

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.¹ 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.'"²

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."³

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

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

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

³ <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.”⁴ 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.”⁵

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.”⁶ In another 2013 op-ed, he expressed opposition to Medicaid expansion in Mississippi and called the ACA “liberal-utopia-dictated healthcare.”⁷ 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.”⁸ 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

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

⁵ *Id.*

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

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

⁸ <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)