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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