



July 29, 2020

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**OPPOSE THE CONFIRMATION OF DAVID DUGAN TO THE
U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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 opposition to the confirmation of David Dugan to be a U.S. District Judge in the Southern District of Illinois.

Amidst the worsening COVID-19 public health crisis and national outrage over racial injustice, the Senate should be prioritizing solutions to these urgent problems rather than processing judicial nominations. The Senate should be particularly cautious about considering nominees like Mr. Dugan, who has a demonstrated hostility to reproductive freedom and troubling affiliations with multiple far-right organizations. Mr. Dugan should not be confirmed for a federal judgeship.

Hostility to Reproductive Freedom: Mr. Dugan has a disturbing record of opposition to reproductive freedom, and to abortion in particular. While running for a state court judgeship in Illinois in 2017, he filled out a survey from the anti-abortion organization Illinois Right to Life Action, and he wrote: "I do believe that, for a number of reasons, the case of Roe v. Wade is sorely misplaced."¹ He declared: "My belief is that life begins at conception and that from that moment forward, taking that child's life is the taking of a human life."² He derisively used air quotes when using the term "pro choice."³ And he asserted it was critical for parents to play a role in abortion decisions of minors because young people are "presumably very emotional and maybe even irrational" and they may choose "the then expedient solution which so often ends in great regret and grief once the wrong decision is carried out."⁴

Such statements are troubling but unsurprising, given Mr. Dugan's deep involvement with anti-abortion organizations. He was a co-founder of Illinois Vision 2020, whose mission is "ending abortion in Illinois by 2020."⁵ And he served as president and legal counsel of Options-Now Medical Pregnancy Center, a so-called crisis pregnancy center in southern

¹ <http://civilrightsdocs.info/pdf/judicial-nominations/documents/Dugan-SJQ-Attachments-1.pdf>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ <http://ifrl-blog.blogspot.com/p/vision-2020-ending-abortion-in-illinois.html>.

Illinois. Such centers, according to NARAL Pro-Choice America, “are fake health-care clinics that lie to, shame and intentionally mislead women about their reproductive-health-care options to block them from accessing abortion care.”⁶

Ideologically Extreme Affiliations: From 2014 to 2016, Mr. Dugan was a member of the far-right legal organization Alliance Defending Freedom (“ADF”), which is so extreme that it has been designated as a hate group by the Southern Poverty Law Center.⁷ ADF has defended state-sanctioned sterilization of transgender people, and they have expressed support for the recriminalization of sexual acts between consenting LGBTQ adults.⁸ The ADF website includes extreme statements like: “The abortion industry has been profiting from the deaths of infants for over 40 years,” and “Marriage ensures that more children are raised in a loving, stable home by both their mother and father—something that every child instinctively needs and deserves.”⁹

In addition, Mr. Dugan is a longtime 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. Mr. Dugan is a Life Member of the NRA, a distinction that costs more money and entitles the member to lifetime membership and exclusive benefits.¹⁰

In a written question for the record, Ranking Member Feinstein asked Mr. Dugan if he would discontinue his NRA membership if confirmed as a federal judge. He responded that “it is my intention to remain a member of the NRA.”¹¹ Mr. Dugan appears to be an outlier among Trump nominees; others have indicated during their confirmation process they would no longer maintain membership in the NRA. For example, Stephen McGlynn – another pending Southern District of Illinois nominee – is also a member of the NRA, but he stated in response to a written question for the record that he would not renew his membership if confirmed to be a federal judge.

Since 2017, Mr. Dugan has been a member of the far-right Federalist Society. 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.

We acknowledge that Mr. Dugan has been a member of the NAACP since 2017, and he indicated on his Senate paperwork that he is a Silver Life Member. The NAACP is the nation’s oldest and largest nonpartisan civil rights organization, and a core member of The Leadership Conference coalition. Although we are pleased to see this affiliation, we cannot ignore Mr. Dugan’s membership in ideologically extreme organizations and his troubling record on reproductive rights.

⁶ <https://www.prochoiceamerica.org/issue/fake-health-centers/>.

⁷ <https://www.splcenter.org/fighting-hate/extremist-files/group/alliance-defending-freedom>.

⁸ *Id.*

⁹ <https://www.adflegal.org/issues/overview>.

¹⁰ <https://explore.nra.org/interests/membership/>.

¹¹ <https://www.judiciary.senate.gov/imo/media/doc/Dugan%20Responses%20to%20Feinstein%20QFRs.pdf>.

Disturbing Lack of Diversity: Mr. Dugan, like the vast majority of President Trump’s judicial nominees, is white and male. 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. Of his 56 appellate nominees, not a single one is Black, only one is Latino, 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 David Dugan to be a district judge in the Southern District of Illinois. 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