judges of the utmost integrity to ensure that every party who comes before the court is treated fairly, impartially, and with dignity. While we have made significant strides towards equal justice under the law — in large part due to the work of the Lawyers' Committee and other civil rights organizations — unlawful discrimination still exists for many who call America home.

Mr. Wilson's writings espouse troubling views that will put voting rights and access to health care at risk for marginalized communities within the Fifth Circuit. The COVID-19 pandemic has caused a health crisis unseen since 1918 that is disproportionately hospitalizing and killing African Americans across the country, particularly in the South, as existing barriers to getting health care make them "especially

vulnerable in public health emergencies.”<sup>1</sup> Additionally, Mr. Wilson’s history of attacking President Barack Obama indicates racial hostility and a temperament that is simply not acceptable for any judge and, in particular, a judge sitting on a federal court of appeals.

Mr. Wilson has:

- vigorously defended discriminatory voter ID laws and criticized the Department of Justice for sending election observers — there to ensure fair treatment for all voters — to his home state of Mississippi. Despite Mississippi’s long, troubling history of voter suppression against African Americans, Mr. Wilson wrote “...it was unclear who the observers thought was doing any intimidating. They might spend less time chasing agendas that aren’t there....”<sup>2</sup> Despite the preclearance provisions of the Voting Rights Act that Mississippi was subject to based on its history of voting discrimination, Mr. Wilson expressed contempt for the Department of Justice’s review of Mississippi’s voter ID law writing, “[s]o why don’t we (finally) have voter ID in place? The Obama Justice Department.”<sup>3</sup> Mr. Wilson went on to declare the Justice Department’s fight against suppressive voter ID laws to be “as phony as the ‘war on women’.”<sup>4</sup> Mr. Wilson used his position as a former Deputy Secretary of State to perpetuate myths of widespread voter fraud, despite evidence to the contrary.<sup>5</sup> His lack of objectivity and inability to accurately assess voter suppression tactics is particularly problematic for a circuit court judge who would hear cases in a circuit that includes states with histories of suppressing votes by people of color.
- actively opposed access to health care, including access to vital reproductive health care. Mr. Wilson called the Affordable Care Act “perverse” and “illegitimate,” and stated, “[f]or the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended.”<sup>6</sup> Mr. Wilson also opposed the expansion of Medicaid in Mississippi, to the detriment of low-income residents in a state known for its high poverty rate.<sup>7</sup> While Mr. Wilson served in the Mississippi legislature, he voted for

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<sup>1</sup> Centers for Disease Control and Prevention, “Coronavirus Disease 2019 (COVID-19): Racial and Ethnic Minority Groups,” Apr. 22, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

<sup>2</sup> Cory Wilson, “Hattiesburg puts finishing touches on divisive mayoral election sequel,” Press-Register (Mobile, Ala.) Oct. 2, 2013, at 1, reprinted in Madison County J., Oct. 3, 2013 <https://lawyerscommittee.org/wp-content/uploads/2020/04/Hattiesburg-puts-finishing-touches-on-divisive-mayoral-election-sequel.pdf>.

<sup>3</sup> Cory Wilson, “Supressing (sic) common sense,” Madison County J., Nov. 1, 2012.

<sup>4</sup> *Id.*

<sup>5</sup> Lorraine C. Minnite, “The Misleading Myth of Voter Fraud in American Elections,” Jan. 2014. [https://scholars.org/sites/scholars/files/ssn\\_key\\_findings\\_minnite\\_on\\_the\\_myth\\_of\\_voter\\_fraud.pdf](https://scholars.org/sites/scholars/files/ssn_key_findings_minnite_on_the_myth_of_voter_fraud.pdf).

<sup>6</sup> Cory Wilson, “ACA: Big, intrusive government,” Madison County J., Feb. 20, 2014 <https://lawyerscommittee.org/wp-content/uploads/2020/04/ACA-Big-intrusive-government.pdf>; Cory Wilson, “Obama’s day of reckoning,” Madison County J., June 28, 2012 <https://lawyerscommittee.org/wp-content/uploads/2020/04/Obamas-day-of-reckoning.pdf>.

<sup>7</sup> Cory Wilson “Obama’s day of reckoning,” Madison County J., June 28, 2012.

HB 732, a “heartbeat” bill that could ban abortion as early as at 6 weeks, and supported HB 1510, a bill that banned abortions at 15 weeks and was signed into law.<sup>8</sup> The Fifth Circuit upheld the district court decision that found HB 1510 unconstitutional, blocking it from taking effect.<sup>9</sup> Mr. Wilson’s active advocacy against access to health care indicates he will not be impartial when legal matters concerning the Affordable Care Act, Medicaid benefits, or access to abortion come before him.

- repeatedly exhibited racial hostility through racially-charged attacks directed at President Barack Obama that are unbecoming of a federal judge. Mr. Wilson regularly mocked President Obama with titles such as “King Barack”<sup>10</sup> and the “Anointed One.”<sup>11</sup> These attacks by a judicial nominee on our nation’s first Black president are deeply troubling.

The nomination of Cory Wilson, a white male, also continues the current administration’s disturbing trend of making the federal bench less racially diverse, particularly in comparison to the demographics of the populations from which the courts hear cases. Over the past three years, the Trump Administration has filled more than a quarter of federal circuit court seats but has not nominated a single African American for any of them. The Fifth Circuit consists of the two states, Mississippi and Louisiana, with the highest Black population in the country at 37% and 33% respectively.<sup>12</sup> Yet, there are currently only two African American judges on the Fifth Circuit—making up less than 12% of the judgeships on the Fifth Circuit.<sup>13</sup> Our nation’s diversity should be reflected on the federal bench as studies have shown that it positively affects decision-making and strengthens the legitimacy of the courts in the minds of the public.<sup>14</sup>

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<sup>8</sup> H.B. 732, 2019 Reg. Sess. (Miss. 2019) (roll call available at <http://billstatus.ls.state.ms.us/2019/pdf/votes/house/0370021.pdf>); H.B. 1510, 2018 Reg. Sess. (Miss. 2018) (roll call available at <http://billstatus.ls.state.ms.us/2018/pdf/votes/house/0320008.pdf>). H.B.732 was not signed into law, but an identical heartbeat bill, S.B. 2116, was advanced through the Mississippi Senate and signed into law. The Fifth Circuit upheld the district court’s decision blocking the law. *Jackson Women’s Health Org. v. Dobbs*, No. 19-60455 (5th Cir. Feb. 20, 2020).

<sup>9</sup> *Jackson Women’s Health Organization v. Dobbs*, 945 F.3d 265 (5th Cir. 2019) (*Dobbs I*).

<sup>10</sup> Cory Wilson, “Contempt of Court,” Madison County J., Apr. 5, 2012 <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>.

<sup>11</sup> Cory Wilson, “The Democrat’s new math,” Madison County J., Sept. 6, 2012 <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p176.pdf>. See also Cory Wilson, “Obamination,” Madison County J., May 30, 2013 <https://lawyerscommittee.org/wp-content/uploads/2020/04/Obamination.pdf>.

<sup>12</sup> United States Census Bureau, “Quick Facts: Louisiana,” *last accessed* Apr. 29, 2020, <https://www.census.gov/quickfacts/LA>; United States Census Bureau, “Quick Facts: Mississippi,” *last accessed* Apr. 29, 2020, <https://www.census.gov/quickfacts/MS?>.

<sup>13</sup> American Constitution Society, “Judicial Nominations: Fifth Circuit” <https://www.acslaw.org/judicial-nominations/> *last updated* Apr. 27, 2020.

<sup>14</sup> See Danielle Root et al., “Building a More Inclusive Federal Judiciary,” Oct. 3, 2019, <https://www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/>. See also Nancy Scherer, “Diversifying the Federal Bench: Is Universal Legitimacy for the U.S. Justice System Possible?,” *Northwestern University Law Review* 105 (2) (2011): 587–634, available at <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1169&context=nulr>.

It is imperative to members of the private bar and all who call America home, that federal judges be fair and neutral arbiters of the law. Mr. Wilson's open and extreme hostility towards voting rights, health care and our first Black President demonstrate that he is not qualified to occupy a seat on the federal bench. Furthermore, the confirmation of a vocal opponent of health care access during the COVID-19 pandemic puts the well-being of vulnerable Americans at risk when it is threatened the most. Thank you for your consideration of our opposition to the nomination of Mr. Wilson to a lifetime appointment on the United States Court of Appeals for the Fifth Circuit.

Respectfully,

Thomas Sager, Co-Chair	Wilmington, DE
Shira Scheindlin, Co-Chair	Brooklyn, NY
Eleanor Smith, Secretary	Washington, DC
Kristen Clarke, President & Executive Director	Washington, DC
Stanley Brown	New York, NY
Robert E. Harrington	Charlotte, NC
James P. Joseph	Washington, DC
Adam Klein	New York, NY
Michael Swartz	New York, NY
Roy Austin	Washington, DC
Lynne Bernabei	Washington, DC
Jonathan Blackman	New York, NY
Jack Block	Chicago, IL
John W. Borkowski	South Bend, IN
Alvin Bragg	New York, NY
David Brown	New York, NY
Todd R. Chandler	New York, NY
Jim Chanin	Oakland, CA
Kami Chavis	Winston-Salem, NC
Michael Cooper	New York, NY
Paul F. Eckstein	Phoenix, AZ
John Fleming	Atlanta, GA
Marc Gary	New York, NY
Keith Harrison	Washington, DC
Kirkland Hicks	Orlando, FL
Jay Himes	New York, NY
Stephen Kastenber	Philadelphia PA
Andrew W. Kentz	Washington, DC
Charles Kerr	Irvington, NY
Loren Kieve	San Francisco, CA
Greg Landis	Seattle, WA

Jerome Levine  
John Libby  
Marjorie Press Lindblom  
Ambassador Tom McDonald  
Robert McDuff  
John Nonna  
Bradley Phillips  
Paul Saunders  
Errol Taylor  
Dr. Sandra Thompson  
Alan Vickery  
Brenda Wright

New York, NY  
Los Angeles, CA  
New York, NY  
Washington DC  
Jackson, MS  
White Plains, NY  
Los Angeles, CA  
New York, NY  
New York, NY  
Irvine, CA  
New York, NY  
Newton, MA



United States Senate  
Washington, D.C. 20510

May 5, 2020

**Re: Opposition to nomination of Cory Wilson to the Fifth Circuit Court of Appeals**

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law (hereinafter Lawyers' Committee), we write to express our opposition to the nomination of Cory Wilson to the Fifth Circuit Court of Appeals. The Lawyers' Committee is a nonprofit civil rights organization founded in 1963 by the leaders of the American bar, at the request of President John F. Kennedy, to help defend the civil rights of racial minorities and low-income people. Mr. Wilson's record advocating against voting rights and access to health care, as well as his expressions of racial hostility towards President Barack Obama, lead us to doubt his ability to serve as an impartial federal judge with an open mind on any civil rights issues impacting communities of color. As such, we oppose his nomination to the Fifth Circuit Court of Appeals.

Mr. Wilson's advocacy against voting rights and access to health care has defined his career as a lawyer and politician. He has spent years touting disproven theories of widespread voter fraud in order to support voter ID laws that suppress voter turnout by people of color. Additionally, he has attacked efforts to prevent disenfranchisement and has attacked efforts to expand access to health care for low-income Mississippians. Mr. Wilson has also voted for unconstitutional restrictions on access to abortion. As the COVID-19 pandemic has caused a health crisis unlike any since 1918, impacting our elections and disproportionately killing African Americans, it is more important now than ever before that the right to vote and access to health care for all be protected rather than stripped away. This country cannot risk granting Mr. Wilson a lifetime appointment to the Fifth Circuit Court of Appeals when he has made it clear that he seeks to suppress voter turnout and access to health care.

Mr. Wilson's writings espouse troubling views that will put voting rights and access to health care at risk for marginalized communities within the Fifth Circuit. Additionally, his history of attacking President Barack Obama indicate his temperament is not befitting of a circuit court judge. Mr. Wilson has:

- vigorously defended discriminatory voter ID laws and criticized the Department of Justice for sending election observers — there to ensure fair treatment for all voters — to his home state of Mississippi. Despite Mississippi's long, troubling

history of voter suppression against African Americans, Mr. Wilson wrote “...it was unclear who the observers thought was doing any intimidating. They might spend less time chasing agendas that aren’t there....”<sup>1</sup> Despite the preclearance provisions of the Voting Rights Act that Mississippi was subject to due to past discrimination, Mr. Wilson expressed contempt for the Department of Justice’s review of Mississippi’s voter ID law writing, “[s]o why don’t we (finally) have voter ID in place? The Obama Justice Department.”<sup>2</sup> Mr. Wilson went on to declare the Justice Department’s fight against voter ID laws to be “as phony as the ‘war on women’.”<sup>3</sup> Mr. Wilson used his position as a former Deputy Secretary of State in Mississippi to perpetuate myths of widespread voter fraud, despite evidence to the contrary. The right to vote is the bedrock of participation in our democracy, which is why the Lawyers’ Committee has fought for decades to protect and secure that right for all citizens, including, of course, African Americans and other people of color. It is deeply troubling that a circuit court nominee who would hear cases from states with well-documented records of voter suppression would espouse such dangerous views.

- actively opposes access to health care, including access to vital reproductive health care. Mr. Wilson called the Affordable Care Act “perverse,” “illegitimate,” and stated “[f]or the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended.”<sup>4</sup> Mr. Wilson also opposed the expansion of Medicaid in Mississippi, to the detriment of low-income residents in a state known for its high poverty rate.<sup>5</sup> While Mr. Wilson served in the Mississippi legislature, he voted for HB 732, a “heartbeat” bill that would ban abortion as early as 6 weeks, and supported HB 1510, a bill that banned abortions at 15 weeks and was signed into law.<sup>6</sup> The Fifth Circuit upheld the district court decision that found HB 1510 unconstitutional, blocking it from taking effect.<sup>7</sup> Mr. Wilson’s active advocacy against access to health care indicates he will not be impartial when cases concerning the Affordable Care Act, Medicaid, or access to abortion come before him.

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<sup>1</sup> Cory Wilson, “Hattiesburg puts finishing touches on divisive mayoral election sequel,” Press-Register (Mobile, Ala.) Oct. 2, 2013, at 1, reprinted in Madison County J., Oct. 3, 2013 <https://lawyerscommittee.org/wp-content/uploads/2020/04/Hattiesburg-puts-finishing-touches-on-divisive-mayoral-election-sequel.pdf>.

<sup>2</sup> Cory Wilson, “Supressing (sic) common sense,” Madison County J., Nov. 1, 2012.

<sup>3</sup> *Id.*

<sup>4</sup> Cory Wilson, “ACA: Big, intrusive government,” Madison County J., Feb. 20, 2014 <https://lawyerscommittee.org/wp-content/uploads/2020/04/ACA-Big-intrusive-government.pdf>; Cory Wilson, “Obama’s day of reckoning,” Madison County J., June 28, 2012 <https://lawyerscommittee.org/wp-content/uploads/2020/04/Obamas-day-of-reckoning.pdf>.

<sup>5</sup> Cory Wilson “Obama’s day of reckoning,” Madison County J., June 28, 2012.

<sup>6</sup> H.B. 732, 2019 Reg. Sess. (Miss. 2019) (roll call available at <http://billstatus.ls.state.ms.us/2019/pdf/votes/house/0370021.pdf>); H.B. 1510, 2018 Reg. Sess. (Miss. 2018) (roll call available at <http://billstatus.ls.state.ms.us/2018/pdf/votes/house/0320008.pdf>). H.B. 732 was not signed into law, but an identical heartbeat bill, S.B. 2116, was advanced through the Mississippi Senate and signed into law. The Fifth Circuit upheld the district court’s decision blocking the law. *Jackson Women’s Health Org. v. Dobbs*, No. 19-60455 (5th Cir. Feb. 20, 2020).

<sup>7</sup> *Jackson Women’s Health Organization v. Dobbs*, 945 F.3d 265 (5th Cir. 2019) (*Dobbs I*).

- repeatedly exhibited racial hostility through racially-charged attacks directed at President Barack Obama that are unbecoming of a federal judge. Mr. Wilson regularly mocked President Obama with titles such as “King Barack”<sup>8</sup> and the “Anointed One.”<sup>9</sup> These attacks by a judicial nominee on our nation’s first Black president are particularly troubling.

The nomination of Cory Wilson, a white male, also continues the current administration’s disturbing trend of making the federal bench less racially and ethnically diverse, particularly in comparison to the demographics of the population the courts hear cases from. Over the past three years, the Trump Administration has filled more than a quarter of federal circuit court seats but has not nominated a single African American for any of them and has nominated only one Hispanic. The Fifth Circuit hears cases from one of the most racially and ethnically diverse regions of our nation as African Americans, Hispanics, Asians and American Indians comprise the majority of residents in Louisiana, Mississippi and Texas.<sup>10</sup> Moreover, the Fifth Circuit consists of the two states, Mississippi and Louisiana, with the highest Black population in the country at 37% and 33% respectively.<sup>11</sup> Yet, there are currently only two African American judges on the Fifth Circuit—making up less than 12% of the judgeships on the Fifth Circuit.<sup>12</sup> Representation is even more appalling for Hispanic judges on the Fifth Circuit as there are currently none,<sup>13</sup> despite the fact that Texas’s population is 40% Hispanic.<sup>14</sup> Our nation’s diversity should be reflected on the federal bench as studies have shown it positively affects decision-making and strengthens the legitimacy of the courts to the public.<sup>15</sup>

The American public expects and relies on the Senate to take its constitutionally mandated duty to vet judicial nominees seriously and fully weigh the impact of granting

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<sup>8</sup> Cory Wilson, “Contempt of Court,” Madison County J., Apr. 5, 2012 <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>.

<sup>9</sup> Cory Wilson, “The Democrat’s new math,” Madison County J., Sept. 6, 2012 <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p176.pdf>. See also Cory Wilson, “Obamination,” Madison County J., May 30, 2013 <https://lawyerscommittee.org/wp-content/uploads/2020/04/Obamination.pdf>.

<sup>10</sup> United States Census Bureau, “Quick Facts: Texas,” <https://www.census.gov/quickfacts/TX> last accessed Apr. 30, 2020; United States Census Bureau, “Quick Facts: Louisiana,” <https://www.census.gov/quickfacts/LA> last accessed Apr. 30, 2020; United States Census Bureau, “Quick Facts: Mississippi,” <https://www.census.gov/quickfacts/MS?> last accessed Apr. 30, 2020.

<sup>11</sup> United States Census Bureau, “Quick Facts: Louisiana,” <https://www.census.gov/quickfacts/LA> last accessed Apr. 30, 2020; United States Census Bureau, “Quick Facts: Mississippi,” <https://www.census.gov/quickfacts/MS?> last accessed Apr. 30, 2020.

<sup>12</sup> American Constitution Society, “Judicial Nominations: Fifth Circuit” <https://www.acslaw.org/judicial-nominations/> last updated Apr. 27, 2020.

<sup>13</sup> *Id.*

<sup>14</sup> United States Census Bureau, “Quick Facts: Texas.”

<sup>15</sup> See Danielle Root et al., “Building a More Inclusive Federal Judiciary,” Oct. 3, 2019, <https://www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/>. See also Nancy Scherer, “Diversifying the Federal Bench: Is Universal Legitimacy for the U.S. Justice System Possible?,” *Northwestern University Law Review* 105 (2) (2011): 587–634, available at <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1169&context=nulr>.

lifetime appointments to judges with ideological views that fall outside of the legal mainstream. Thank you for your consideration of our opposition to the nomination of Mr. Wilson to a lifetime appointment on the Fifth Circuit. We welcome the opportunity to discuss his nomination with your office further. If you have any questions or concerns please contact, Erinn D. Martin, Policy Counsel, at [emartin@lawyerscommittee.org](mailto:emartin@lawyerscommittee.org).

Sincerely,

A handwritten signature in black ink that reads "Kristen Clarke". The signature is written in a cursive style and is placed on a light gray rectangular background.

Kristen Clarke  
President & Executive Director

Lawyers' Committee for Civil Rights Under Law  
Washington, D.C.



May 13, 2020

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## OPPOSE THE CONFIRMATION OF CORY WILSON TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I write in strong opposition to the confirmation of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit.

Mr. Wilson is a far-right firebrand whose record shows he is more suited to serve as a Fox News commentator than federal judge. He has lambasted access to health care, voting rights, LGBTQ rights, reproductive freedom, and common-sense gun safety laws. And he has engaged in *ad hominem* attacks on Barack Obama, Hillary Clinton, and other prominent Democrats. He is unfit to serve a lifetime appointment on the federal bench.

Mr. Wilson was put forward for the Fifth Circuit only after the previous nominee for this vacancy, Halil Ozerden, was withdrawn by the Trump administration after failing to pass the Senate Republicans' ideological purity test.<sup>1</sup> Mr. Wilson, by contrast, will pass that test with flying colors. He would tilt the Fifth Circuit – already the most conservative federal appellate court in the country – even further to the right. And he would exacerbate the lack of representation on the Fifth Circuit, which covers the most racially diverse population in America.

The Senate should not consider Mr. Wilson's nomination – or any judicial nomination – at this perilous time in our nation's history, when the Senate should be laser focused on efforts to save lives and mitigate the profound economic turmoil of COVID-19 on the American people. It is especially disturbing that the Senate would process judicial nominees like Mr. Wilson who seek to dismantle health care protections for vulnerable people. It was wrong for the Senate to dedicate important time and resources, as well as risk the health and safety of Senate personnel, by holding a hearing last week for controversial D.C. Circuit nominee Justin Walker, and it would be wrong to hold a hearing for Mr. Wilson. At this moment, the Senate should devote its attention to aiding the tens of millions of people in this nation struggling to survive during this public health emergency.

**Hostility to Health Care:** Mr. Wilson has repeatedly attacked the Affordable Care Act (“ACA”), which has provided critical health care coverage to tens of millions of Americans.

<sup>1</sup> <https://www.courthousenews.com/trump-taps-mississippi-judge-for-seat-on-fifth-circuit/>.

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In a 2012 op-ed replete with bombast and hyperbole, Mr. Wilson wrote: “Then there is Obamacare, the ‘Affordable Care Act,’ which will produce an unaffordable \$2.6 trillion in new cost over the next ten years. Nancy Pelosi famously said we had to pass Obamacare to find out what was in it. A cadrillion dollars of spending, turns out. Instead of eleven weeks of vacation for every American worker, that would be over 28 weeks off. Which, coincidentally, will be the waiting time to see your government-assigned doctor once Obamacare kicks in fully.”<sup>2</sup> In another angry, ideological op-ed, Mr. Wilson called the ACA “a massive, unworkable intrusion by the federal government into one sixth of our economy (the same economy which has all but suffocated under Obama’s other policies).”<sup>3</sup>

After President Obama predicted that the Supreme Court would uphold the ACA because Congress had a constitutional basis for passing it, Mr. Wilson ranted: “I hope the Court checks Obama’s dangerous standard of what is constitutional: Obamacare ‘will be upheld because it should be upheld.’ A valid law is what King Barack says is a valid law.”<sup>4</sup> Mr. Wilson then fumed that “Obama’s views reflect what Pelosi, Reid, and enlightened liberals everywhere have honestly believed from the inception of this debate: the power of government is unlimited and should be used by the governing class to impose whatever it wishes on the rest of us.”<sup>5</sup>

In a June 28, 2012 op-ed, “Obama’s day of reckoning,” Mr. Wilson predicted the Supreme Court would strike down the ACA, and he proclaimed: “If the law is struck down, Team Obama will flail, attack the Court, and try to explain how they wasted billions of dollars and even more political capital ramming a freedom-infringing mess down our throats. Colossal incompetence and arrogance, all while the economy moldered. If Obama’s agenda lies in ruins (amongst those Greek columns from 2008), it couldn’t happen to more deserving folks.”<sup>6</sup> He added: “For the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended.”<sup>7</sup> Mr. Wilson, of course, was wrong, and the ACA was upheld.

Still seething about the ACA in 2013, Mr. Wilson opined that “Obamacare is less about healthcare than it is about redistribution of wealth and power. For those objectives, liberals are apparently happy to shut down the American dream.”<sup>8</sup> In another 2013 op-ed, he expressed opposition to Medicaid expansion in Mississippi and called the ACA “liberal-utopia-dictated healthcare.”<sup>9</sup> In 2014, Mr. Wilson wrote an op-ed, “ACA: Big, intrusive government,” in which he labeled the law “perverse” and “illegitimate” and complained: “The big promises made by supporters have all proven false. ‘If you like your health care plan you can keep it,’ is 2013’s lie of the year.”<sup>10</sup>

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<sup>2</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p176.pdf>.

<sup>3</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p189-190.pdf>.

<sup>4</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p193.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p93-94.pdf>.

<sup>9</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p143-145.pdf>.

<sup>10</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>.

These are not the statements and viewpoints of someone who is capable of serving as a fair and impartial jurist. Mr. Wilson would bring a strong bias to the federal bench and could not rule fairly on any matter involving the ACA or access to health care. Amidst the worst public health crisis this nation has witnessed in over a century and during a time in which access to health care is a life-or-death proposition, it would be folly to confirm an anti-health care activist like Mr. Wilson to the federal judiciary.

**Defended Discriminatory Photo ID Laws:** Mr. Wilson has expressed knee-jerk support for discriminatory photo ID laws and close-minded contempt for those who disagree with him on the merits of such laws. In a November 1, 2012 op-ed, “Supressing [sic] common sense,” he wrote: “The Democratic line is that voter ID is a solution in search of a problem, that there are no cases of voter fraud that ID would prevent. The Rachel Maddows of the media world have joined the chorus of ‘voter suppression’ right on cue from Team Obama. This is as phony as the ‘war on women’ ....”<sup>11</sup>

In an October 2, 2013 op-ed, Mr. Wilson took another potshot at the Obama administration’s approach to photo ID laws. He criticized Justice Department observers who had come to Mississippi to monitor a local election, and he complained: “Those same observers also might spend less time suing states to block voter ID, as Attorney General Eric Holder again announced they were doing in North Carolina on Monday. I think most of the mostly black Rowan voters came with IDs already out, ready to show. No intimidation observed. But facts have never deterred the Obama administration when politics could be played.”<sup>12</sup> In a September 19, 2013 op-ed, Mr. Wilson defended Mississippi’s photo ID law and declared: “Mississippi’s new voter ID law will help, assuming the Obama Justice Department will stop suing long enough for us to implement it.”<sup>13</sup>

In a February 1, 2012 op-ed, Mr. Wilson railed against Senator Dick Durbin for holding a hearing focusing on the emergence of restrictive voting laws in the South, including photo ID laws. Mr. Wilson griped: “What are the outrages for which Durbin is spending your money to stage show hearings? Florida’s voter law reduces the number of days for early voting from 14 to eight, restricts the ability of voters to change their addresses at the polls, and imposes tough new guidelines for voter-registration drives and penalties for those who violate them. Oh, the outrage. With evil like this afoot, the ACLU and other rent-a-mobs naturally will join the hunt for the GOP bogeyman, by whatever means.”<sup>14</sup> Mr. Wilson’s zealous support of photo ID laws and other restrictive voting measures – and his utter lack of concern for their discriminatory impact on communities of color – is deeply disturbing.

**Attacks on LGBTQ Rights:** Mr. Wilson is a staunch opponent of LGBTQ rights and equality. As a state legislator, he voted for the controversial bill HB 1523,<sup>15</sup> which has been called the nation’s most extreme anti-LGBTQ law.<sup>16</sup> The law allows Mississippians with anti-LGBTQ religious beliefs to refuse service to married same-sex couples, people who have sex outside of marriage, and transgender people.

<sup>11</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p164.pdf>.

<sup>12</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p95-97.pdf>.

<sup>13</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p98-99.pdf>.

<sup>14</sup> <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Supressing-the-truth/3/3/24665?s=1>.

<sup>15</sup> <https://www.jacksonfreepress.com/news/2016/apr/02/roll-call-who-voted-and-against-anti-lgbt-house-bi/>.

<sup>16</sup> <https://www.aclu-ms.org/en/news/lgbtq-advocates-condemn-mississippi-hb-1523>.

The law permits state employees to refuse to issue marriage licenses to same-sex couples, public school counselors to turn away LGBTQ youth in crisis, and health care providers to deny transgender people access to health care at any time.<sup>17</sup>

In a strident 2012 op-ed, Mr. Wilson wrote that “gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted.”<sup>18</sup> He continued: “At the time [1990s], the idea of homosexual marriage was so beyond seriousness that I thought it could never happen. I soon came to see that ‘tolerance,’ as that term is used by liberals, really means zero tolerance for traditional, religious or conservative views. The culture warriors on the left demand unconditional surrender.”<sup>19</sup>

And in another 2012 op-ed, “Eat more chicken,” Mr. Wilson defended the CEO of Chick-fil-A against calls for boycotts of the company in the wake of the CEO’s public opposition to marriage equality. Mr. Wilson declared: “So it has come to this. Private citizens who dare oppose marriage ‘equality’ (read: full sanction of homosexual marriage) will now be bashed, banned, and bankrupted, simply for expressing their views.”<sup>20</sup>

As his discriminatory statements and rhetoric demonstrate, Mr. Wilson possesses a fervent anti-LGBTQ agenda, and it would make him incapable of ruling even-handedly on matters affecting LGBTQ rights. These views would make it impossible for any LGBTQ litigant to feel as though Mr. Wilson could treat them fairly and impartially.

**Attacks on Reproductive Freedom:** Mr. Wilson also holds extreme views on reproductive freedom. In response to a Mississippi Right to Life candidate questionnaire he filled out when running for the state legislature, he checked the “Yes” box in response to the question: “Do you support the complete and immediate reversal of the *Roe v. Wade* and *Doe v. Bolton* decisions, thereby allowing the state legislatures and the Congress to once again protect unborn children?”<sup>21</sup> He expressed support for a requirement that a person considering an abortion receive a lecture about the unproven theory that fetuses experience pain; support for laws that would allow the murder of a pregnant person to be treated as a double homicide crime regardless of fetal viability; and support for bans on embryonic stem cell research.<sup>22</sup>

As a state legislator, Mr. Wilson voted for legislation to gut critical protections guaranteed by *Roe* and the Constitution. He voted for a bill, HB 732, which would ban abortions after cardiac activity is detected,<sup>23</sup> which can be as early as six weeks and well before many people even know they are pregnant.<sup>24</sup> Mr. Wilson also voted for HB 1510, which would prohibit abortions after 15 weeks and which was struck

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<sup>17</sup> *Id.*

<sup>18</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p200-201.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p187-188.pdf>.

<sup>21</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p489-493.pdf>.

<sup>22</sup> *Id.*

<sup>23</sup> <http://billstatus.ls.state.ms.us/2019/pdf/votes/house/0370021.pdf>.

<sup>24</sup> <https://rewire.news/legislative-tracker/law/mississippi-heartbeat-ban-hb-732/>.

down as unconstitutional by a federal judge in 2018.<sup>25</sup> And he supported legislation to defund Planned Parenthood.<sup>26</sup> Mr. Wilson would be incapable of serving as a fair and unbiased judge in reproductive freedom cases.

**Opposes Common-Sense Gun Safety Laws:** Mr. Wilson opposes reasonable firearms restrictions that would make our communities safer. As a state legislator, he voted for a bill, HB 1083, to allow the carrying of concealed, loaded guns on all public property, including college campuses.<sup>27</sup> The bill was opposed by a prominent education organization, the Mississippi State Institutions of Higher Learning, which stated: “HB 1083 compromises our ability to protect and ensure the safety of those on our campuses because it nullifies and prohibits any policies and/or authority to designate sensitive areas of campus where weapons should not be allowed.”<sup>28</sup> Fortunately, the bill was not passed by the state senate.

Mr. Wilson has been a member of the National Rifle Association (“NRA”), the extremist advocacy organization that has engaged for decades in a massive lobbying campaign to oppose common-sense gun safety laws. In 2015, Mr. Wilson filled out an NRA questionnaire and took several dangerous and irresponsible positions. He stated that he opposed any restrictions on the sale or possession of semi-automatic firearms (the kind used in the Marjory Stoneman Douglas High School shooting, as well as the mass shooting in Las Vegas) and any limits on the capacity of their magazines; he opposed universal background checks on all private sales or transfers of firearms; and he opposed any type of state registration or licensing of firearm owners.<sup>29</sup>

**Ideological and Hyperpartisan Comments:** Mr. Wilson’s far-right world view is further demonstrated by his bombastic and malicious comments about Hillary Clinton, Barack Obama, the Democratic Party, and the media.

- In an August 23, 2016 tweet, Mr. Wilson wrote “#Crooked Hillary” after asserting: “More emails, more evidence of Clinton pay-for-play and dishonesty. Hillary and Bill Clinton, Inc.”<sup>30</sup> A few weeks later, he tweeted: “Felony dumb or willfully ignorant? Troubling read: FBI Data Dump Shows #CrookedClinton Is Criminal and Clueless.”<sup>31</sup> Mr. Wilson also tweeted, in September 2016, that “Clinton mishandled classified, but sure knew how to destroy docs under subpoena.”<sup>32</sup> And on November 3, 2016 – just days before Election Day – Mr. Wilson amplified a Fox News hatchet job on Hillary Clinton, tweeting: “Worth the listen. @BretBaier lays out details of FBI investigation into Clinton emails, Foundation pay-to-play. #Scandalabra.”<sup>33</sup>

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<sup>25</sup> <https://rewire.news/legislative-tracker/law/mississippi-gestational-age-act-hb-1510/>.

<sup>26</sup> <https://yallpolitics.com/index.php/yp/post/rep- cory wilson session recap msleg/feed/>.

<sup>27</sup> <http://billstatus.ls.state.ms.us/2018/pdf/votes/house/0370002.pdf>.

<sup>28</sup> <https://mississippitoday.org/2018/02/07/sec-officials-threaten-repercussions-on-concealed-carry-bill/>.

<sup>29</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p450-453.pdf>.

<sup>30</sup> <https://twitter.com/CoryWilsonMS/status/768171181052755968>.

<sup>31</sup> <https://twitter.com/CoryWilsonMS/status/773487358956171264>.

<sup>32</sup> <https://twitter.com/CoryWilsonMS/status/773490203717664768>.

<sup>33</sup> <https://twitter.com/CoryWilsonMS/status/794188293546000388>.

- In a May 30, 2013 screed entitled “Obamination,” Mr. Wilson fumed: “This needs to be repeated, from every possible outlet, until the American people realize the seriousness of what is going on. The chain of scandals related to Benghazi coverup, IRS targeting of conservatives, and Department of Justice intrusion into Associated Press journalists’ phone records represent a chilling pattern of behavior by our government.... This is a systematic abuse of power by the most paranoid and politicized White House since Nixon’s. Many of us thought that electing as President a radical leftist with no experience in governing was a disaster waiting to happen. It’s no longer waiting.... For those who still support this President, it’s time to put down the Kool-aid, and start paying attention.”<sup>34</sup>
- In a November 2012 op-ed following President Obama’s re-election, Mr. Wilson grouched: “The most important election in our lifetimes has turned into the most disappointing outcome of our lifetimes” and “Obama waged the smallest, most cynical, and among the most dishonest campaigns in our history.”<sup>35</sup>
- In a September 6, 2012 op-ed entitled “The Democrat’s [sic] new math,” Mr. Wilson continued to attack Democrats. He asserted that his 8-year-old child “conceptualizes numbers the way Democrats do. In other words, he, like they, has no real concept or concerns. We of course are praying that he grows out of it, and think he will. Not so with Democrats.”<sup>36</sup>
- In a May 24, 2012 op-ed, Mr. Wilson sarcastically wrote that “an intellectually honest Democrat” was a “rare sighting” and “exotic creature.”<sup>37</sup> In the op-ed he declared that then-Mayor Cory Booker had “demolished and diminished Team Obama’s self-righteous class warfare.”<sup>38</sup> In a 2013 op-ed, Mr. Wilson declared: “Republicans are the adults in the room. Obama & Co. are increasingly shrill, dishonest and intellectually bankrupt.”<sup>39</sup>
- In an August 11, 2013 op-ed, “White House baloney not fooling anyone,” Mr. Wilson wrote that “a ‘parade of distractions’ and ‘political posturing’ are the essence of Obama’s leadership” and: “Remember the ‘war on women’? That was certainly phony, pretty much like all the Obama 2012 campaign. Obama’s ‘green jobs’ initiatives (Solyndra, among others) also qualify as phony, except the billions of wasted tax dollars were all too real.”<sup>40</sup>
- In a July 28, 2018 tweet, Mr. Wilson disparaged congressional candidate Alexandria Ocasio-Cortez, ranting: “The new face of @TheDemocrats. As we say in the South, ‘bless her heart.’ And this claptrap is rapidly becoming the Dem agenda. #CanSheFindVenezuelaOnAMap.”<sup>41</sup>

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<sup>34</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p120.pdf>.

<sup>35</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p162-163.pdf>.

<sup>36</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p176.pdf>.

<sup>37</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p202-203.pdf>.

<sup>38</sup> *Id.*

<sup>39</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p100.pdf>.

<sup>40</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p111-113.pdf>.

<sup>41</sup> <https://twitter.com/CoryWilsonMS/status/1023250752104476673>.

- Mr. Wilson has made paranoid, Trump-like grievances about the media. In a November 22, 2012 op-ed, he asserted: “The ‘media’ are now so slanted as to be dangerously unreliable.”<sup>42</sup> In an October 11, 2012 op-ed, he argued: “The mainstream media seem to be actively rigging the 2012 election. Rather than reporting news, the media are ‘shaping’ facts to guide the public to vote as they ‘should.’ There are many blatant examples of tampering with news to fit a leftist ‘narrative.’”<sup>43</sup> In an August 23, 2012 op-ed, Mr. Wilson alleged: “Sort of like President Obama’s miserable record in office, the media’s heavy left slant has now been so frequently pointed out, with clear evidence, that it becomes background noise.... The mainstream media has been a willing lapdog for the Obama administration, in some cases taking headlines and content directly from White House operatives.”<sup>44</sup>
- Mr. Wilson, demonstrating intolerance for non-Christians, complained about what he views as “political correctness” in America. Despite the reality that nearly a third of Americans do not identify as Christian,<sup>45</sup> Mr. Wilson grumbled that “store clerks and cashiers seem clearly to have been trained not to say ‘Merry Christmas.’ And, we were at a restaurant recently for dinner, when we said ‘Merry Christmas’ to our waiter, he said with relief, ‘I am glad you said that. When I said it earlier, a patron replied that it wasn’t politically correct’.... Whole segments of America live in a perpetual state of being ‘offended’.... More Christmas, not less, would be a good part of the antidote.”<sup>46</sup>

Mr. Wilson’s many diatribes and denunciations reveal an extreme ideological bias that would make him ill-equipped to assess facts and render impartial decisions in cases involving any issues that have a social justice, racial justice, or political dimension. Mr. Wilson lacks the temperament and objectivity necessary to serve as a federal judge.

**Ideological Affiliations:** Mr. Wilson is a long-time member of the far-right Federalist Society, having joined this extremist organization in 1992 as a first-year law student. He is currently a member of the Federalist Society Mississippi Chapter. This out-of-the-mainstream legal organization represents a sliver of America’s legal profession – just four percent – yet over 80 percent of President Trump’s circuit court nominees, and a significant number of his district court nominees, have been Federalist Society members. Mr. Wilson has also served as a partisan Republican operative, working on nearly two dozen political campaigns and contributing thousands of dollars to right-wing Republican candidates.

**Stacking the Fifth Circuit:** In 1981, journalist Jack Bass wrote a book entitled “Unlikely Heroes,” which chronicled the courage of Fifth Circuit judges in vigorously implementing *Brown v. Board of Education* in the South despite public resistance to judicial rulings. But over the years, the Fifth Circuit has become the country’s most conservative circuit court,<sup>47</sup> and President Trump – having already

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<sup>42</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p162-163.pdf>.

<sup>43</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p170-171.pdf>.

<sup>44</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p179-180.pdf>.

<sup>45</sup> <https://www.pewforum.org/religious-landscape-study/>.

<sup>46</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p83-84.pdf>.

<sup>47</sup> <https://www.texastribune.org/2018/08/30/under-trump-5th-circuit-becoming-even-more-conservative/>.

installed five extreme ideologues on that court: Don Willett, James Ho, Stuart Duncan, Kurt Engelhardt, and Andrew Oldham – has tipped it even further to the right. Mr. Wilson’s nomination is a continuation of the relentless effort by the Trump administration to pack the Fifth Circuit with judges who possess a demonstrated hostility to civil and human rights. This will jeopardize the Fifth Circuit’s historically significant role in vindicating the civil rights of its diverse population.

**Disturbing Lack of Diversity:** The Fifth Circuit covers the most racially diverse population of all the circuits. Two of the three Fifth Circuit states – Mississippi and Louisiana – have the largest percentage of African Americans in the country, 38 percent and 32 percent, respectively.<sup>48</sup> The third state, Texas, is a majority minority state and has the second largest percentage of Hispanics in the country (40 percent).<sup>49</sup> Yet the judges serving on the Fifth Circuit are racially monolithic: none are Latinx and only two are African-American. Mr. Wilson, a white male, would exacerbate the lack of representation on the Fifth Circuit. If he were confirmed to this court, 14 of its 17 active judges would be white (82 percent), and 13 of the 17 would be male (76 percent). President Trump has made seven nominations to the Fifth Circuit, and all but one are white. None are women.

More broadly, President Trump’s lack of commitment to diversifying the federal judiciary continues to be deeply disturbing – he has appointed the least diverse group of nominees in decades.<sup>50</sup> Of his 56 appellate nominees, not a single one is African American. Only one is Latinx. And only 11 are women. His district court nominees are similarly homogenous. Our nation’s great diversity should be reflected in its government institutions, especially the federal judiciary, which serves as the ultimate guardian of our rights and liberties. At a time when the legal profession has more women and attorneys of color than ever before, President Trump’s record on judicial diversity is truly appalling.

For the foregoing reasons, The Leadership Conference urges you to oppose the confirmation of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit. Thank you for your consideration of our views. If you have any questions or would like to discuss this matter further, please contact Mike Zubrensky, Chief Counsel, or Lena Zwarenstejn, Fair Courts Campaign Director, at (202) 466-3311.

Sincerely,



Vanita Gupta  
President & CEO

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<sup>48</sup> <https://www.kff.org/other/state-indicator/distribution-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>.

<sup>49</sup> *Id.*

<sup>50</sup> <https://www.usatoday.com/story/news/politics/2018/02/13/trumps-87-picks-federal-judges-92-white-just-one-black-and-one-hispanic-nominee/333088002/>.



United States Senate  
Washington, DC 20510

**Re: Oppose the judicial nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit.**

Dear Senator,

The League of Conservation Voters (LCV) believes our earth is worth fighting for because everyone has a right to clean air, water, lands, and a safe, healthy community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

We urge you to oppose the judicial nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit. Wilson is an extreme partisan ideologue with a long record of hostile and offensive writings, raising serious concerns about his ability to be an impartial jurist. In his frequent writings criticizing environmental protections, he accused the Environmental Protection Agency of being “unchecked and unaccountable,”<sup>1</sup> dismissed renewable energy as “unworkable,”<sup>2</sup> and glibly mocked efforts to reduce carbon emissions.<sup>3</sup>

LCV is committed to ensuring access to the polls for all eligible voters, and Wilson has repeatedly advocated for restrictive voter ID laws and criticized efforts to identify voter suppression.<sup>4</sup> Wilson used his writings to further perpetuate myths of widespread voter fraud, despite extensive research to the contrary. At a time when our nation needs to take immediate action to ensure our elections are safe and accessible in the midst of a health crisis, it is unacceptable to prioritize the nomination of a judge who has actively promoted restricting access to the ballot. This is especially problematic given Mississippi’s long record of voter suppression and intimidation.

Additionally, Wilson’s repeated and adolescent attacks against President Obama, progressive policies and those who support them reflect a lack of judicial temperament and maturity that is inconsistent with the high standards to which a federal judge should be held. His extreme and offensive beliefs have no place on the federal bench, and given his record it is clear that he would be unable and unwilling to serve fairly as a judge.

For these reasons, LCV strongly urges you to oppose the judicial nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit. We will consider including this confirmation vote in the 2020 *Scorecard*. If you need more information, please call my office at (202) 785-8683 and ask to speak with a member of our government relations team.

Sincerely,

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

Gene Karpinski  
President



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<sup>1</sup> Cory Wilson, *Government Gone Wild*, Madison County Journal, April 18, 2012, <http://onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Government-gone-wild/3/3/24972> (“Unchecked and unaccountable agencies like the EPA and the NLRB.”)

<sup>2</sup> Cory Wilson, *President Make Believe*, Mississippi PEP, June 20, 2013, <https://mississippipep.wordpress.com/2013/06/20/wilson-president-make-believe/amp/>.

<sup>3</sup> Cory Wilson, *Blessings*, Madison County Journal, Nov. 29, 2012, <https://afj.org/wp-content/uploads/2019/11/Wilson-Attachments-p160-161.pdf>.

<sup>4</sup> See Cory Wilson, *Voter ID and the IRS*, GulfLive, Cory Wilson, June 3, 2013, [https://www.gulflive.com/mississippi-press-opinion/2013/06/voter\\_id\\_and\\_the\\_irs\\_cory\\_t\\_wi.html](https://www.gulflive.com/mississippi-press-opinion/2013/06/voter_id_and_the_irs_cory_t_wi.html); *Hattiesburg puts finishing touches on divisive mayoral election sequel*, Press-Register, Oct. 2, 2013. <https://afj.org/wp-content/uploads/2019/11/Wilson-Attachments-p95-97.pdf>.



May 1, 2020

Senator Lindsey Graham  
United States Senate  
290 Russell Senate Office Building  
Washington, D.C. 20510

Senator Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

We write to oppose to the nomination of Cory Wilson to the Fifth Circuit Court of Appeals.

The NAACP Legal Defense & Educational Fund, Inc. (LDF) was founded in 1940 by Thurgood Marshall. It has been an entirely separate organization from the NAACP since 1957. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF's mission has always been transformative: to achieve racial justice, equality, and an inclusive society. LDF has been a pioneering force in our nation's quest for greater equality and will continue to advocate on behalf of African Americans, both in and outside of the courts, until equal justice for all Americans is attained.

***No Judicial Nominees Should be Advanced During this Crisis***

The COVID-19 pandemic has become one of the worst public health and economic crises the United States has ever faced. COVID-19 is having a catastrophic impact on life in the United States, with recent reports indicating that since the start of the pandemic more than 60,000 Americans have died, there have been more than 1 million confirmed cases,<sup>1</sup> and more than 30 million people have filed for

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<sup>1</sup> *Coronavirus in the U.S.: Latest Map and Case Count*, New York Times (last visited Apr. 30, 2020, 11:00am) <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

unemployment.<sup>2</sup> The coronavirus pandemic is disproportionately impacting black people. The CDC reports that, while Black people are only 12% of the U.S. population, we constitute 20% of all U.S. coronavirus deaths.<sup>3</sup> Additionally, 45% of Black workers have lost their jobs or had their hours cut due to the COVID-19 pandemic, compared to 31% of White workers.<sup>4</sup>

The U.S. Congress is faced with multiple critically important measures necessary to ensuring the protection and survival of millions of Americans whose jobs, health care, housing, and livelihood are threatened by the challenges raised by this health crisis. The Senate must prioritize the need to respond to the COVID-19 pandemic with measures that will support struggling Americans during this precarious period.

Alarming, the Senate has chosen to divert its attention from the emergency measures needed to protect Americans during this pandemic to prioritize the confirmation of judicial nominees. We urge the Senate to put on hold consideration of any judicial nominees until all measures associated with COVID-19 protections and support have been considered and voted on by the Senate.

***Cory Wilson’s Nomination to the Fifth Circuit Court of Appeals Should Not be Advanced***

It is further alarming that the administration would choose to advance a nominee whose record demonstrates clear hostility to the broad provision of health care and the democratic right of voting as these issues are particularly pertinent as we endure the current pandemic during a critical election cycle.

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<sup>2</sup> Emily Stewart and Christina Animashaun, *30 million Americans have lost their jobs in 6 weeks*, Vox (Apr. 30, 2020) <https://www.vox.com/covid-19-coronavirus-economy-recession-stock-market/2020/4/30/21241776/jobless-claims-unemployment-rate-april-coronavirus-economy>.

<sup>3</sup> *Provisional Death Counts for Coronavirus Disease (COVID-19): Data Updates by Select Demographic and Geographic Characteristics*, National Center for Health Statistics, Centers for Disease Control and Prevention, (last updated Apr. 28, 2020) [https://www.cdc.gov/nchs/nvss/vsrr/covid\\_weekly/](https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/)

<sup>4</sup> Danielle Kurtzleben, *Job Losses Higher Among People of Color During Coronavirus Pandemic*, National Public Radio (Apr. 22, 2020) <https://www.npr.org/2020/04/22/840276956/minorities-often-work-these-jobs-they-were-among-first-to-go-in-coronavirus-layo>

Moreover, a position on the federal judiciary is a lifetime commitment which requires impartiality, even temperament and the ability to apply the law in an unbiased manner. Mr. Wilson’s published writings and record as an elected official in the Mississippi state legislature demonstrate a clear bias and unwillingness to consider differing views. If confirmed to the Fifth Circuit Court of Appeals, any litigant advancing rights or arguments contrary to Mr. Wilson’s professed beliefs would be unable to trust that Mr. Wilson would fairly or impartially administer equal justice under the law.

We urge the committee to vote against the nomination of Cory Wilson to the Fifth Circuit Court of Appeals.

### ***Lack of Experience***

On October 15, 2019, the President nominated Mr. Wilson to the district court for the Southern District of Mississippi.<sup>5</sup> Not 6 months later, with his nomination to the district court still pending and without any significant change in experience, Mr. Wilson has now been nominated to the Fifth Circuit Court of Appeals.<sup>6</sup> Mr. Wilson’s level of experience fails to support his nomination to the District Court and is woefully lacking to support a nomination to the Court of Appeals.

Mr. Wilson currently serves as a judge on the Mississippi Court of Appeals having assumed that position just a little over a year ago in February of 2019.<sup>7</sup> His lack of experience is apparent in his responses to the Senate Judiciary Committee’s Questionnaire, wherein Mr. Wilson indicated that he has “not served as a trial judge...[and] has not presided over any cases.”<sup>8</sup> Mr. Wilson’s questionnaire also reveals that he has authored only 20 opinions during his time as a state court judge,

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<sup>5</sup> *Twenty-five Nominations and Three Withdrawals Sent to the Senate*, White House (Oct. 15, 2019) <https://www.whitehouse.gov/presidential-actions/twenty-five-nominations-three-withdrawals-sent-senate/>

<sup>6</sup> *President Donald J. Trump Announces Judicial Nominees*, White House (Mar. 30, 2020) <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-judicial-nominees-10/>

<sup>7</sup> *Judge Cory T. Wilson*, Administrative Office of Courts, State of Mississippi Judiciary (last visited Apr. 30, 2020) <https://courts.ms.gov/appellatecourts/coa/bios/judgeCoryWilson.php>

<sup>8</sup> *Responses to Senate Judiciary Committee Questionnaire*, <https://www.judiciary.senate.gov/imo/media/doc/Cory%20Wilson%20SJC%20-%20PUBLIC.pdf>

and “has not written any significant opinions on federal or state constitutional issues.”<sup>9</sup> Finally, Mr. Wilson estimates that over the course of his career he has tried only three cases to judgement.<sup>10</sup>

Furthermore, while Mr. Wilson received a rating of “Qualified” from the American Bar Association for his nomination to the district court,<sup>11</sup> a nomination to the Circuit Court is an entirely different position with separate and distinct qualifications. Circuit court judges are tasked with opining on complex litigation often involving dense constitutional analysis. We do not find Mr. Wilson’s experience consistent with the rigor and high standard required of a circuit court judge.

### ***Lack of Judicial Temperament***

The legitimacy of courts and judges derives confidence from the fact that decisions are grounded in the law and legal precedent and not influenced by politics and partisan ideology. Mr. Wilson’s record is so rife with partisan rhetoric that it would be impossible for litigants to trust him to be a fair and neutral arbiter of justice.

In 2012, responding to a comment from President Obama regarding the constitutionality of the Affordable Care Act (“ACA”), Mr. Wilson resorted to ad hominem attacks rather than engaging in a constitutional analysis of ACA. Specifically, Mr. Wilson wrote:

“I hope the [Supreme] Court checks Obama’s dangerous standard of what is constitutional: Obamacare ‘will be upheld because it should be upheld.’ A valid law is what King Barack says is a valid law. His comments Monday are a clear glimpse of Obama’s imperial mind.”<sup>12</sup>

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<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> *Ratings of Article III and Article IV Judicial Nominees, 116<sup>th</sup> Congress*, Standing Committee on the Federal Judiciary (last updated Apr. 8, 2020) [https://www.americanbar.org/content/dam/aba/administrative/government\\_affairs\\_office/webratingc\\_hart-trump116.pdf?logActivity=true](https://www.americanbar.org/content/dam/aba/administrative/government_affairs_office/webratingc_hart-trump116.pdf?logActivity=true)

<sup>12</sup> Cory Wilson, *Contempt of Court*, Madison County Journal (Apr. 5, 2012) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>.

He has also referred to President Obama as the “anointed one,”<sup>13</sup> a “radical leftist” and suggested supporters of President Obama should “put down the Kool-aid.”<sup>14</sup> Similarly, Mr. Wilson has made disparaging remarks about former Secretary of State Hillary Clinton, referring to her as “Crooked Hillary”<sup>15</sup> and “felony dumb or willfully ignorant.”<sup>16</sup> His unbridled hostility towards President Obama and Secretary Clinton is unbecoming of a federal judge and calls into question his ability to fairly review policies associated with President Obama or his administration.

Mr. Wilson’s disregard for legitimate political differences clearly extends to, and prejudices him against, entire groups of people. In a 2012 article, Mr. Wilson wrote that an “intellectually honest Democrat” was a “rare sighting,” “[an] exotic creature,” “a relic of days gone by” and “very seldom do they actually hold office.”<sup>17</sup> In July 2018, Mr. Wilson described remarks made by Democratic Congresswoman Alexandria Ocasio-Cortez, as “claptrap.”<sup>18</sup> These statements are recent and cannot be explained as merely political. Mr. Wilson’s remarks demonstrate a deep disrespect for the political opinions for those with whom he disagrees and a strong lack of dignity. Such language and views are incongruous with the high honor of a lifetime appointment to the federal judiciary.

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<sup>13</sup> Cory Wilson, *The Democrat’s new math*, Madison County Journal <https://afi.org/wp-content/uploads/2020/01/Wilson-Attachments-p176.pdf>.

<sup>14</sup> Cory Wilson, *Obamination*, Madison County Journal (May 30, 2013) <https://afi.org/wp-content/uploads/2020/01/Wilson-Attachments-p120.pdf>.

<sup>15</sup> Cory Wilson (@CoryWilsonMS), Twitter (Aug. 23, 2016, 3:40PM) <https://twitter.com/CoryWilsonMS/status/768171181052755968>.

<sup>16</sup> Cory Wilson (@CoryWilsonMS), Twitter (Sep. 7, 2016, 7:45AM) <https://twitter.com/CoryWilsonMS/status/773487358956171264>.

<sup>17</sup> Cory Wilson, *Lost equity*, Madison County Journal (May 24, 2012), <https://afi.org/wp-content/uploads/2020/01/Wilson-Attachments-p202-203.pdf>.

<sup>18</sup> Cory Wilson (@CoryWilsonMS), Twitter (Jul. 28, 2018, 12:56 PM) <https://twitter.com/CoryWilsonMS/status/1023250752104476673>.



### ***Mr. Wilson's hostility towards Voting Rights***

Mississippi has a notorious and well-documented history of voter suppression and intimidation.<sup>19</sup> Indeed, these issues still plague the state today.<sup>20</sup> Despite this well-established history, over the course of his career, Mr. Wilson has trivialized the severity of voter suppression and has worked to increase restrictions on voting. LDF has long opposed voter ID laws because of their disproportionate suppressive impact on voter turnout in communities of color.<sup>21</sup> LDF has litigated—and won—cases that have alleged such laws are discriminatory.<sup>22</sup> Mr. Wilson, however, has repeatedly dismissed evidence that voter ID laws could have any suppressive effect on voter turnout, describing these fears as “faux concern[s]” and part of a “hysterical liberal narrative.”<sup>23</sup> He has suggested that describing voter ID laws as voter suppression is

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<sup>19</sup> Gabriel Jackson Chin and Lori Wagner, *Reports on Voting*, U.S. Commission on Civil Rights, (2005). Available at SSRN:

<https://poseidon01.ssrn.com/delivery.php?ID=943123069103074088019109006099113030020017019079008048067087109089127116087095098126048032053025045113109016095126066114083022058047033053071066116114091095100039060010098068071112000096089111030114088016120065125088100013087005011007124112029006&EXT=pdf>; *Political Participation*, United States Commission on Civil Rights (May 1968)

<https://www2.law.umaryland.edu/marshall/usccr/documents/cr12p753.pdf>; *The Long Shadow of Jim Crow: Voter Intimidation and Suppression in America Today*, People for the American Way and the National Association for the Advancement of Colored People (date unknown)

<http://archive.fairvote.org/righttovote/PFAW-NAACP.pdf>; William Alexander Mabry, *Disfranchisement of the Negro in Mississippi*, *The Journal of Southern History* 4, no. 3 (Aug. 1938). Available at JSTOR [https://www.jstor.org/stable/2191292?read-now=1&seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/2191292?read-now=1&seq=1#page_scan_tab_contents).

<sup>20</sup> NAACP Legal Def. & Educ. Fund, *Democracy Defended: Analysis of Barriers to Voting in the 2018 Midterm Elections*, at 15-18 (Sep. 6, 2019), [https://www.naacpldf.org/wp-content/uploads/Democracy\\_Defended\\_9\\_6\\_19\\_final.pdf](https://www.naacpldf.org/wp-content/uploads/Democracy_Defended_9_6_19_final.pdf).

<sup>21</sup> *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, Brennan Center for Justice (2006) [http://www.brennancenter.org/sites/default/files/legacy/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf).

<sup>22</sup> In Texas, a trial court held that the state enacted its strict voter ID law with the purpose of discriminating against Black and Latinx voters (*Veasey v. Abbott*, No. 2:13-CV-193, 2017 WL 3620639 (S.D. Tex. Aug. 23, 2017)).

<sup>23</sup> *Id.*

akin to a “smear” or “tyranny”<sup>24</sup> and described vote suppression as “phony.”<sup>25</sup> Mr. Wilson has also inappropriately described organizations that engage in voter protection efforts as “rent-a-mobs.”<sup>26</sup> Moreover, in 2014, Mr. Wilson wrote an article ridiculing the U.S. Justice Department for sending election observers to Mississippi.<sup>27</sup> He wrote that the federal government, “might spend less time chasing agendas that aren’t there and more time investigating the voter fraud and other irregularities.”<sup>28</sup>

The right to vote, free from intimidation and coercion, is foundational to our democracy and must be treated as such. As an organization that has litigated voter ID laws across the country,<sup>29</sup> we find Mr. Wilson’s statements deeply troubling. Mr. Wilson’s flippant refusal to consider the real and discriminatory consequences of voter ID laws suggest he does not and will not take seriously issues of voter suppression and intimidation.

***Mr. Wilson’s legislative record demonstrates disdain for Supreme Court precedent***

Mr. Wilson has also repeatedly indicated a desire to overturn longstanding Supreme Court precedent. In a 2007 state candidate questionnaire, Mr. Wilson confirmed that he “supports the complete and immediate reversal of the *Roe v. Wade* and *Doe v. Bolton* decisions.”<sup>30</sup> Additionally, in a 2012 op-ed in support of the presidential candidacy of Mitt Romney, Mr. Wilson characterized the Supreme

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<sup>24</sup> Cory Wilson, *Voter ID and the IRS*, Madison County Journal (June 5, 2013) [www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Voter-ID-and-the-IRS/3/3/26729?s=1](http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Voter-ID-and-the-IRS/3/3/26729?s=1).

<sup>25</sup> Cory Wilson, *Suppressing Common Sense*, Madison County Journal (date of publication unknown) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p164.pdf>.

<sup>26</sup> Cory Wilson, *Suppressing the Truth*, Madison County Journal (Feb. 1, 2012) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-the-truth/3/3/24665?s=1>.

<sup>27</sup> Cory Wilson, *Hattiesburg puts finishing touches on divisive mayoral election sequel*, Mobile Press Register (Oct. 02, 2013) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p95-97.pdf>.

<sup>28</sup> Id.

<sup>29</sup> *Veasey v. Abbott*, 830 F. 3d 216 (5th Cir. 2016) (en banc); *Greater Birmingham Ministries v. Merrill*, 250 F. Supp. 3d 1238 (N.D. Ala. 2017); Amicus Curiae Brief by NAACP LDF, et al., *Martin v. Kohls*, 2014 WL 4950020 (Aug. 11, 2014).

<sup>30</sup> Cory Wilson, Mississippi Right to Life 2007 Candidate Questionnaire, (Jun. 13, 2007) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p489-493.pdf>.

Court’s decision in *Roe v. Wade* as being “the result of a liberal activist court.”<sup>31</sup> Mr. Wilson’s pledged support of the complete and immediate reversal of established Supreme Court precedent is inherently disqualifying. All lower court judges are bound to follow and faithfully apply the precedent set forth by the Supreme Court, yet Mr. Wilson’s record indicates a desire to reject that duty. As such, he has no place in the federal judiciary.

Mr. Wilson’s record as a Mississippi state representative underscores his commitment to the reversal of *Roe v. Wade*. Throughout his legislative career, Mr. Wilson repeatedly voted to restrict or circumvent the decision reached by the Supreme Court in *Roe v. Wade*. From 2016 to 2019, Mr. Wilson voted for at least 3 bills that sought to criminalize abortion.<sup>32</sup> Additionally, as a Mississippi State Representative, Mr. Wilson signed an amicus brief<sup>33</sup> in *Whole Woman’s Health v. Hellerstedt* in support of Texas’s medically unnecessary restrictions for abortion providers (later found to be unconstitutional by the Supreme Court).<sup>34</sup>

Mr. Wilson’s record also indicates an explicit hostility to the Affordable Care Act, and the Supreme Court’s decision in *National Federation of Independent Business v. Sebelius*, providing a clear picture of the agenda he would pursue as a federal judge.<sup>35</sup> In a 2012 Op-ed, Mr. Wilson called on the Supreme Court to strike down the ACA “for the sake of the Constitution.”<sup>36</sup> In a 2014 Madison County Journal article, Mr. Wilson described the passage of the ACA as “perverse or illegitimate”

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<sup>31</sup> Cory Wilson, *My vote is with Romney*, Madison County Journal (Mar. 8, 2012) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p228.pdf>.

<sup>32</sup> Mississippi Unborn Child Protection from Dismemberment Abortion Act, H.B. 519, Mississippi Legislature Regular Session (2016) <http://billstatus.ls.state.ms.us/2016/pdf/history/HB/HB0519.xml>; Gestational Age Act, H.B. 1510, Mississippi Legislature Regular Session (2018) <http://billstatus.ls.state.ms.us/2018/pdf/history/HB/HB1510.xml>; An Act to Create New Section 41-41-34.1, H.B. 732, Mississippi Legislature Regular Session (2019) <http://billstatus.ls.state.ms.us/2019/pdf/history/HB/HB0732.xml>.

<sup>33</sup> Amicus Brief of More Than 450 Bipartisan and Bicameral state legislators and lieutenant governors in support of the Respondents and Affirmance of the Fifth Circuit, *Whole Woman’s Health v. Hellerstedt*, No. 15-274, <https://www.scotusblog.com/wp-content/uploads/2016/02/15-274-bsac-BipartisanBicameral-StateLegislators.pdf>

<sup>34</sup> *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (2016).

<sup>35</sup> *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012).

<sup>36</sup> Cory Wilson, *Obama’s day of reckoning*, Madison County Journal (date of publication unknown) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p193.pdf>.

because it passed without any Republican votes.<sup>37</sup> That logic is indeed concerning, and if applied broadly would render countless laws illegitimate. Nowhere in the Constitution does it specify that a law must pass with votes from both or all parties represented in Congress. The invention of such a standard to buoy political beliefs is inconsistent with the rule of law.

During his nomination hearing, Mr. Wilson declined to answer questions regarding the accuracy of these Supreme Court decisions stating “I don’t think it’s appropriate for a sitting judge or a nominee to express thumbs up or thumbs down on Supreme Court precedent. My job is to apply it faithfully.”<sup>38</sup> Despite this recent proclamation, we are unconvinced that Mr. Wilson will put aside his long held personal beliefs and adhere to laws which he has previously derided as perverse or illegitimate.

### ***Conclusion***

Mr. Wilson’s views are not consistent with respect for diversity of opinion, civil rights or Supreme Court precedent. Moreover, Mr. Wilson has failed to provide sufficient reason to believe he could rule without bias or prejudice as a judge. Each United States federal judge plays a critical role in upholding the Constitution and

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<sup>37</sup> Cory Wilson, *ACA: Big, intrusive government*, Madison County Journal (Feb. 20, 2014) <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>.

<sup>38</sup> Senate Judiciary Committee Hearing, 116<sup>th</sup> Cong. (Jan. 8, 2019) at 01:27:35 <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations>.



other laws of this country. Mr. Wilson does not have the appropriate experience nor does he meet the requirements of impartiality and respect necessary to be a federal judge. For the foregoing reasons, we urge the Senate Committee on the Judiciary to oppose the nomination of Cory Wilson to the Fifth Circuit Court of Appeals.

Sincerely,

Sherrilyn Ifill  
President-Director Counsel  
NAACP Legal Defense & Educational Fund  
40 Rector Street  
5th Floor  
New York, NY 10006  
sifill@naacpldf.org

cc: Members of the Senate Judiciary Committee



**Washington, D.C.  
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May 5, 2020

Senator Lindsey Graham  
Chairman Ranking Member  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C., 20510

Senator Dianne Feinstein  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C., 20510

**National  
Headquarters  
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Tel: 213.629.2512

**RE: Oppose Nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit**

Dear Chairman Graham and Ranking Member Feinstein:

I write on behalf of MALDEF (Mexican American Legal Defense and Educational Fund) to urge you to oppose the confirmation of Cory Wilson to the United States Court of Appeals for the Fifth Circuit. Founded in 1968, MALDEF is the nation’s leading Latino legal civil rights organization. Often described as the “law firm of the Latino community,” MALDEF promotes social change in the areas of voting rights, education, employment, and immigrants’ rights.

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The Fifth Circuit Court of Appeals — including the states of Texas, Mississippi, and Louisiana — is the circuit with the highest population of Latinos at 32 percent and the highest population of people of color at 55 percent. As recently as 2012, there were three active Latino judges on the Fifth Circuit, but today there are zero and only three of sixteen active judges on the Fifth Circuit are non-White. The President and the Senate — through its role in advice and consent — should nominate and confirm judges to reflect the diverse racial, ethnic, and cultural background of the people of the Fifth Circuit, or at the very least nominate and confirm judges who have a record of advancing equality and opportunity for the diverse people of the Fifth Circuit. Instead, the Trump Administration nominated Cory Wilson, a man who has spent over a decade advocating for policies that limit the right to vote for underrepresented communities, as well as reproductive rights and LGBTQ rights. Judges must be neutral arbiters of the law, but Mr. Wilson’s record shows he is not qualified to sit on the United States Court of Appeals for the Fifth Circuit.

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**I. Voting Rights**

MALDEF has long opposed photographic voter-identification (“voter ID”) requirements because they disproportionately suppress Latino voter turnout.<sup>1</sup> During

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<sup>1</sup> Erin Hustings, Terry Ao Minnis, & Andrea Senteno, *Practice-Based Preclearance: Protecting Against Tactics Persistently Used to Silence Minority Communities’ Votes*, MALDEF, 39 (Nov. 2019) <https://www.maldef.org/wp-content/uploads/2019/11/KPC-VRA-Report-Final-191104.pdf>; *Latinos and the VRA: A Modern Fix for Modern-Day Discrimination*, MALDEF, 10 [https://www.maldef.org/assets/pdf/Latinos\\_and\\_the\\_VRA.pdf](https://www.maldef.org/assets/pdf/Latinos_and_the_VRA.pdf). MALDEF has even brought a recent case on voter ID within the Fifth Circuit

Cory Wilson's time as the Mississippi Deputy Secretary of State, the office sponsored a successful ballot initiative to institute voter ID within the state.<sup>2</sup> According to Mr. Wilson, he worked on and supported the voter ID initiative at the time.<sup>3</sup> After his time with the Mississippi Secretary of State, Mr. Wilson wrote op-eds supporting the voter ID initiative. He repeatedly dismissed the well documented concept that voter ID could discriminate against minority voters,<sup>4</sup> and repeatedly used quotes around the term voter suppression.<sup>5</sup> He called concerns that voter ID could have a suppressive effect "faux concern[s]" and a "hysterical liberal narrative."<sup>6</sup> He called the description of voter ID as voter suppression a "smear" and "tyranny."<sup>7</sup> He argued that the "only votes suppressed by voter ID are illegal votes."<sup>8</sup> There are 21 million American citizens, otherwise eligible to vote, who do not have current or valid government-issued photo identification.<sup>9</sup> Studies show that Latinos and African Americans are less likely to have access to valid photo ID when compared to the general population.<sup>10</sup> The use of voter ID is a well-documented tactic used to discriminate against minority voters.<sup>11</sup>

Mr. Wilson also opposes other important issues in voting rights. He condemned the Justice Department for sending poll monitors to ensure underrepresented communities are able to exercise their constitutional right to vote in a jurisdiction with a history of discrimination.<sup>12</sup> He argued against Mississippi absentee voting laws saying, without citation, that they "may be the biggest source of abuse and fraud."<sup>13</sup> He has also mocked those who criticize the restriction of early voting as voter suppression, writing: "Florida's voter law reduces the number of days for early voting from 14 to eight [sic]. . . . Oh, the outrage. With

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<sup>2</sup> *Mississippi Voter Identification Amendment - Initiative 27 (2011)*, BALLOTPEDIA, [https://ballotpedia.org/Mississippi\\_Voter\\_Identification\\_Amendment\\_Initiative\\_27\\_\(2011\)](https://ballotpedia.org/Mississippi_Voter_Identification_Amendment_Initiative_27_(2011)); Wilson reported himself as the "Deputy Secretary of State/Chief of Staff" in his questionnaire to the Senate Judiciary committee from "2008 to 2011" but reported himself as the former "Chief of Staff for Secretary of State Delbert Hosemann" on January 26, 2011. Cory Wilson, *Questionnaire for Judicial Nominees*, SENATE JUDICIARY COMMITTEE <https://www.judiciary.senate.gov/imo/media/doc/Cory%20Wilson%20SJQ%20-%20PUBLIC.pdf>; Cory Wilson, *Let the races begin*, MADISON COUNTY JOURNAL (Jan. 26, 2011) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Let-the-races-begin/3/3/23295?s=1>.

<sup>3</sup> Cory Wilson, *Suppressing Common Sense*, MADISON COUNTY JOURNAL (Nov. 1, 2012) ("I can say from personal experience that a lot of thought went into making voter ID fair, workable, and affordable for every Mississippi voter.") <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-common-sense/3/3/25743?s=1>.

<sup>4</sup> *Id.* ("The Democratic line is that voter ID is a solution in search of a problem, that there are no cases of voter fraud that ID would prevent. The Rachel Maddows of the media world have joined the chorus of 'voter suppression' right on cue from Team Obama. This is as phony as the 'war on women.'"); Cory Wilson, *Ensuring the integrity of the vote*, MADISON COUNTY JOURNAL (Sept. 19, 2013) <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p98-99.pdf>.

<sup>5</sup> Cory Wilson, *Suppressing Common Sense*, MADISON COUNTY JOURNAL (Nov. 1, 2012) ("Attorney General Eric Holder has made clear that he views voter ID as 'voter suppression' on the part of dastardly Republicans. . . . The only votes we were interested in 'suppressing' were the illegal ones. . . . This week, as President Obama showed his ID to vote in Chicago (that paragon of clean elections), new evidence emerged about just what kind of 'suppression' might occur with ID requirements. . . .") <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-common-sense/3/3/25743?s=1>.

<sup>6</sup> *Id.*

<sup>7</sup> Cory Wilson, *Voter ID and the IRS*, MADISON COUNTY JOURNAL (June 5, 2013) ("They [Attorney General Holder and the Obama Administration] smear anyone who simply wants fair and clean elections as seeking to use neutral voter identification at the polls to suppress votes. Isn't that ironic? Or is "tyranny" the better word?") [www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Voter-ID-and-the-IRS/3/3/26729?s=1](http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Voter-ID-and-the-IRS/3/3/26729?s=1).

<sup>8</sup> Cory Wilson, *Only Votes Suppressed by Voter ID are Illegal Votes*, MISSISSIPPI PEP (Nov. 3, 2012) <https://mississippipep.wordpress.com/2012/11/03/wilson-only-votes-suppressed-by-voter-id-are-illegal-votes/>.

<sup>9</sup> *Citizens without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, BRENNAN CENTER (2006) [http://www.brennancenter.org/sites/default/files/legacy/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf).

<sup>10</sup> Erin Hastings, Terry Ao Minnis, & Andrea Senteno, *Practice-Based Preclearance: Protecting Against Tactics Persistently Used to Silence Minority Communities' Votes*, MALDEF, 34 (Nov. 2019) <https://www.maldef.org/wp-content/uploads/2019/11/KPC-VRA-Report-Final-191104.pdf>.

<sup>11</sup> *Id.*

<sup>12</sup> Cory Wilson, *Hattiesburg puts finishing touches on divisive mayoral election sequel*, MOBILE PRESS REGISTER (Oct. 2, 2013) <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p95-97.pdf>.

<sup>13</sup> Cory Wilson, *Reforming Mississippi Elections*, MADISON COUNTY JOURNAL (Jan. 15, 2014) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-the-truth/3/3/24665?s=1>. He also admitted on Twitter that in college in Mississippi he "spent many an hour getting students to vote absentee." Cory Wilson (@CoryWilsonMS), Twitter (Oct. 24, 2014, 10:44 AM) <https://twitter.com/CoryWilsonMS/status/525659126165409792>. See also Cory Wilson, *Questionnaire for Judicial Nominees*, SENATE JUDICIARY COMMITTEE (listing his only undergraduate university as the University of Mississippi) <https://www.judiciary.senate.gov/imo/media/doc/Cory%20Wilson%20SJQ%20-%20PUBLIC.pdf>.

evil like this afoot, the ACLU and other rent-a-mobs naturally will join the hunt. . . .”<sup>14</sup> Mr. Wilson mocked very real concerns about efforts to restrict access to voter registration and voting, and disparaged civil rights organizations as “rent-a-mobs” for wanting to protect access to the ballot for our clients, communities, and the American public. These are not the words or actions of a judge that MALDEF and our clients can trust to be impartial in one of our most important organizational priorities. Mr. Wilson cannot be entrusted with a lifetime appointment to the Fifth Circuit Court of Appeals.

## II. LGBTQ Rights

Mr. Wilson’s record also shows that LGBTQ Americans cannot trust him to be impartial when addressing LGBTQ issues. He publicly opposes gay marriage calling it “such a fringe idea that [he thought] it would never merit serious consideration.”<sup>15</sup> He has called gay marriage “radical” and “a pander to liberal interest groups.”<sup>16</sup> He also supported Mississippi House Bill 1523, one of the nation’s most extreme anti-LGBTQ laws, which permits Mississippians to refuse service to LGBTQ people and people who have sex outside of marriage in a range of government services including the issuance of marriage licenses.<sup>17</sup>

## III. Reproductive Justice

Mr. Wilson’s record also shows that he opposes Supreme Court precedent on reproductive rights. He supports “the complete and immediate reversal of . . . *Roe v. Wade*.”<sup>18</sup> He signed an amicus brief in *Whole Woman’s Health v. Hellerstedt* in support of Texas’s restrictive abortion law that required doctors at abortion providers to get admitting privileges at local hospitals unlike other out-patient providers and would require abortion providers to close; the Supreme Court later held that this practice violated the Constitution.<sup>19</sup> He argued that the Affordable Care Act’s contraception coverage was an “assault on religious faith . . . signaling freedom is at stake.”<sup>20</sup> He supported Mississippi House Bill 732, which would have prohibited abortion after six weeks, before many women know that they are pregnant.<sup>21</sup>

## IV. Judicial Temperament

Mr. Wilson has a long history of disrespectful behavior toward many groups and advocates who will inevitably litigate before the Fifth Circuit Court of Appeals. His rhetoric demonstrates that he is biased against civil rights organizations and their clients.<sup>22</sup> He condemned the Southern Poverty Law Center for labeling the anti-LGBTQ Family Research Council a hate group.<sup>23</sup> He described what he called the “gay

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<sup>14</sup> Cory Wilson, *Suppressing the Truth*, MADISON COUNTY JOURNAL (Feb. 1, 2012) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-the-truth/3/3/24665?s=1>.

<sup>15</sup> Cory Wilson, *A Brave New World*, MADISON COUNTY JOURNAL (May 8, 2013) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-A-brave-new-world/3/3/26601?s=1>.

<sup>16</sup> Cory Wilson, *When Tolerance Is Really ‘Zero Tolerance’*, MOBILE PRESS REGISTER (June 1, 2012) (“Like the imagined ‘war on women’ and Bain Capital, gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted.”) <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p200-201.pdf>.

<sup>17</sup> Protecting Freedom of Conscience from Government Discrimination Act, Miss. H.B. 1523 (2016) <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0460003.pdf>.

<sup>18</sup> Cory Wilson, *State Candidate Questionnaire*, MISSISSIPPI RIGHT TO LIFE (2007) <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p489-493.pdf>.

<sup>19</sup> Amicus Brief in support of the Respondents and Affirmance of the Fifth Circuit, *Whole Woman’s Health v. Hellerstedt*, No. 15-274, <https://www.scotusblog.com/wp-content/uploads/2016/02/15-274-bsac-BipartisanBicameral-StateLegislators.pdf>.

<sup>20</sup> Cory Wilson, *It’s About Freedom*, MADISON COUNTY JOURNAL (Feb. 22, 2012) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-It-s-about-freedom/3/3/24755?s=1>.

<sup>21</sup> *HB 732 - Prohibits Abortion After a Fetal Heartbeat is Detected*, VOTE SMART (Feb. 13, 2019) <https://votesmart.org/bill/votes/66364>.

<sup>22</sup> See e.g. Cory Wilson, *Suppressing the Truth*, MADISON COUNTY JOURNAL (Feb. 1, 2012) (mocking the concept of voter discrimination and stating “[w]ith evil like this afoot, the ACLU and other rent-a-mobs naturally will join the hunt . . .”.) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-the-truth/3/3/24665?s=1>.

<sup>23</sup> Cory Wilson, *The Shootings You Never Hear About*, MADISON COUNTY JOURNAL (Aug. 22, 2012) (he further called the Family Research Council “a perfectly legitimate Christian organization.”) <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-The-shootings-you-never-hear-about/3/3/25439?s=1>. Cf. *Family Research Council*, SPLC (quoting FRC: “Family Research Council believes that homosexual conduct is harmful to the persons who engage in it and to society at large, and can never be affirmed. It is by definition unnatural, and as such is associated with negative physical and psychological health effects.” “One of the primary goals of the homosexual rights movement is to abolish all age of consent laws and to eventually recognize pedophiles as the ‘prophets’ of a new sexual order.” “We believe the evidence shows . . . that relative to the size of their population, homosexual men are more likely to engage in child sexual abuse than are heterosexual men.”) <https://www.splcenter.org/fighting-hate/extremist-files/group/family-research-council>.

rights lobby” as “trolling” when they opposed a Mississippi state lawmaker for calling gay marriage morally wrong.<sup>24</sup> He called gay rights activists “culture warriors” who demand “unconditional surrender.”<sup>25</sup> He called the mayor of a major American city a “twit” for supporting the rights of LGBTQ persons.<sup>26</sup> He called a woman member of Congress a “claptrap” for supporting a change in the tax code.<sup>27</sup> He called the Affordable Care Act, which protects access to healthcare for millions of Americans with preexisting conditions, “perverse” and “illegitimate,” in part because it passed without votes from the opposing party.<sup>28</sup> By this logic, many laws and sitting judges would be perverse and illegitimate as well.<sup>29</sup> He even falsely argued that the ACLU is waging a war on Christmas.<sup>30</sup> These are not the words or actions of an unbiased federal judge.

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Our judicial system depends on judges being neutral arbiters of the law. When a person goes before a judge, they should be able to trust that the judge will impartially weigh the law and the facts, and come to an unbiased conclusion. Cory Wilson’s record shows that he is incapable of being a federal judge. **We strongly urge you to vote “no” on all votes regarding the nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit.** If you have any questions regarding this letter, please contact me at [afernandez@maldef.org](mailto:afernandez@maldef.org). Thank you for your time and consideration.

Sincerely,

Adam Fernandez  
MALDEF Legislative Staff Attorney

CC: Members of the Senate Committee on the Judiciary

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<sup>24</sup> See e.g. Cory Wilson, *When Tolerance Is Really ‘Zero Tolerance’*, MOBILE PRESS REGISTER (June 1, 2012) (“Like the imagined ‘war on women’ and Bain Capital, gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted. . . . ‘the idea of homosexual marriage was so beyond seriousness that I thought it could never happen. I soon came to see that ‘tolerance,’ as that term is used by liberals, really means zero tolerance for traditional, religious or conservative views.”) <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p200-201.pdf>.

<sup>25</sup> *Id.*

<sup>26</sup> Cory Wilson, *When Tolerance Is Really ‘Zero Tolerance’*, MOBILE PRESS REGISTER (June 1, 2012) (“The Mayor of Washington, a city with far bigger problems than chicken sandwiches, nonetheless has taken to Twitter to refer to Chick-fil-A as ‘hate chicken.’ ‘Twit’ may be more apropos.”) <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p200-201.pdf>.

<sup>27</sup> Cory Wilson (@CoryWilsonMS), Twitter (Jul. 28, 2018, 12:56 PM) <https://twitter.com/CoryWilsonMS/status/1023250752104476673>.

<sup>28</sup> Cory Wilson, *ACA: Big, Intrusive Government*, MADISON COUNTY JOURNAL (Feb. 19, 2014).

<sup>29</sup> See e.g. *Nomination of Andrew S. Oldham to the Fifth Circuit Court of Appeals*, P.N. 1625, 115th Cong. (Jul. 18, 2018) (noting that sitting Judge Oldham, who would be Mr. Wilson’s colleague on the Fifth Circuit if he were confirmed, was confirmed by a party line 50-49 vote) [https://www.senate.gov/legislative/LIS/roll\\_call\\_lists/roll\\_call\\_vote\\_cfm.cfm?congress=115&session=2&vote=00160](https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=115&session=2&vote=00160).

<sup>30</sup> Cory Wilson, *Blessings*, MADISON COUNTY JOURNAL (Nov. 28, 2012).

<http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Blessings/3/3/25862?s=1>. Cf. Fran Quigley, *How the ACLU Didn’t Steal Christmas*, ACLU <https://www.aclu.org/other/how-aclu-didnt-steal-christmas>.



# NAACP

May 5, 2020

The Honorable Lindsey Graham  
Chairman, Senate Judiciary Committee  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
Ranking Member, Senate Judiciary Committee  
152 Dirksen Senate Office Building  
Washington, DC 20510

**RE: OPPOSITION TO CONFIRMATION OF CORY WILSON TO THE  
U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT**

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I strongly urge you to oppose the confirmation of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit.

As a longtime resident of Mississippi, I know from personal experience that the federal courts in Mississippi are of vital importance to the NAACP and the larger civil rights community. Mississippi has the highest percentage of African-American residents—38%—of any state. Its federal courts have always been crucial to the progress of civil rights. For example, the first [case](#) brought by the Justice Department after President Johnson signed the Voting Rights Act of 1965 was filed in Mississippi, challenging the state's poll tax.

The Fifth Circuit Court of Appeals has an incredible civil rights legacy. During the civil rights movement, judges serving on the Fifth Circuit became the "Unlikely Heroes," as Jack Bass's iconic book called them, who courageously enforced the Supreme Court's ruling in *Brown v. Board of Education* in the face of massive resistance and grave personal danger. Committed to the rule of law, these judges extended the principles of *Brown* to desegregate public institutions of all types throughout the South.

For decades, the NAACP has fought to ensure that judicial nominees to the Fifth Circuit are diverse, fair, independent, and committed to the progress our nation has made in civil rights. The Fifth Circuit remains critically important today. The three states comprising the Fifth Circuit—Mississippi, Louisiana, and Texas—have the largest percentage of persons of color of any circuit in the country. As a result, the Fifth Circuit presides over a tremendous number of civil rights cases involving voting rights, equal educational opportunity, employment discrimination, fair housing, environmental justice, and the criminal justice system, including the death penalty. Its residents are entitled to fair and impartial judges at all times, regardless of who is president and who is serving in Congress.

Given this history and context, Cory Wilson is completely unfit to serve on the Fifth Circuit. His record bears all the hallmarks of a dangerous and intemperate ideologue, who cannot be fair and impartial in voting rights cases and other important civil rights cases on this docket. The Senate must not confirm him.

### **NO MORE JUDICIAL CONFIRMATIONS**

As a threshold matter, the Senate should refuse to consider all of Donald Trump’s judicial nominations in this time of crisis. The nation is now engaged in a herculean struggle against a worldwide, once-in-a-century pandemic. Shockingly, the United States just surpassed more than one million confirmed cases of coronavirus. And, tragically, more than 60,000 American lives have been lost. The President and the Senate must focus their complete and undivided attention on saving the lives and livelihoods of the American people. No other course of action is remotely acceptable. The country desperately needs Congress to do everything within its power to help stem the harm from this deadly disease and move the nation forward with an equitable recovery. The country does not need any more Trump judges. It certainly does not need Cory Wilson confirmed to the Fifth Circuit during this extraordinary moment of crisis.

Additionally, the Senate should halt consideration of all circuit court nominations this late in the presidential term. The Senate has already confirmed 51 circuit court appointments by Donald Trump. This is in stark contrast to the Senate’s actions toward President Barack Obama where the Senate confirmed only 55 of his circuit court nominees in eight years and refused to confirm many more—including multiple nominees of color—in his last year in office. In the final year of President Obama’s presidency, Senate Majority Leader Mitch McConnell allowed confirmation of only one circuit nominee, Judge Luis Restrepo who was confirmed to the Third Circuit in January 2016. Majority Leader McConnell also notoriously refused to move President Obama’s nomination of Merrick Garland to the Supreme Court, made on March 16, 2016, relying on the theory that the voters should decide who fills a vacancy occurring in an election year. If the Senate were to follow its own practices, confirmation of Trump’s appellate nominees should end now.

### **LACK OF JUDICIAL DIVERSITY**

The NAACP objects to Cory Wilson’s nomination in particular because it represents a powerful strike against the judicial diversity of the Fifth Circuit. We continue to be gravely concerned about the lack of racial and ethnic diversity among Trump’s nominations to the Fifth Circuit. Cory Wilson is a white male. Although the Fifth Circuit has the highest percentage of residents of color, five of President Trump’s six appointees to this court are white. The court has no active Hispanic representation for the first time in decades. This refusal to diversify appointments to the Fifth Circuit is part of an extremely disturbing pattern in Trump’s judicial selections overall. He has nominated 37 white males to the appellate courts but has refused to nominate even one African American. As a result, our federal courts are losing diverse representation in historic proportion, which diminishes the public’s trust and confidence in the judiciary.

### **OPPOSED VOTING RIGHTS**

Cory Wilson’s abysmal record on voting rights renders him wholly unfit to serve on the Fifth Circuit. Wilson is the latest example of Donald Trump’s effort to pack the courts with individuals who support voter suppression. Judicial selection is a central feature of this administration’s assault on voting rights which has occurred on multiple fronts—from failing to enforce the Voting Rights Act to standing up a sham voter fraud commission to attempting to insert a citizenship question on the 2020 Census. As the NAACP’s [report](#) “Weaponizing the Bench to Suppress the Vote” demonstrates, many of Trump’s judicial nominees have

defended or enabled voter suppression. Trump's installation of Article III judges who will undermine voting rights will be a lasting legacy. We cannot allow this president to pack the courts with those who would restrict the vote. These are lifetime strikes against our democracy.

The nomination of Cory Wilson to the Mississippi seat on the Fifth Circuit is particularly offensive. Mississippi's voters of color have struggled more than most to obtain and retain the franchise. These obstacles, including efforts to suppress the vote, have resulted in representation that does not reflect the rich diversity of the state's population. Mississippi has the highest share of African-American residents of any state but has not elected a Black candidate to statewide office since Reconstruction. Nominated to sit on the federal appellate court for Mississippi, Cory Wilson is singularly unsuited to hear voting rights cases filed in this circuit. The personal animosity he has shown toward many facets of voting rights protections disqualifies him from the federal bench. That Donald Trump wants to place Cory Wilson on a federal appellate court seat from Mississippi is no accident. This is as intentional as it gets.

Cory Wilson has used his experience in voting and election matters to oppose free and full exercise of the franchise for communities of color. He served as Deputy Secretary of State and Chief of Staff to Secretary of State Delbert Hosemann for the State of Mississippi from 2008 to 2011. In this position, he [managed](#) day-to-day operations and was engaged in policymaking in election administration during a critical time for voting rights in Mississippi. Mr. Hosemann served as Secretary of State from 2008 to 2020 where he was the defendant in several voting rights cases, including a [challenge](#) to the ban against voting by previously incarcerated individuals, a [challenge](#) to requiring proof of citizenship for naturalized citizens when registering to vote, and a recent [case](#) alleging that Mississippi's Constitution prevents statewide election of Black candidates by virtue of the requirement that statewide candidates win a majority of the popular vote and a majority of state House districts. Cory Wilson also litigated election cases as a private attorney.

During Cory Wilson's tenure with the Mississippi Secretary of State, the office [sponsored](#) a voter ID petition, which met the signature requirement and eventually appeared on the November, 2011 general election ballot. Known as Initiative 27, it amended the Mississippi Constitution to require voters to submit a government-issued photo identification before being allowed to vote. There is every reason to believe Cory Wilson was deeply involved in this effort. He later wrote several op-eds defending the voter ID measure, including [one](#) in which he stated: "I can say from personal experience that a lot of thought went into making voter ID fair, workable, and affordable for every Mississippi voter." He also [wrote](#), "Bloated voter rolls are a problem in Mississippi. Removing long-gone voters from the rolls was a focus during Secretary of State Delbert Hosemann's first term. I participated in the hard push for real progress while I was Delbert's Deputy, but the problem persists. It also shows why voter ID is important. Without ID, anyone can show up for a person on the rolls."

The voter ID amendment was [approved](#) by Mississippians with 62% support. Because Section 5 of the Voting Rights Act was still in effect, the measure was [submitted](#) to the Department of Justice for preclearance. Mississippi Secretary of State Delbert Hosemann [defended](#) the measure by stating: "The Supreme Court has ruled that voter ID is constitutional, and we believe that Mississippi's plan for implementing voter ID will be constitutional as well." The Mississippi NAACP, which I headed at the time, and the ACLU [asked](#) the Justice Department to reject the measure because it would prevent African Americans from exercising their right to vote. While the measure was under consideration by the Justice Department, the Supreme Court issued *Shelby County v. Holder*, which gutted the protection of Section 5 and [cleared](#) the way for Mississippi to use the voter ID requirement in 2014.

In 2012, shortly after his tenure ended with the Mississippi Secretary of State, Cory Wilson published a scathing [op-ed](#), “Suppressing Common Sense,” that was extraordinarily dismissive of efforts to protect voting rights. In it, Wilson demonstrated his strong support for voter ID laws and questioned whether “voter suppression,” which he repeatedly placed in quotes, truly exists. Wilson wrote that he never had to justify the voter ID requirement as necessary when he served as Deputy Secretary of State because “it was all but an assumption that [it was]. That assumption is held by a huge majority of the people.” This may be the case for white Mississippians, but he ignored the law’s devastating impact on hundreds of thousands of Black Mississippians disproportionately burdened by this requirement. He then complained that the law was not “finally in place,” not because of its potential for discrimination, but because of the “Obama Justice Department.” He wrote:

“Attorney General Eric Holder has made clear that he views voter ID as ‘voter suppression’ on the part of dastardly Republicans. The DOJ, with some help from our own Attorney General Jim Hood, has slow-pedaled consideration of Mississippi’s law. Earlier this fall, the DOJ asked for ‘more information’ to determine whether the law has a discriminatory effect. That new request puts any final decision well past November 6.

But the Obama DOJ is fighting voter ID provisions in Texas, South Carolina, and even Pennsylvania, which is a state not subject to the ‘preclearance’ (i.e., advance approval by the feds) requirement of the Voting Rights Act. The Democratic line is that voter ID is a solution in search of a problem, that there are no cases of voter fraud that ID would prevent. The Rachel Maddows of the media world have joined the chorus of ‘voter suppression’ right on cue from Team Obama. This is as phony as the ‘war on women.’ During my three years at the Secretary of State’s office, we had more than a few calls and substantiated cases of voter impersonation, dead people who came back to vote one last time, and other forms of cheating. The only votes we were interested in ‘suppressing’ were the illegal ones...Voter ID is part of ensuring cleaner elections.”

In another [op-ed](#) after his tenure with the Secretary of State, entitled “Suppressing the Truth,” Cory Wilson criticized a Senate Judiciary Committee hearing in Florida addressing a recent voter suppression law: “What are the outrages for which [Senator] Durbin is spending your money to stage show hearings? Florida’s voter law reduces the number of days for early voting from 14 to eight, restricts the ability of voters to change their addresses at the polls, and imposes tough new guidelines for voter-registration drives and penalties for those who violate them. Oh, the outrage.” Wilson then attacked national civil rights organizations, such as the NAACP, which challenge voting rights violations: “With evil like this afoot, the ACLU and other rent-a-mobs naturally will join the hunt for the GOP bogeyman, by whatever means.” He also criticized the Help America Vote Act (HAVA) as a law that “imposed top down, federal largesse and federal mandates about how elections must be conducted.”

In a 2013 [op-ed](#), entitled “Voter ID and the IRS,” Cory Wilson railed against the Department of Justice for using voting rights laws to challenge voter ID requirements. Again, he championed Mississippi’s voter ID law as the “clearest expression of the popular will.” He called it a “common-sense measure aimed at ensuring fair elections,” and lamented that the Department of Justice was responsible for it not taking effect. He criticized Attorney General Eric Holder’s argument against voter ID as “a whine” about an “orchestrated effort by Republicans to suppress poor and minority voting.” He stated that “there really is voting fraud,” and he accused the Obama administration of retaliating against citizens who attempted to expose voter

fraud: “They smear anyone who simply wants fair and clean elections as seeking to use neutral voter identification at the polls to suppress votes. Isn’t that ironic? Or is ‘tyranny’ the better word.”

In another [op-ed](#), “Ensuring the Integrity of the Vote,” Cory Wilson wrote that he had spent his summer representing challenges in a series of election contests, where “the integrity of the election process was on trial.” He opined that Mississippi’s election laws were flawed and that election logistics are often burdensome to election officials. He stated: “Illegal votes are counted, valid votes are not.” After citing the need for integrity in elections, Wilson wrote: “Mississippi’s new voter ID law will help, assuming the Obama Justice Department will stop suing long enough for us to implement it.”

Cory Wilson published another [op-ed](#) deeply critical of voting rights in the aftermath of a bitterly contested mayoral election in Hattiesburg, Mississippi, in which he was involved. Wilson had represented the white candidate in filing an election contest against the Black candidate, who won by 37 votes. The contest resulted in a mistrial and the judge ordered a special election, which the Black candidate won. Wilson included this lawsuit in his list of ten most significant litigated matters in [response](#) to the Senate Judiciary Committee’s questionnaire. Mississippi Congressman Bennie Thompson (D-MS) later [complained](#) to the Department of Justice that the African-American community in Hattiesburg was targeted for prosecution and intimidation in the aftermath of this election: “This particular mayoral election was bitterly fought and was divided, chiefly, along racial lines as many elections are in Mississippi. The divisive election was exacerbated by challenges of voter fraud and electioneering that resulted in a court-ordered new election.”

Cory Wilson began his op-ed about the mayoral election by stating: “[W]hile normal people were preparing to watch Alabama play Old Miss, the Hattiesburg election commission was finishing its final count in the mayor’s race.” He described the election contest which he litigated as one in which “witnesses testified to voter impersonation, disenfranchised felons voting, and unlawful witness intimidation.”

Wilson included the following breathtaking passage:

“U.S. Department of Justice observers, there to guard against ‘voter suppression,’ interviewed voters who were turned away for not being on the rolls. Given that all the poll workers were African-American, it was unclear who the observers thought was doing any intimidating. They might spend less time chasing agendas that aren’t there, and more time investigating the voter fraud and other irregularities that came out at trial. Those same observers might spend less time suing states to block voter ID, as Attorney General Eric Holder again announced they were doing in North Carolina on Monday. I think most of the mostly Black voters came with IDs already out, ready to show. No intimidation observed. But facts have never deterred the Obama administration when politics could be played.”

These simply cannot be the words of someone who hopes to be confirmed to the federal appellate court presiding over Black voters in Mississippi. Wilson’s writings appeared around the time of the Supreme Court’s 2013 ruling in *Shelby County v. Holder*, which gutted the heart of the Voting Rights Act and dismissed all of the record evidence compiled by Congress of modern-day voter discrimination and suppression. Wilson repeatedly indicated his disdain for the concept of voter suppression by placing it in quotes and referring to it as part of “agendas that aren’t there.” Instead, he perceived the more egregious conduct to be voter fraud which, according to every [study](#) that has ever examined it, does not exist. Indeed, Donald Trump’s own commission charged with investigating voter fraud was forced to [disband](#). Wilson also attacked the long-revered Department of Justice federal observer program which monitors procedures

in polling places to ensure fair elections, is not a partisan activity, and is [authorized](#) by the Voting Rights Act itself. Furthermore, he chastised the Justice Department for filing a voting rights lawsuit against North Carolina's photo ID law, which the Fourth Circuit ultimately [held](#) "targeted African Americans with almost surgical precision."

### **OPPOSED AFFORDABLE HEALTH CARE**

Cory Wilson's opposition to accessible and affordable health care renders him a completely unsuitable candidate for the Mississippi seat on the Fifth Circuit during a global pandemic. As Mississippians struggle to stay alive during the coronavirus crisis, the last thing residents of this State need is an appellate court judge predisposed to ruling against their health and safety.

With its significant Black population, Mississippi is experiencing stark racial disparities in coronavirus's impact on its residents. Of its 6,500 confirmed cases of coronavirus, more than half of those infected are African Americans. Almost 60% of deaths in the state are Black Mississippians. Lack of access to affordable health care is a major contributor. Mississippi is one of the poorest states in the nation and [ranks](#) at the bottom in terms of accessible and affordable health care. Approximately 21% of Mississippi's Black population [is](#) uninsured, leading to the tragic consequences we are witnessing today.

Cory Wilson has publicly condemned the expansion of health care coverage, which is critical to addressing disparities in health outcomes for African Americans. He opposed the Affordable Care Act, which provided health care for Black Mississippians that they would not otherwise obtain and is now helping to save their lives. In a Mississippi [op-ed](#) entitled "ACA: Big, Intrusive Government," Wilson condemned the Affordable Care Act as "illegitimate" and "perverse." He stated: "Now, Obama Democrats reveal themselves as the party of subsidized government dependency. Never mind those of us who will have to work harder to pay for the 'freedom' of others not to work." In another [op-ed](#), "Contempt of Court," Wilson accused the Obama administration of "launching an orchestrated attack on the legitimacy of the Supreme Court" in case it failed to uphold the Affordable Care Act. He devoted still another [op-ed](#), "Obama's Day of Reckoning," to his own hope that the Supreme Court would overturn the law: "For the sake of the Constitution, I hope the Court strikes down the law and reinvigorates some semblance of the limited government the Founders intended."

Cory Wilson also openly fought Medicaid expansion in Mississippi. This legislation would have [ensured](#) health care coverage for 100,000 residents. It was critical to reducing racial disparities in health care in Mississippi, where nearly [half](#) of the Black children are in families living below the poverty level. But Cory Wilson [publicly opposed](#) expanding Medicaid in the state, calling it part of the "ever-expanding welfare state." He [chastised](#) a Democratic legislator for saying that "too many Mississippi souls are on the line" not to expand Medicaid, stating, "Dems must really think salvation comes through government."

### **DEPLORABLE JUDICIAL TEMPERAMENT**

In addition to disqualifying views on voting rights and access to health care, Cory Wilson's record is filled with inflammatory diatribes against public officials and many other civil rights issues which could come before him as a judge.

His attacks against President Obama constitute some of the most offensive statements of any Trump judicial nominee about our former president. He referred to President Obama as "[King Barack](#)" and the "[Anointed](#)

One.” In an op-ed entitled “Obamination,” Wilson called President Obama a “radical leftist” who was committing a “systemic abuse of power by the most paranoid and politicized White House since Nixon’s.” Additionally, Wilson mockingly referred to Attorney General Eric Holder as “another pillar of impartial justice.” He called Hilary Clinton “Crooked Clinton,” and said she was “criminal and clueless.” Wilson also called Congresswoman Alexandria Ocasio-Cortez a “claptrap.” These appalling statements further demonstrate his unsuitability for a federal judgeship.

As a Mississippi state legislator, Cory Wilson voted to allow businesses to discriminate against LGBT persons. He also wrote a scathing op-ed in 2012 against marriage equality. “Gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted...The radical left has lost election after election in their effort to redefine traditional marriage. But what they cannot win at the ballot box, they intend to win in the courts. And, by re-electing Obama, who could then appoint two or three more Supreme Court justices, they may well achieve redefinition of marriage by judicial decree. But while the fawning media praise Obama’s enlightened ‘evolution’ toward gay marriage, they merely pay lip service to the conviction held by many that homosexual marriage is wrong, or at least a marked departure from a few thousand years of social order.”

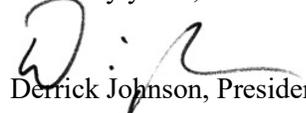
As a state legislator, Cory Wilson also voted for Mississippi’s “heartbeat” abortion ban which would have prohibited abortion after detection of a heartbeat, and he voted for a 15-week abortion ban. Additionally, he answered “yes,” to the Mississippi Right to Life’s questionnaire about supporting the “complete and immediate reversal of *Roe v. Wade*.” True to form, he published an op-ed in which he called for the appointment of “judicial conservatives who will follow the law and not legislate from the bench.” He also said this: “Forty years on, we still live under *Roe v. Wade*, the result of a liberal activist court.”

## CONCLUSION

Mississippi has come a long way since the Justice Department filed its first case under the Voting Rights Act against the state in 1965. But it still has far to go to make real the promise of that seminal law, as evidenced by the fact that its high percentage of African Americans in the electorate has not translated into the ability of Black candidates to win statewide office. The federal courts are the guardians of the right to vote, which the Supreme Court has called fundamental and “preservative of all other rights.” Judges serving on those courts must have respect for the rule of law and for the advances our nation has made in ensuring equal justice for all. Cory Wilson wholly lacks these essential qualities and also the requisite temperament to sit in judgment of the rights of residents within this critical circuit in the Deep South. We urge the Senate to reject his nomination to the Fifth Circuit.

Thank you for considering the NAACP’s strong opposition to this appalling nomination. Should you have any questions or comments, please contact Hilary Shelton, Director of the Washington Bureau and Senior Vice President for Policy and Advocacy at his office at (202) 463-2940.

Sincerely yours,

  
Derrick Johnson, President and CEO



April 9, 2020

Dear Senator,

We write on behalf of our 2.5 million member-activists to express our opposition to the nomination of Cory T. Wilson to the U.S. Court of Appeals for the Fifth Circuit. In order to be qualified for a lifetime position on the federal bench, a nominee must be fair-minded and committed to defending our core constitutional protections, including reproductive freedom. However, Wilson's record makes clear that he is not.

Wilson boasts an extensive anti-choice record from his tenure as a member of the Mississippi State House of Representatives, consistently voting against reproductive freedom. He voted for two abortion bans, voting in favor of an extreme bill that would ban abortion after 15 weeks of pregnancy and a bill that would ban abortion before most women even know they are pregnant. Wilson voted in favor of a bill that banned certain abortion procedures and sought to criminalize abortion providers. He also voted in favor of a bill that defunded Planned Parenthood by excluding any entity that performs abortion from the Mississippi Medicaid program. In emails to supporters, he referred to his anti-choice votes as a "stand for life." As a candidate for Mississippi's state legislature, Wilson filled out a questionnaire from Mississippi Right to Life's State Political Action Committee. In his responses, he indicated that he would support "complete and immediate reversal of the Roe v. Wade and Doe v. Bolton decisions," would vote to "prevent the use of tax funds for abortion other than to prevent the death of the mother," and would oppose "any attempts to weaken" Mississippi's existing law requiring parental consent for minors seeking an abortion.

Now, more than ever, Americans must be able to depend on the courts to protect their constitutional rights. However, it is clear that Wilson could not be a fair-minded and unbiased arbiter of the law. We urge Senators to vigorously oppose this nomination and should it reach the Senate floor, vote no.

Sincerely,

NARAL Pro-Choice America



## Cory Wilson

President Trump nominated Cory Wilson to serve on the U.S. Court of Appeals for the Fifth Circuit on March 30, 2020. Wilson is anti-choice.

### Career<sup>1</sup>

- Bachelor of Business Administration, University of Mississippi, 1992
- Juris Doctorate, Yale Law School, 1995
- Clerk, Judge Emmett Ripley Cox, U.S. Court of Appeals for the Eleventh Circuit, 1995-1996
- Associate, Watkins Ludlam Winter & Stennis, 1996-2001
- Adjunct Professor (Legal Writing), Mississippi College of Law, 1998
- Associate, Bradley Arant Rose & White LLP, 2001-2003
- Partner, Bradley Arant Rose & White LLP, 2003-2005, 2006-2008
- White House Fellow/Special Assistant to Secretary of Defense Donald H. Rumsfeld, U.S. Department of Defense, 2005-2006
- Deputy Secretary of State/Chief of Staff, Mississippi Secretary of State's Office, 2008-2011
- Attorney, Cory T. Wilson PLLC, 2011
- Of Counsel, Heidelberg Steinberger Colmer & Burrow PA, 2011-2016
- Adjunct Professor (Pretrial Practice), Mississippi College of Law, 2013
- Senior Advisor & Counsel, Mississippi State Treasurer's Office, 2014-2015
- Representative, Mississippi House of Representatives, 2016-2019
- Of Counsel, Jernigan Copeland Attorneys PLLC, 2016-2019
- Judge, Mississippi Court of Appeals, 2019-present

### Record on Reproductive Freedom

#### Court Cases

- As a Mississippi state representative, Wilson signed on to an amicus brief in support of Texas's clinic shutdown law.<sup>2</sup> The brief that Wilson signed on to was drafted by attorneys for the anti-choice activist groups Americans United for Life and the Bioethics Defense Fund.<sup>3</sup> Specifically, the brief argued that state laws targeting abortion providers are enforceable even if they do not "actually serve the government's interest in promoting health."<sup>4</sup> The Supreme Court ultimately found the Texas law to be unconstitutional in *Whole Woman's Health v. Hellerstedt*.<sup>5</sup>

## Notable Information

- Wilson took many anti-choice votes during his time in the Mississippi House of Representatives, including:
  - Wilson voted in favor of a bill that would have banned abortion before most women know they are pregnant.<sup>6</sup>
  - Wilson voted in favor of a bill that banned abortion after 15-weeks of pregnancy.<sup>7</sup> In an e-mail to supporters about this bill, Wilson stated: “I supported this bill because, as someone who is strongly pro-life, I believe it is important to protect both the lives of unborn children and their mothers.”<sup>8</sup>
  - Wilson voted in favor of a bill that banned certain abortion procedures and sought to criminalize abortion providers.<sup>9</sup> In an e-mail to supporters, Wilson referred to this vote as a “stand for life.”<sup>10</sup>
  - Wilson voted in favor of a bill that defunded Planned Parenthood by excluding any entity that performs abortion from the Mississippi Medicaid program.<sup>11</sup> In an e-mail to supporters, Wilson referred to this vote as a “stand for life.”<sup>12</sup>
- As a candidate for Mississippi’s state legislature, Wilson filled out a questionnaire from Mississippi Right to Life’s State Political Action Committee.<sup>13</sup> In his responses, he indicated that he would support “complete and immediate reversal of the *Roe v. Wade* and *Doe v. Bolton* decisions,” would vote to “prevent the use of tax funds for abortion other than to prevent the death of the mother,” and would oppose “any attempts to weaken” Mississippi’s existing law requiring parental consent for minors seeking an abortion.<sup>14</sup>
- As a Mississippi state representative, Wilson had a 71% lifetime rating from the American Conservative Union.<sup>15</sup> The American Conservative Union scores state legislative votes to “determine a member’s adherence to conservative principles,” including bills that focus on “social and cultural issues” like the “2nd amendment, religion, life, welfare, and education.”<sup>16</sup> Scored votes in 2018 included Mississippi H.B. 1510, which banned abortion after 15-weeks of pregnancy.<sup>17</sup>
- Wilson has been a member of the conservative, anti-choice Federalist Society.<sup>18</sup> The Federalist Society is led by Leonard Leo, the anti-choice activist who is heavily involved in selecting Trump’s Supreme Court and lower court nominees. Leo has been outspoken in his anti-choice views, calling abortion “an act of force” and “a threat to human life,”<sup>19</sup> and serves as co-chairman of Students for Life,<sup>20</sup> a group whose mission is to “abolish abortion.”<sup>21</sup>
- Wilson has donated to numerous anti-choice politicians, including Ed Gillespie, Mitt Romney, Sam Brownback, and Charles “Chip” Pickering Jr.<sup>22</sup>

## Record on Other Key Issues

- As a state representative, Wilson voted in favor of a bill to allow discrimination against LGBTQ individuals in Mississippi.<sup>23</sup> The bill's stated purpose was to protect the following beliefs: "[m]arriage is or should be recognized as the union of one man and one woman," "[s]exual relations are properly reserved to such a marriage," and "[m]ale (man) or female (woman) refer to an individual's immutable biological sex as objectively determined by anatomy and genetics at time of birth."<sup>24</sup> Among other things, the bill allowed religious organizations to fire LGBTQ employees, to refuse to hire someone because of their sexual orientation or gender identity, to refuse housing to LGBTQ individuals, and to refuse to facilitate adoption or foster care for LGBTQ prospective parents.<sup>25</sup> The bill also allowed health care providers to refuse to provide gender-affirming services to transgender individuals and to refuse to provide fertility services.<sup>26</sup> In addition, the bill allowed government employees to refuse to provide marriage licenses to LGBTQ individuals.<sup>27</sup> In an e-mail to supporters, Wilson stated: "I stand by my vote for the bill, especially given the Obama Administration's public school transgender bathroom edict this past week. Something needs to be done to protect religious freedom and freedom of conscience from the rush to intolerance from the left."

April 9, 2020

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<sup>1</sup> *Questionnaire for Judicial Nominees: Cory Todd Wilson*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

<sup>2</sup> *Amicus Curiae Brief of More Than 450 Bipartisan and Bicameral State Legislators and Lieutenant Governors in Support of the Respondents and Affirmance of the Fifth Circuit, Whole Woman's Health v. Hellerstedt*, 136 S.Ct. 2292 (2016) (No. 15-274), 2016 WL 491479.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Whole Woman's Health v. Hellerstedt*, 136 S.Ct. 2292 (2016).

<sup>6</sup> H.B. 732, 2019 Reg. Sess. (Miss. 2019) (roll call available at <http://billstatus.ls.state.ms.us/2019/pdf/votes/house/0370021.pdf>).

<sup>7</sup> H.B. 1510, 2018 Reg. Sess. (Miss. 2018) (roll call available at <http://billstatus.ls.state.ms.us/2018/pdf/votes/house/0320008.pdf>).

<sup>8</sup> *Questionnaire for Judicial Nominees: Cory Todd Wilson*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

<sup>9</sup> H.B. 519, 2016 Reg. Sess. (Miss. 2016) (roll call available at <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0520005.pdf>).

<sup>10</sup> *Questionnaire for Judicial Nominees: Cory Todd Wilson*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

<sup>11</sup> S.B. 2238, 2016 Reg. Sess. (Miss. 2016) (roll call available at <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0850008.pdf>).

<sup>12</sup> *Questionnaire for Judicial Nominees: Cory Todd Wilson*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

<sup>13</sup> *2007 State Candidate Questionnaire*, MISSISSIPPI RIGHT TO LIFE (June 13, 2007), <https://afj.org/wp-content/uploads/2019/11/Wilson-Attachments-p489-493.pdf>.

<sup>14</sup> *Id.*

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<sup>15</sup> 2018 Ratings of Mississippi, THE AMERICAN CONSERVATIVE UNION FOUNDATION, [http://acuratings.conservative.org/wp-content/uploads/sites/5/2018/10/Mississippi\\_2018\\_web-3.pdf](http://acuratings.conservative.org/wp-content/uploads/sites/5/2018/10/Mississippi_2018_web-3.pdf) (last visited Oct. 24, 2019).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Questionnaire for Judicial Nominees: Cory Todd Wilson*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

<sup>19</sup> Jeffrey Toobin, *The Conservative Pipeline to the Supreme Court*, THE NEW YORKER (April 17, 2017), <https://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court>.

<sup>20</sup> *Board of Directors*, STUDENTS FOR LIFE, <https://studentsforlife.org/about/boardofdirectors/> (last visited July 25, 2019).

<sup>21</sup> *Mission Statement*, STUDENTS FOR LIFE, <http://studentsforlife.org/about/mission-statement/> (last visited July 25, 2019).

<sup>22</sup> *Donor Lookup: Cory Wilson*, OPEN SECRETS, <https://www.opensecrets.org/donor-lookup/results?name=cory+wilson> (last visited October 24, 2019).

<sup>23</sup> H.B. 1523, 2016 Reg. Sess. (Miss. 2016) (roll call available at <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0460003.pdf>).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Questionnaire for Judicial Nominees: Cory Todd Wilson*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

Beatrice Kahn  
President

Sheila Katz  
Chief Executive Officer

2055 L Street NW  
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Tel: 202 296 2588  
action@ncjw.org

www.ncjw.org

May 14, 2020

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Graham, Ranking Member Feinstein, and Committee Members:

**The National Council of Jewish Women (NCJW) writes to express its strong opposition to the nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit.** Wilson has proven himself to be a biased ideologue who is wholly unfit to serve a lifetime appointment as a federal judge.

Wilson's lack of judicial temperament is astounding. He frequently takes to Twitter to repeat partisan rhetoric; he has called US Congresswomen a "[claptrap](#)," complained about "[Crooked Hillary](#)," and repeatedly disparaged President Obama, referring to him as "[King Barack](#)," "[the Anointed One](#)," and "[a radical leftist with no experience in governing](#)."

Likewise, Wilson's many published writings are proof positive that he would use a seat on the federal bench to further his own political agenda. In one [editorial](#), he bemoaned the "federal court [that] ridiculously ruled that 'One Nation Under G-d' violated the Constitution" and said that "[h]opefully the [Supreme] Court will overturn Obama" with regard to the Affordable Care Act. In another lengthy political musing, [he called](#) *Roe v. Wade* the "result of a liberal activist court." In yet another, Wilson [lauded](#) Mississippi's Voter ID law and expressed hope that the "Obama Justice Department will stop suing long enough for us to implement it." A federal judicial nominee flippantly revealing that he is annoyed by important civil rights cases does not bode well for the future of our court system. Wilson clearly lacks a judicial temperament, as well as respect for the necessary independence of the judiciary.

As if Wilson's disrespectful and insensitive public statements were not sufficiently disqualifying, his legislative record reveals an extreme partisan agenda. As a state legislator, he [voted](#) for a severely restrictive "heartbeat bill" that would ban abortion as early as six weeks into pregnancy. He voted to [defund](#) Planned Parenthood and supports a [myriad](#) of other offensive, unconstitutional anti-abortion policies. Wilson has demonstrated complete disdain for LGBTQ people; he [voted](#) for a bill that would allow public and private businesses to legally refuse service to LGBTQ people based on the owner's religious belief. Wilson voted to authorize concealed carry of firearms on any [public property](#) as well as carry of firearms in [places of worship](#). Like his writings and Tweets, Wilson's legislative record is dangerous and out of the mainstream.

Beatrice Kahn  
President

Sheila Katz  
Chief Executive Officer

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Lifetime seats on our nation's judiciary must be reserved for open-minded, independent jurists free from bias and without an agenda. For the sake of the judiciary's independence, as well as this institution's integrity, **we strongly urge the Senate Judiciary Committee to oppose Wilson's confirmation** to the Fifth Circuit Court of Appeals.

Sincerely,



Jody Rabhan  
Chief Policy Officer  
National Council of Jewish Women



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April 7, 2020

The Honorable Lindsey Graham  
Chair  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, DC 20510

**RE: Nomination of Cory Wilson to the Court of Appeals for the Fifth Circuit**

Dear Chair Graham and Ranking Member Feinstein,

On behalf of the National Center for Transgender Equality (NCTE), we write to oppose the nomination of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit. Founded in 2003, NCTE works to improve the lives of the nearly two million Americans who are transgender. For all Americans, equal justice requires fair judges who will honestly and impartially weigh all the facts presented in any case, on any issue, demonstrate a commitment to respecting fundamental rights and freedoms, and treat all litigants with dignity and respect. Unfortunately, Judge Wilson's history of extreme views and deceptive claims means that he cannot meet this high standard for a lifetime court appointment.

Judge Wilson's career has been characterized by disturbing rhetoric, including toward LGBTQ Americans. Mr. Wilson has written of marriage equality that, "The culture warriors on the left demand unconditional surrender." As a legislator, he repeatedly advocated and voted for extreme and divisive legislation to limit the basic rights of LGBTQ Mississippians—including House Bill 1523, a which allows healthcare providers, public businesses, and even government workers to refuse services to individuals or families because they are LGBTQ.

Judge Wilson's hyperbolic statements and divisive temperament carry through in his personal writing as well. He has derided a sitting President as "shrill," a former Secretary of State as "felony dumb," a Member of Congress as a "claptrap," Democrats in general "unhinged," promoted baseless conspiracy theories, and repeatedly and broadly attacked the press. He has called concerns that various laws restricting voting could infringe constitutional rights "phony," and said the same about concerns that laws restricting reproductive health care infringe women's rights.

Judge Wilson has also expressed a strong commitment to overturning the landmark Affordable Care Act, which has provided critical health coverage and protections for millions of Americans. He has

called the law “illegitimate” and “perverse,” urged the Supreme Court to strike it down. Judge Wilson’s record clearly demonstrates that he meets President Trump’s promise to nominate judges committed to overturning coverage for millions of Americans.

In short, Judge Wilson’s record does not show that he meets the high standards of professionalism, civility, temperament, and fairness expected for a lifetime appointment to a federal appeals court. We urge you to oppose his confirmation. Furthermore, we urge you to devote the full attention of the Judiciary Committee in the coming weeks to saving lives and providing relief amid the current unprecedented health and economic crisis.

Thank you for considering our views on this important nomination. Please do not hesitate to reach out if we can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Mara Keisling", with a long, sweeping horizontal stroke extending to the right.

Mara Keisling  
Executive Director

cc: United States Senate Judiciary Committee Members



May 18, 2020

*VIA EMAIL*

**Re: National Employment Lawyers Association (NELA) Opposes Nomination of Cory Wilson to the United States Court of Appeals for the Fifth Circuit**

Dear Chair Graham, Ranking Member Feinstein, and Members of the Senate Judiciary Committee:

On behalf of the National Employment Lawyers Association (NELA), and its 4,000 circuit, state, and local affiliate members across the country, we write to express our strong opposition to the confirmation of Mississippi state court judge Cory Wilson to the United States Court of Appeals for the Fifth Circuit. NELA is the largest professional membership organization in the country comprised of lawyers who represent workers in labor, employment, and civil rights disputes. Founded in 1985, NELA advances employee rights and serves lawyers who advocate for equality and justice in the American workplace. Our members represent plaintiffs in employment cases in every circuit, including the Fifth Circuit to which Judge Wilson has been nominated. Our members and the thousands of clients they represent afford NELA a unique perspective on how judicial decisions impact the daily lives and the rights of working people.

At the outset, we wish to register our dismay that at this time, the Senate is moving forward with consideration of Mr. Wilson's nomination—or any judicial nomination, in view of the unprecedented crisis that our nation, and every worker in the nation, faces as the COVID-19 pandemic rages on. Over 35 million American workers are out of work and many of those returning to work are returning to dangerous conditions in the workplace. In the face of this public health crisis, it is indefensible to use precious time and resources to advance a nominee who publicly scorns democratically elected officials with whom he disagrees and who is committed to dismantling the Affordable Care Act.

NELA is committed to doing everything possible to ensure that lifetime appointments to the federal judiciary will be filled by individuals who adhere to the rule of law and who are deeply committed to protecting the rights of *all* working people, especially in matters of civil rights and the well-established doctrines protecting underrepresented communities in the workplace. NELA carefully considers each nominee, including his or her record, through this lens.

We oppose Judge Wilson's confirmation because his record clearly reflects strongly held beliefs that are counter to existing civil and workers' rights laws. There is no countervailing evidence suggesting that if confirmed he will set aside his strongly held private views and administer justice to all individuals equally. Judge Wilson's public record reflects someone who has sought to diminish the civil rights of certain groups, rather than rigorously uphold them.

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Further, his record clearly indicates that he does not have the temperament of dignity, non-partisanship, respect for the law, and respect for our elected officials, all of which are essential to ensure actual fairness and the appearance of fairness toward all litigants.

## **Judge Wilson Lacks Judicial Temperament**

Impartiality and neutrality are hallmarks of the American judicial system that were built into the Constitution by the Framers. Any nominee for a seat on the federal bench should model exemplary temperament and display respect for our democratic system. We are stating the obvious when we say a federal judge must show respect for elected officials, members of both political parties, and for the judiciary itself, even when he disagrees.

Judge Wilson is not fit for the federal bench because he lacks judicial temperament. This is underscored by the volume, crudeness, and disrespectful tone of his many partisan tweets. We note here just a few among many such tweets and public comments made by Judge Wilson about, among others, Secretary of State Hillary Clinton, President Barack Obama, the Democratic Party, and Representative Alexandria Ocasio-Cortez. The comments reveal a man who opts for name-calling rather than discussion of issues and someone who resorts to deeply disrespectful stereotypes as a way of garnering support rather than addressing facts or opinions about issues. At best these are comments that lack the decorum any litigant has the right to expect from any judge, let alone a judge sitting on a federal circuit court of appeals. Many of the comments are dishonest, another characteristic that is obviously not in keeping with qualities one expects from the legal profession:

- In an August 23, 2016 tweet, Mr. Wilson wrote “#Crooked Hillary” after asserting: “More emails, more evidence of Clinton pay-for-play and dishonesty.”<sup>1</sup> A few weeks later, he tweeted: “Felony dumb or willfully ignorant? Troubling read: FBI Data Dump Shows #CrookedClinton Is Criminal and Clueless.”<sup>2</sup>
- In a May 24, 2012 op-ed, Mr. Wilson sarcastically wrote that “an intellectually honest Democrat” was a “rare sighting” and “exotic creature.”<sup>3</sup>
- Judge Wilson repeatedly has referred to President Barack Obama as “King Barack,”<sup>4</sup> “the Anointed One,” and “a radical leftist with no experience in governing.”<sup>5</sup>
- In a May 2013 op-ed entitled “Obamination,” Judge Wilson wrote “Many of us thought that electing as President a radical leftist with no experience in governing was a disaster waiting to happen. It’s no longer waiting...For those who still support this President, it’s time to put down the Kool-aid, and start paying attention.”
- In a July 28, 2018 tweet, Judge Wilson disparaged Congressional candidate Congresswoman Alexandria Ocasio-Cortez as, “the new face of

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<sup>1</sup> <https://twitter.com/CoryWilsonMS/status/768171181052755968>

<sup>2</sup> <https://twitter.com/CoryWilsonMS/status/773487358956171264>

<sup>3</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p202-203.pdf>

<sup>4</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>

<sup>5</sup> <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>

@TheDemocrats...And this claptrap is rapidly becoming the Dem agenda.  
#CanSheFindVenezuelaOnAMap”<sup>6</sup>

By these repeated statements, Judge Wilson has demonstrated that he lacks respect for those with whom he disagrees.

### **Judge Wilson’s Record Demonstrates Extreme Hostility Toward LGBTQ People And Existing Laws Protecting LGBTQ Individuals**

A federal judge should embody both in words *and* in deeds commitment to the rule of law. Judge Wilson’s record evidences that he cannot make such a commitment to laws with which he disagrees. Several examples follow. In 2016, while serving as a Mississippi legislator, Judge Wilson voted for HB 1523,<sup>7</sup> which has been called the nation’s most extreme anti-LGBTQ law. The law allows Mississippians with anti-LGBTQ religious beliefs to *discriminate* by refusing service to married same-sex couples, people who have sex outside of marriage, and/or transgender people. The law permits state employees to refuse to issue marriage licenses to same-sex couples, public school counselors to turn away LGBTQ youth in crisis, and allows health care providers to deny transgender people access to health care at any time. Notably, Judge Wilson’s vote in favor of the bill occurred after the Supreme Court’s decision in *Obergefell v. Hodges* legalizing same-sex marriage, after a Kentucky district court found illegal in *Miller v. Davis* the refusal of Kentucky county clerk Kim Davis to issue marriage licenses to same sex couples, and after the Sixth Circuit denied a stay of the district court’s order.

In a 2012 op-ed, Mr. Wilson wrote that “gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted.” He continued: “At the time [1990s], the idea of homosexual marriage was so beyond seriousness that I thought it could never happen... The culture warriors on the left demand unconditional surrender.”<sup>8</sup> In a second op-ed that same year opposing a boycott of Chick Fil-A, whose founder opposed marriage equality, Judge Wilson wrote, “So it has come to this. Private citizens who dare oppose marriage ‘equality’ (read: full sanction of homosexual marriage) will now be bashed, banned, and bankrupted, simply for expressing their view.”<sup>9</sup>

Judge Wilson’s voting record and statements make clear that he regards as illegitimate any view other than his own, and that he would be unable or unwilling (or both) to serve as a fair and unbiased decisionmaker, in any case involving LGBTQ rights or even a case involving a litigant from the LGBTQ community. Such bias should be disqualifying for a federal judge.

### **Judge Wilson’s Record Evinces Extreme Hostility Toward Laws With Which He Disagrees**

Not only is Judge Wilson unwilling to accept judicial precedent with which he disagrees, but he also has expressed repeated animus towards the Affordable Care Act and has vowed to invalidate it if given the opportunity, calling into question his ability to fairly judge disputes that might come before him. Dating back from before the 2016 presidential campaign through this year, Republican and Democratic Senate candidates alike have made vigorous promises that they would protect health care and access to insurance for those who have or

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<sup>6</sup> <https://twitter.com/CoryWilsonMS/status/1023250752104476673>

<sup>7</sup> <https://www.aclu-ms.org/en/news/lgbtq-advocates-condemn-mississippi-hb-1523>

<sup>8</sup> *Id.*

<sup>9</sup> <https://afj.org/wp-content/uploads/2019/11/Wilson-Attachments-p187-188.pdf>.

whose spouses or dependents have preexisting conditions. If the importance of access to health care wasn't evident before the health pandemic that we currently face, it should be clear at this moment that someone who has committed to dismantle the Affordable Care Act is no friend to working people across the country. Judge Wilson has not been shy about expressing his opposition to the ACA. In a 2014 op-ed, he referred to the law as “perverse” and “illegitimate” despite its passage by Congress.<sup>10</sup> Judge Wilson claims that the ACA is “illegitimate” because only Democrats voted in its favor. Applying this logic, the enactment of any piece of legislation that has ever been the result of a party-line vote, such as, for example, the 2017 tax cut legislation, was illegitimate. He stated, “For the sake of the Constitution, I hope the Court strikes down the [ACA] and reinvigorates some semblance of limited government the Founders intended.”<sup>11</sup> In the name of limited government, the Founders also authorized slavery in Mississippi and other states; that did not make it any the more legitimate. Judge Wilson also has claimed that “Obamacare is less about healthcare than it is about redistribution of wealth and power. For those objectives, liberals are apparently happy to shut down the American dream.”<sup>12</sup>

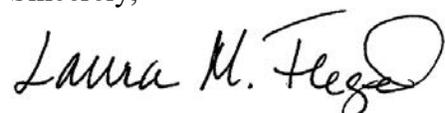
### **Judge Wilson’s Nomination Should Not Be Advanced**

We urge the Senate Judiciary Committee to vote not to advance this dangerous and unqualified nominee. Judge Wilson should not be confirmed, nor should his nomination be approved by this Committee.

### **Conclusion**

If confirmed, Judge Wilson’s extreme views will cause incalculable harm to civil and employee rights that have been part of the mainstream for decades. Our nation, and each one of us, functions on a daily basis thanks to the every-day working people who are NELA members’ clients. As the COVID-19 crisis has revealed, our society to function is dependent upon healthcare workers, sanitation workers, grocery workers, and tens of millions of other essential working people. The working people of our nation and their families who depend on them deserve federal judges who clearly demonstrate that they respect both the rule of law and the intent of Congress in passing our civil and workplace rights laws. Loyalty to our Constitution and civil rights laws is a baseline qualification for a federal judge. NELA strongly urges you to stand on behalf of working people across this country and to oppose the confirmation of Cory Wilson. If you have questions or wish to discuss this letter, please contact Laura Flegel, Legislative & Public Policy Director at [lflegel@nelahq.org](mailto:lflegel@nelahq.org). Thank you for your consideration.

Sincerely,



Laura M. Flegel

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<sup>10</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>; <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p192.pdf>

<sup>11</sup> <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p193.pdf>

<sup>12</sup> <https://afj.org/wp-content/uploads/2019/11/Wilson-Attachments-p93-94.pdf>



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June 8, 2020

VIA EMAIL

The Honorable Senator Lindsey Graham  
Chairman  
U.S. Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C., 20510

The Honorable Senator Dianne Feinstein  
Ranking Member  
U.S. Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C., 20510

Re: Opposition to Nomination of Cory Wilson to the Fifth Circuit Court of Appeals

Dear Chairman Graham and Ranking Member Dianne Feinstein:

On behalf of the National Women's Law Center, an organization that has advocated on behalf of women and girls for almost fifty years, I write to express our opposition to the nomination of Cory Wilson to the Fifth Circuit Court of Appeals.

There is no crisis in vacancies for the federal judiciary. Instead, our country is suffering from an unprecedented public health crisis. Given this crisis and the ongoing impact the pandemic is having on our communities, the Senate must prioritize providing relief to those most adversely affected. The Senate and the Judiciary Committee must stop diverting crucial Senate time towards processing nominees for positions in the federal judiciary. This is especially true for nominees with significant anti-health care records like Mr. Wilson.

Mr. Wilson has a history of taking extreme positions as a private citizen and an elected official that are hostile to the Affordable Care Act, the right to abortion, and LGBTQ equality. Given his incredibly troubling record, we have serious concerns about Mr. Wilson's judicial judgment and ability to fairly decide matters involving health care and non-discrimination protections or to separate his personal biases from the decision-making he would be called upon to do as a judge.

**Opposition to Ensuring Access to Health Care, Including Abortion:**

Mr. Wilson was vocal about his opposition to the Affordable Care Act (ACA) and President Obama in the weekly conservative column he published from 2012 to 2014.<sup>1</sup> For example, in a 2012 piece, Mr. Wilson

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<sup>1</sup> See *i.e.* Cory Wilson, "You don't want to know what's in it," MADISON COUNTY J., Jul. 19, 2012, at A4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p189-190.pdf>; Cory Wilson, "A taxing decision," MADISON COUNTY J., July 5, 2012, at A4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p192.pdf>; Cory Wilson, "Obamacare train getting derailed in Mississippi," MADISON COUNTY J., Feb. 22, 2013, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p143-145.pdf>; Cory Wilson, "Obama's day of reckoning, Madison County J.," Jun. 28, 2012, at A4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p193.pdf>; Cory Wilson, "The Democrat's new math," MADISON COUNTY J., Sept. 6, 2012, A4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p176.pdf>; Cory Wilson, "Contempt of Court," Madison County Journal, Apr. 5, 2012, at 4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>; Cory Wilson, "Shutting down the American Dream," MADISON COUNTY J., Oct. 24, 2013, at A4, <https://www.afj.org/wp->

attacked President Obama’s support for the ACA, referring to the president as “King Barack.”<sup>2</sup> In a 2014 piece, Mr. Wilson labelled the ACA “perverse” and “illegitimate.”<sup>3</sup> Such extreme partisan ideology is inappropriate for a judicial nominee and signals an inability to act as a fair and impartial jurist.

While campaigning to be a Mississippi State Representative, Mr. Wilson revealed hostility towards the right to abortion. In a Mississippi Right to Life State Political Action Committee questionnaire, he indicated that he would support the “complete and immediate reversal of the *Roe v. Wade* and *Doe v. Bolton* decisions,” would vote to “prevent the use of tax funds for abortion other than to prevent the death of the mother,” and would oppose “any attempts to weaken” Mississippi’s existing law requiring parental consent for minors seeking an abortion.<sup>4</sup>

Mr. Wilson followed through on this hostility to abortion and other reproductive health care once in office. As a Mississippi State Representative, he voted in favor of multiple bills that were blatantly unconstitutional and focused on overturning or undermining a person’s right to abortion. For example, he voted in favor of HB732, which would have banned abortion as early as 6 weeks, before most people know they are even pregnant.<sup>5</sup> He voted in favor of HB1510, which would have banned abortion after 15 weeks of pregnancy.<sup>6</sup> He voted in favor of HB 519, which would imprison abortion providers for performing a safe and common abortion procedure.<sup>7</sup> He voted in favor of SB 2238, which blocks patients who rely on Medicaid for family planning care from going to their trusted provider, Planned Parenthood.<sup>8</sup>

Mr. Wilson’s opposition to abortion extended beyond his voting record. As a Mississippi State Representative, Mr. Wilson signed an *amicus brief* to the U.S. Supreme Court in *Whole Woman’s Health v. Hellerstedt* in support of Texas’s medically unnecessary restrictions that were designed to force abortion clinics to close.<sup>9</sup> The Supreme Court ruled that the Texas provisions were unconstitutional.<sup>10</sup>

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[content/uploads/2020/01/Wilson-Attachments-p93-94.pdf](https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p93-94.pdf); Cory Wilson, “ACA: Big, intrusive government,” MADISON COUNTY J., Feb. 20, 2014, at A4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>.

<sup>2</sup> Cory Wilson, “Contempt of Court,” MADISON COUNTY J., Apr. 5, 2012, at 4 <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p220-221.pdf>.

<sup>3</sup> Cory Wilson, “ACA: Big, intrusive government,” MADISON COUNTY J., Feb. 20, 2014, at A4, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>.

<sup>4</sup> *2007 State Candidate Questionnaire*, MISSISSIPPI RIGHT TO LIFE (June 13, 2007), <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p489-493.pdf>.

<sup>5</sup> H.B. 732, 2019 Reg. Sess. (Miss. 2019) (roll call available at <http://billstatus.ls.state.ms.us/2019/pdf/votes/house/0370021.pdf>); H.B. 1510, 2018 Reg. Sess. (Miss. 2018) (roll call available at <http://billstatus.ls.state.ms.us/2018/pdf/votes/house/0320008.pdf>).

<sup>6</sup> The 5th Circuit has upheld the district court decisions blocking the 6-week and 15-week bans. *Jackson Women’s Health Organization v. Mary Currier*, 3:18-cv-00171-CWR-FKB, Nov. 20, 2018, <https://reproductiverights.org/case/jackson-womens-health-v-currier>.

<sup>7</sup> H.B. 519, 2016 Reg. Sess. (Miss. 2016) (roll call available at <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0520005.pdf>).

<sup>8</sup> Both HB 519 and SB 2238 are currently in effect. S.B. 2238, 2016 Reg. Sess. (Miss. 2016) (roll call available at <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0850008.pdf>).

<sup>9</sup> Amicus Brief of More Than 450 Bipartisan and Bicameral state legislators and lieutenant governors in support of the Respondents and Affirmance of the Fifth Circuit, *Whole Woman’s Health v. Hellerstedt*, No. 15-274, <https://www.scotusblog.com/wp-content/uploads/2016/02/15-274-bsac-BipartisanBicameral-State-Legislators.pdf>.

<sup>10</sup> *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (2016).

## LGBTQ Rights

Mr. Wilson has expressed personal bias against LGBTQ rights in several op-eds. In a 2012 op-ed, he wrote that “gay marriage is a pander to liberal interest groups and an attempt to cast Republicans as intolerant, uncaring and even bigoted.”<sup>11</sup> He continued, “the idea of homosexual marriage was so beyond seriousness that I thought it could never happen. I soon came to see that ‘tolerance,’ as that term is used by liberals, really means zero tolerance for traditional, religious or conservative views. The culture warriors on the left demand unconditional surrender.” In another 2012 op-ed, he stated “So it has come to this. Private citizens who dare oppose marriage ‘equality’ (read: full sanction of homosexual marriage) will now be bashed, banned, and bankrupted, simply for expressing their views.”<sup>12</sup>

Wilson acted on his personal biases against LGBTQ rights after being elected to office. As a state legislator, Mr. Wilson voted for one of the nation’s most extreme anti-LGBTQ laws, HB1523. HB 1523 gave broad-sweeping permission for Mississippians to refuse service to LGBTQ people and people who have sex outside of marriage.<sup>13</sup> The law defined marriage as “the union of one man and a woman.” It permitted state employees to refuse to issue marriage licenses to same-sex couples, public school counselors to turn away LGBTQ youth in crisis, and health care providers to deny transgender people access to health care.<sup>14</sup>

Given Mr. Wilson’s record of hostility against expanding access to health care, abortion, and LGBTQ rights, litigants seeking to protect these rights would have reason to question whether they would receive a fair hearing in his court if he were confirmed.

For all the foregoing reasons, the National Women’s Law Center urges Senators to reject the confirmation of Cory Wilson to a lifetime position on the Fifth Circuit Court of Appeals. Please feel free to contact me, or Theresa Lau, Senior Counsel, at (202) 956-3064 should you have any questions.

Sincerely,



Fatima Goss Graves  
President and CEO, National Women’s Law Center

Cc: Senate Judiciary Committee

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<sup>11</sup> Cory Wilson, “When Tolerance is really ‘zero tolerance’”, PRESS-REGISTER, Jun. 1, 2012, at A6, <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p200-201.pdf>.

<sup>12</sup> Cory Wilson, “Eat More Chicken”, MADISON COUNTY J., Jul. 26, 2012, at A4, <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p187-188.pdf>.

<sup>13</sup> H.B. 1523, 2016 Reg. Sess. (Miss. 2016) (roll call available at <http://billstatus.ls.state.ms.us/2016/pdf/votes/house/0460003.pdf>).

<sup>14</sup> Merrit Kennedy, “Controversial Mississippi Law Limiting LGBT Rights Not Heading To Supreme Court,” NPR.ORG, Jan. 8, 2018, <https://www.npr.org/sections/thetwo-way/2018/01/08/576500364/controversial-mississippi-law-limiting-lgbt-rights-not-heading-to-supreme-court>.



April 9, 2020

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Graham, Ranking Member Feinstein, and Committee Members:

On behalf of our 1.5 million supporters nationwide, People For the American Way strongly opposes the nomination of Cory Wilson to be a judge on the Fifth Circuit Court of Appeals. His extreme views and the demagogic way in which he communicates them make him woefully unqualified for a lifetime position on the federal bench.

As a threshold matter, the Senate should not be processing any lifetime judicial nominees because President Trump remains under the cloud of impeachment for actions undermining the core foundation of our constitutional democracy: free and fair elections. During the impeachment trial, his lawyer argued that nothing Trump does to stay in power can be impeachable because Trump believes his reelection is in the public interest. This view seeks to legitimize his effort to rig the 2020 elections. Moreover, it eliminates the most important constitutional protection against a lawless executive: impeachment and removal. When the Senate majority voted to bar witnesses and end the trial prematurely, they accepted this frightening and dangerous distortion of our Constitution. The sham trial made clear that Senate Republicans cannot be trusted to adequately vet judicial nominations, because their agenda is diametrically opposed to the goals of a properly functioning judicial system.

But since Trump has proceeded to make this nomination and Republican leadership in the Senate has chosen to proceed nonetheless, we take this opportunity to address the merits of Wilson's nomination.

**Attacks on Healthcare:** As unelected lifetime arbiters of justice, federal judges have a unique role in our constitutional system. Unlike the other branches, Article III courts maintain their legitimacy by eschewing politics. Elected officials and political pundits have the latitude that judges don't to give voice to their ideological passions in a way that often does not show due respect to their opponents. Nevertheless, throughout our history, many political partisans have been able to put their past behind them, become federal judges, and be regarded by their communities with the respect a federal judge needs in order to protect the legitimacy of the court.

But some partisan rhetoric is so toxic, so dishonest, and so openly contemptuous of those with different views that it would not be possible for litigants to trust that the person who expressed it would decide their case fairly. Unfortunately, that is the type of rhetoric Wilson has specialized in.

As an example, in 2014, Wilson wrote a newspaper column calling the Affordable Care Act “perverse” and “illegitimate.”<sup>i</sup> For an attorney, calling a law illegitimate is a strong statement, and it certainly offers insight on how he would regard that law as a judge. Part of his justification was the fact that no Republicans voted for the law. But his party’s decision to oppose insurance coverage for their constituents with pre-existing conditions spoke to the values and priorities of those members of Congress, not the legitimacy of the law. The Constitution makes clear that a bill must pass both houses of Congress to become law; it does not have the additional requirement that Republicans must agree with it. Wilson’s other justification for calling the law perverse and illegitimate—that members of Congress made deals to get the bill passed—would likely make nearly every major piece of legislation ever passed by Congress illegitimate. Again, his position is unmoored from reason and the rule of law.

Especially when discussing the ACA, Wilson demonstrated a willingness to mislead his readers with known distortions. For instance, he wrote that “Nancy Pelosi famously said we had to pass Obamacare to find out what was in it.”<sup>ii</sup> But he chose to leave out the second half of her statement, which reveals the meaning. Rather than urging Congress to pass a bill that no one had read, which is what the ACA’s opponents said she meant, she was condemning the many falsehoods being told about the bill by its opponents and stating that passage of the bill would finally reveal the dishonesty of its opponents’ statements about it: “But we have to pass the bill so that you can find out what is in it, away from the fog of the controversy.”<sup>iii</sup> A person who chooses to so seriously mislead his readers on a life-or-death matter such as healthcare does not merit a seat on the federal bench.

Wilson wrote numerous newspaper columns that were factually inaccurate and dripping with undisguised scorn for President Obama. For instance, when President Obama made the simple (and correct) assertion in 2012 that the Affordable Care Act would be upheld by the courts because it is constitutional, Wilson distorted the president’s statement in a way designed to inflame Obama-haters and delegitimize his presidency:

I hope the [Supreme] Court checks Obama’s dangerous standard of what is constitutional: Obamacare “will be upheld because it should be upheld.” A valid law is what King Barack says is a valid law. His comments Monday are a clear glimpse of Obama’s imperial mind.<sup>iv</sup>

A decade after its passage, the ACA’s opponents are still trying to have it struck down by the courts. Were such a case to come again before the Fifth Circuit with Wilson on the bench, his extremism could endanger millions of Americans’ access to healthcare.

**Judicial Temperament:** While his record on healthcare demonstrates that he lacks the temperament to be a judge, he made this clear in other areas of public importance and debate. For instance, as an example of President Obama’s supposedly “imperial” mindset, Wilson wrote:

Obama deemed that he would not enforce the Defense of Marriage Act ... DOMA would not be upheld (by those sworn to enforce it) because Obama thinks it should not be upheld.<sup>v</sup>

But the administration did enforce DOMA, even as it argued in court that it was not constitutional under heightened scrutiny. The Justice Department had made this clear a year earlier when it announced its conclusion that the law was unconstitutional, stating explicitly that it would nevertheless enforce the law until it was repealed by Congress or struck down by the courts.<sup>vi</sup> Surely an honest lawyer knows the difference between not defending a law in court and not enforcing a law at all.

Wilson's columns regularly included standard right-wing talking points that glossed over reality. For instance, he parroted the claim that President Obama had skipped more than half of his daily security briefings during his first term.<sup>vii</sup> This accusation was false, meriting "three Pinocchios" from the Washington Post.<sup>viii</sup>

The nominee's hostility extends to progressives in general, and he used his column as an opportunity to disseminate falsehoods about those he disagreed with. For instance, he wrote:

"[E]nlighened liberals everywhere have honestly believed from the inception of this debate: The power of government is unlimited and should be used by the governing class to impose whatever it wishes on the rest of us. The liberal mindset views the checks and balances designed by the Founders, and anyone who still adheres to them, as quaint historical relics."<sup>ix</sup>

No one who actually believes this caricature can be trusted by litigants and the public to competently and without bias assess complex legal arguments about how constitutional checks and balances function in the real world. Similarly, Wilson wrote that an "intellectually honest Democrat" is a "relic of days gone by," and "very seldom do they actually hold office."<sup>x</sup> He characterized those who disagree with progressives as "the real Americans"<sup>xi</sup> Any Democratic litigant, or for that matter, any progressive one in Wilson's courtroom would know that the judge has already determined that they are intellectually dishonest, a bias from the bench that would be toxic to the legitimacy of any Fifth Circuit decision Wilson was part of.

**Abortion Rights:** Wilson is a longtime opponent of abortion rights. When he ran for office in 2007, he made that clear in a questionnaire he filled out for Mississippi Right to Life. He told them that he "support[ed] the complete and immediate reversal of the *Roe v. Wade* and *Doe v. Bolton* decisions."

Wilson also supported several anti-abortion bills when he was a state legislator, including one that would have banned abortion before most women know they are pregnant<sup>xii</sup> and one that denied critical Medicaid funding to any organization that provides abortion services or is affiliated with such an organization.<sup>xiii</sup>

In 2018, Wilson supported Mississippi H.B. 1510, which prohibited abortion after 15 weeks. Material he was required to disclose to the Judiciary Committee includes his notes for speeches he gave about bills passed that year. A key talking point was that he had voted for the “[m]ost restrictive abortion law in the country,” indicating that the intent of the law was to impose an undue burden on women’s constitutional right to abortion. Not surprisingly, the law was struck down as unconstitutional in December by a unanimous three-judge panel of the Fifth Circuit.<sup>xiv</sup> If given a seat on that same court, Wilson would do great damage to abortion rights and to the rule of law.

**LGBTQ+ Equality and Religious Liberty:** Wilson’s writings and legislative voting record betray an animus against LGBTQ+ people and equality proponents that is inconsistent with the judge’s responsibility to ensure equal justice under the law. Moreover, he has a conception of religious liberty that transforms it from a shield to protect the free exercise of religion as it has always been into a sword targeted at particular communities, especially LGBTQ+ people.

In 2016, Wilson voted for the misleadingly named Religious Liberty Accommodations Act, a facially discriminatory law elevating certain religiously-based beliefs over others in the eyes of the law.<sup>xv</sup> The law provided enormous exemptions from anti-discrimination laws for those who share Wilson’s and the legislative majority’s religiously-based hostility to the rights and dignity of LGBTQ+ people. However, those with different religiously-based beliefs on the same matter received no such “benefit,” and those with sincerely held religious beliefs on other issues received no such favors from the state. Fifth Circuit judges decide critically important issues interpreting the Constitution’s Religion Clauses, as well as the statutory Religious Freedom Restoration Act. Wilson’s distorted and self-serving view of religious liberty indicates that the Senate should not entrust him with this responsibility.

Wilson has little patience for LGBTQ+ people or their supporters. For instance, when one of his colleagues in the state legislature was criticized for a social media post widely interpreted as calling for gay people to be executed, Wilson wrote:

that “tolerance,” as that word is used by liberals, really means zero tolerance for traditional, religious or conservative views. The culture warriors on the left demand unconditional surrender.<sup>xvi</sup>

Well in advance of presenting their legal arguments, litigants in cases addressing these issues could be confident in how a Judge Wilson would rule, based on his clear record. This would erode the legitimacy of our nation’s federal courts, which depends on litigants’ trusting that they will have a fair day in court.

**Voting Rights:** When functioning properly, our federal judiciary protects our democracy and the right to vote on which it is based. Cory Wilson’s record stands opposed to that fundamental mission. For instance, he strongly supports strict voter ID laws, which he and other supporters portray as necessary to address in-person voter fraud—but which is a problem that is almost non-

existent. In fact, such laws suppress the vote of targeted populations in vastly greater numbers than any fraudulent ballots prevented.<sup>xvii</sup> He sharply criticized the Justice Department for looking into the voter-ID law passed by Pennsylvania,<sup>xviii</sup> which the state's Speaker of the House bragged to his fellow Republicans would "allow Governor Romney to win the state of Pennsylvania."<sup>xix</sup> Wilson has even condemned the Justice Department for sending poll monitors to ensure that African Americans are able to exercise their constitutional right to vote.<sup>xx</sup> Particularly in this election year when there are serious concerns about preserving the right to vote, confirming Wilson to the Fifth Circuit could seriously harm voting rights.

**Conclusion:** Cory Wilson's view of the law and his strong animus against vast numbers of likely litigants disqualify him from the federal bench. We urge senators to oppose his nomination.

Sincerely,



Marge Baker  
Executive Vice President for Policy and Program

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<sup>i</sup> Cory Wilson, "ACA: Big, Intrusive Government," Madison County Journal, Feb. 20, 2014, p. A-4.

<sup>ii</sup> Cory Wilson, "The Democrat's [sic] New Math," Madison County Journal, Sept. 6, 2012, p. A-4.

<sup>iii</sup> Tommy Christopher, "The Context Behind Nancy Pelosi's Famous 'We Have to Pass the Bill' Quote," Mediaite, Nov. 7, 2013, <https://www.mediaite.com/tv/the-context-behind-nancy-pelosis-famous-we-have-to-pass-the-bill-quote>.

<sup>iv</sup> Cory Wilson, "Contempt of Court," Madison County Journal, April 5, 2012.

<sup>v</sup> Id.

<sup>vi</sup> Department of Justice, "Statement of the Attorney General on Litigation Involving the Defense of Marriage Act," Feb. 23, 2011, <https://www.justice.gov/opa/pr/statement-attorney-general-litigation-involving-defense-marriage-act>.

<sup>vii</sup> Cory Wilson, "The Empty Chair," Madison County Journal, Sept. 20, 2012, p. A-4.

<sup>viii</sup> Glenn Kessler, "The Bogus Claim That Obama 'Skips' His Intelligence Briefings," Washington Post, Sept. 24, 2012, [https://www.washingtonpost.com/blogs/fact-checker/post/the-bogus-claim-that-obama-skips-his-intelligence-briefings/2012/09/22/100cb63e-04fc-11e2-8102-ebee9c66e190\\_blog.html](https://www.washingtonpost.com/blogs/fact-checker/post/the-bogus-claim-that-obama-skips-his-intelligence-briefings/2012/09/22/100cb63e-04fc-11e2-8102-ebee9c66e190_blog.html).

<sup>ix</sup> "Contempt of Court."

<sup>x</sup> Cory Wilson, "Lost Equity," Madison County Journal, May 24, 2012, p. 4.

<sup>xi</sup> Cory Wilson, "Chickens Coming Home to Roost," Madison County Journal, Aug. 9, 2012, p. A-4.

<sup>xii</sup> Mississippi H.B. 732 (2019 Session).

<sup>xiii</sup> Mississippi S.B. 2238 (2016 Session).

<sup>xiv</sup> [Jackson Women's Health Organization v. Dobbs](#), 945 F.3d 265 (5th Cir., 2019).

<sup>xv</sup> Mississippi H.B. 1523 (2016 Session).

<sup>xvi</sup> Cory Wilson, "When Tolerance Is Really 'Zero Tolerance,'" Mobile Press-Register, June 1, 2012.

<sup>xvii</sup> The Brennan Center, "The New Voter Suppression," Jan. 16, 2020, <https://www.brennancenter.org/our-work/research-reports/new-voter-suppression>.

<sup>xviii</sup> Cory Wilson, "Suppressing Common Sense," Madison County Journal, Nov. 1, 2012.

<sup>xix</sup> <https://youtu.be/EuOT1bRYdK8>.

<sup>xx</sup> Cory Wilson, "Hattiesburg puts finishing touches on divisive mayoral election sequel," Mobile Press Register, Oct. 2, 2013.

May 18, 2020

The Honorable Lindsey Graham  
Chairman, Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Dianne Feinstein  
Ranking Member, Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C. 20510

**RE: Reproductive Justice Groups Oppose Confirmation of Cory Wilson Due to Lengthy Track Record of Undermining Abortion Access, Opposing the ACA, Hostility Toward LGBTQ Communities, and Attacking Voting Rights & Voter Protections for People of Color**

Dear Chairman Graham, Ranking Member Feinstein, and Members of the Senate:

We are 21 reproductive justice and allied reproductive rights and health organizations writing to express our strong opposition to the confirmation of Cory Wilson to the United States Court of Appeals for the Fifth Circuit.

**We are organizations based in the Fifth Circuit (Jane's Due Process and the Afiya Center, both based in Texas), national organizations, and organizations based throughout the country that advocate for reproductive rights, health, and justice.**

Reproductive Justice is a framework rooted in the human right to control our bodies, our sexuality, our gender, and our reproduction. Reproductive Justice will be achieved when all people, of all immigration statuses, have the economic, social, and political power and resources to define and make decisions about our bodies, health, sexuality, families, and communities in all areas of our lives, with dignity and self-determination.

Every individual should have the right to make their own reproductive decisions, without facing impossible obstacles. We should be able to make decisions about their health care based on their own living conditions and circumstances. This also means that we should be able to plan whether or when to start or add to their family without outside interference, no matter where we seek care and without discrimination.

Given our commitment to reproductive rights and health, especially those most marginalized in our society, we are deeply troubled by Judge Wilson's nomination. His record shows a legal career built on opposition to issues that are fundamental to our ability to thrive and support for laws and policies that disproportionately harm people of color. Moreover, as organizations that work on a number of issues within the reproductive justice framework, including abortion

access, LGBTQ rights, access to healthcare, and voting rights, Judge Wilson's record of eroding these rights is alarming. Judge Wilson has dedicated his legal career to attacking the values and priorities for which our organizations fight for with our communities. It is especially inappropriate to push forth a judicial nominee with a record like this during a global pandemic and public health crisis that is disproportionately affecting communities of color. In light of this record, we believe he lacks the qualifications to serve with the fairness and impartiality required of a judge.

### *Undermining Abortion Access*

One of the most disturbing aspects of Judge Wilson's record is his long standing commitment to eroding abortion access. In addition to publishing statements hostile to the holding in *Roe v. Wade*,<sup>12</sup> Judge Wilson has taken substantive steps to limit abortion access during his time as a state legislator. He voted for abortion bans that prohibited the procedure as early as 15<sup>3</sup> and 6 weeks.<sup>4</sup> He also voted for a bill that defunded Mississippi Planned Parenthood.<sup>5</sup> Further, Judge Wilson voiced support for a number of harmful policies regarding abortion access, such as parental involvement laws,<sup>6</sup> which pose unnecessary barriers to abortion care for young people.

The barriers that Judge Wilson has supported disproportionately harm people of color. Because of systemic racism, communities of color face less access to care and health disparities, including the rate of unintended pregnancy.<sup>7</sup> As such, women of color also have a greater need for abortion care.<sup>8</sup> Restrictions on abortion care directly target and harm people of color, who already face barriers to accessing reproductive health care, such as lower incomes, lack of language access and culturally competent care, lost wages for time off to obtain such care, and lack of childcare.

Women of color, historically and presently, have faced reproductive oppression through policies, laws, and structures that have limited their ability to make their own reproductive decisions. Given this historical and ongoing oppression, it is critical to our communities that our courts uphold our most basic and fundamental rights. As advocates for reproductive justice, we are deeply troubled by Judge Wilson's work to undermine abortion access and reproductive agency.

### *Opposition to Healthcare Access*

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<sup>1</sup> Cory Wilson, *My vote is with Romney*, Madison County Journal (March 8, 2012), <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p228.pdf>.

<sup>2</sup> Mississippi Right to Life Questionnaire (June 13, 2007), <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p489-493.pdf>.

<sup>3</sup> Rewire News, *Mississippi Gestational Age Act (HB 1510)* (Nov. 20, 2018), <https://rewire.news/legislative-tracker/law/mississippi-gestational-age-act-hb-1510/>.

<sup>4</sup> Rewire News, *Mississippi Heartbeat Abortion Ban (HB 732)* (April 11, 2019), <https://rewire.news/legislative-tracker/law/mississippi-heartbeat-ban-hb-732/>.

<sup>5</sup> Rewire News, *Mississippi Bill Defunding Planned Parenthood (SB 2238)* (July 1, 2016), <https://rewire.news/legislative-tracker/law/mississippi-bill-defunding-planned-parenthood-sb-2238/>.

<sup>6</sup> Mississippi Right to Life Questionnaire, *supra*.

<sup>7</sup> Susan A. Cohen, *Abortion and Women of Color: The Bigger Picture*, Guttmacher Policy Review, Volume 11, Issue 3 (Aug. 6, 2008), <https://www.guttmacher.org/gpr/2008/08/abortion-and-women-color-bigger-picture>.

<sup>8</sup> *Id.*

Judge Wilson is also hostile to greater access to other forms of healthcare. It is unconscionable to move forward with the confirmation of a judicial nominee who is opposed to access to healthcare, especially during the global pandemic and public health crisis we are currently experiencing. Judge Wilson has persistently criticized the Affordable Care Act, calling it “illegitimate”<sup>9</sup> and urging the Supreme Court to rule against it.<sup>10</sup> The Affordable Care Act has greatly improved health insurance coverage for communities of color. Between 2010 to 2018, the rate of uninsured people decreased from 32.6% to 19% for Hispanic communities, 19.9% to 11.5% for Black communities, 13.1% to 6.8% for Asian communities, and 17.9% to 9.3% for Native Hawaiians and Pacific Islanders.<sup>11</sup>

In Mississippi, Wilson opposed Medicaid expansion<sup>12</sup> and called it the “ever expanding welfare state.”<sup>13</sup> This opposition was directly harmful to the health of Mississippians, 100,000 of whom would have qualified for healthcare access under the proposed expansion.<sup>14</sup> Refusing to expand Medicaid disproportionately impacts people of color.<sup>15</sup>

As the data demonstrates, limited healthcare access directly harms communities of color. Judge Wilson’s record in opposition of healthcare access is particularly concerning for the Senate and the nation at this time, given that we are currently faced with a global pandemic and public health crisis. Due to racism resulting in health disparities, Black communities are currently facing significantly greater incidence of COVID-19 hospitalizations.<sup>16</sup> Based on current data, 1 in 3 people who become sick enough with COVID-19 to be hospitalized are Black, while Black Americans make up 13% of the total United States population.<sup>17</sup> Judge Wilson’s record shows that he opposes healthcare access, despite the impact such opposition has on the health and lives of communities of color. Confirming a judicial nominee who is opposed to healthcare access during the public health crisis we are currently in will harm communities of color even further.

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<sup>9</sup> Cory Wilson, *ACA: Big, intrusive government*, Madison County Journal (Feb. 20, 2014), <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p76-77.pdf>.

<sup>10</sup> Cory Wilson, *Obama’s Day of Reckoning*, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p193.pdf>.

<sup>11</sup> Samantha Artiga, Kendal Orgera & Anthony Damico, *Changes in Health Coverage by Race and Ethnicity since the ACA, 2010-2018*, Kaiser Family Foundation (Mar. 05, 2020), <https://www.kff.org/disparities-policy/issue-brief/changes-in-health-coverage-by-race-and-ethnicity-since-the-aca-2010-2018/>.

<sup>12</sup> Cory Wilson, *Obamacare train getting derailed in Mississippi* (Feb. 22, 2013), <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p143-145.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> Phil McCausland, *Residents suffer as Mississippi and 13 other states debate Medicaid expansion* (Nov. 4, 2019), <https://www.nbcnews.com/news/us-news/residents-suffer-mississippi-13-other-states-debate-medicaid-expansion-n1075661>.

<sup>15</sup> Rachel Garfield, Kendal Orgera & Anthony Damico, *The Coverage Gap: Uninsured Poor Adults in States that Do Not Expand Medicaid* (Jan. 14, 2020), <https://www.kff.org/medicaid/issue-brief/the-coverage-gap-uninsured-poor-adults-in-states-that-do-not-expand-medicaid/>.

<sup>16</sup> Allison Aubrey, *CDC Hospital Data Point to Racial Disparity in COVID-19 Cases*, NPR (Apr. 8, 2020), <https://www.npr.org/sections/coronavirus-live-updates/2020/04/08/830030932/cdc-hospital-data-point-to-racial-disparity-in-covid-19-cases>.

<sup>17</sup> *Id.*

## *Hostility Toward LGBTQ People*

Judge Wilson has long situated himself as a vocal opponent of LGBTQ rights. Specifically, Judge Wilson made a number of concerning statements regarding marriage equality. In 2012, Judge Wilson wrote that the push for marriage equality was meant to cast those opposed to it as “intolerant, uncaring and even bigoted,”<sup>18</sup> as opposed to a vital movement for LGBTQ equality. He also cited the “conviction held by many that homosexual marriage is wrong, or at least a marked departure from a few thousand years of social order”<sup>19</sup> as validation for his argument.

In addition to this dehumanizing language regarding marriage equality, Judge Wilson voted for HB 1523 during his time as a state legislator.<sup>20</sup> HB 1523, which was eventually upheld as law, allows businesses to refuse service to LGBTQ people based on their sincerely held religious beliefs.<sup>21</sup>

Judge Wilson’s opposition to LGBTQ rights is directly contrary to the values of reproductive justice. As organizations advocating for reproductive health, rights, and justice, we advocate for freedom to define and make decisions about one’s sexuality and gender without resulting restrictions on basic civil rights and liberties. Judge Wilson’s dehumanizing statements and support for anti-LGBTQ legislation demonstrates his inability to ensure fairness for all as a member of the bench.

## *Attacking Voting Rights and Voter Protections for Communities of Color*

Judge Wilson also attacked voting rights protections and advocated for laws that suppress the votes of Black communities and other communities of color. Voter suppression efforts disproportionately impact people of color and have historically been wielded to limit the political power of Black communities.<sup>22</sup>

Most notably, Judge Wilson criticized the Justice Department’s decision to send election observers to Mississippi to ensure fairness and access to voting.<sup>23</sup> Judge Wilson not only critiqued the presence of election observers, he also claimed that such efforts would have been better spent combating individual voter fraud,<sup>24</sup> a practice which is actually very rare but often claimed in order to further restrict access to fair voting procedures for communities of color.<sup>25</sup>

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<sup>18</sup> Cory Wilson, *When tolerance is really ‘zero tolerance’* (June 1, 2012),

<https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p200-201.pdf>.

<sup>19</sup> *Id.*

<sup>20</sup> *Mississippi Protecting Freedom of Conscience from Government Discrimination Act (HB 1523)* (Feb. 23, 2019),

<https://rewire.news/legislative-tracker/law/mississippi-protecting-freedom-conscience-government-discrimination-act-hb-1523/>.

<sup>21</sup> *Id.*

<sup>22</sup> Theodore R. Johnson and Max Feldman, *The New Voter Suppression*, Brennan Center for Social Justice (Jan. 16,

2020), <https://www.brennancenter.org/our-work/research-reports/new-voter-suppression>.

<sup>23</sup> Cory Wilson, *Hattiesburg puts finishing touches on diverse mayoral election sequel* (Oct. 02, 2013),

<https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p95-97.pdf>.

<sup>24</sup> *Id.*

<sup>25</sup> Vann R. Newkirk II, *How Voter ID Laws Discriminate*, The Atlantic (Feb. 18, 2017),

<https://www.theatlantic.com/politics/archive/2017/02/how-voter-id-laws-discriminate-study/517218/>.

Judge Wilson also wrote in support of such practices as instituting voter ID laws and the purging of voter rolls<sup>26</sup> practices which have similarly targeted communities of color.

It is troubling that Judge Wilson relies on myths frequently used to restrict the right to vote among communities of color. Voter ID laws, like the one that currently exists in Mississippi, have been proven to suppress the right to vote for people of color. Although supporters like Judge Wilson claim that these laws are intended to end voter fraud, they are actually intended to suppress the right to vote for communities of color.<sup>27</sup> For example, one study found that voter ID laws doubled the gap between the rate of turnout between white voters and Latinx voters in general elections and doubled the gap between white voters and Black voters in primary elections.<sup>28</sup>

Further, communities of color face a number of obstacles in obtaining an accepted ID if they do attempt to comply with the law. Lack of language access, lack of time off of work, lost wages, and difficulty obtaining transportation to go to the appropriate offices in each state may make obtaining an ID extremely challenging.

Voter ID laws, like the one Judge Wilson voted for, directly harm communities of color. Judge Wilson's voting rights record demonstrates that he would not be a fair and equitable judge, and that his place on the bench would further erode civil rights for communities of color.

\* \* \*

For people of color, threats to reproductive rights, healthcare access, LGBTQ rights, and voting rights are threats to our bodily autonomy and undermine our ability to make decisions about our own lives and families. People of color rely on the protections enforced by courts, yet Judge Wilson has repeatedly demonstrated a career-long commitment to rolling back the rights that determine our health, freedom, and well-being. As a judge in the Fifth Circuit, Judge Wilson will have the power to decide many cases involving critical legal protections for groups and civil rights he has long worked against. We cannot support a nominee who will disregard the daily realities and needs of communities of color. For the foregoing reasons, we strongly urge you to oppose the confirmation of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit.

Sincerely,

National Asian Pacific American Women's Forum (NAPAWF)

In Our Own Voice: : National Black Women's Reproductive Justice Agenda

National Latina Institute for Reproductive Justice (NLIRJ)

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<sup>26</sup> Cory Wilson, *Suppressing Common Sense*, <https://www.afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p164.pdf>.

<sup>27</sup> Newkirk, *supra*.

<sup>28</sup> Zoltan Hajnal, Nazita Lajevardi, and Lindsay Nielson, *Voter Identification Laws and the Suppression of Minority Votes*, University of California San Diego, <http://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf>.

SisterReach

SIECUS: Sex Ed for Social Change

URGE: Unite for Reproductive & Gender Equity

Positive Women's Network-USA

We Testify

The Afiya Center

SPARK Reproductive Justice NOW!, Inc.

SisterSong Women of Color Reproductive Justice Collective

SisterLove, Inc.

Jane's Due Process

Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)

National Network of Abortion Funds

If/When/How: Lawyering for Reproductive Justice

Religious Coalition for Reproductive Choice

Civil Liberties and Public Policy

National Women's Health Network

Physicians for Reproductive Health

National Abortion Federation