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April 23, 2018

Mitch McConnell  
Senate Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

Charles E. Schumer  
Senate Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

Dear Majority Leader McConnell and Minority Leader Schumer:

On behalf of the Congressional Black Caucus (CBC) and its Judicial Nominations Working Group, we write to urge you and your colleagues to forcefully reject the nomination of Stuart Kyle Duncan to be a judge on the United States Court of Appeals for the Fifth Circuit. His record is offensive to us and he has time and time again worked in service of interests that are stridently opposed to progress and to civil rights for America's racial and ethnic minorities. President Trump is continuing his assault on civil rights and civil liberties with this nomination and we urge you to not be co-conspirators in this effort. As you well know, these are lifetime appointments and the Congressional Black Caucus will continue to take note of the positions of those who support lifetime appointments for nominees with harmful records on issues of civil and human rights.

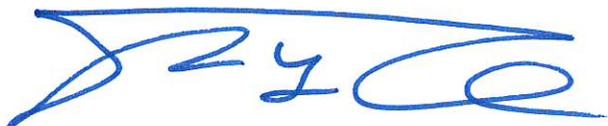
Most abhorrent in Mr. Duncan's record is his stalwart support of legislative efforts to curb the right of people of color to exercise the right to vote. He drafted a brief to the Supreme Court urging it to reject a lower court's determination that North Carolina's voter ID law discriminated against black voters with "surgical precision." He played a similar role in litigation defending the Texas legislature's discriminatory voter ID law. The Fifth Circuit is home to millions of African American citizens. Mr. Duncan's appointment to a life-long position on this important body is an insult to black Americans nationwide. His nomination is yet another in a string of nominations that has offended the black community and imperiled equal protection principles in our country, endangering real legal protections that people have fought and died to secure.

Mr. Duncan's views are antiquated and demonstrate, at best, ignorance to the current plight of black citizens and, at worst, an animus to the decades-old system of legal protections for them. At a moment when *Shelby Co. v. Holder* has already eroded critical constitutional protections for black Americans, it is alarming that this nomination is being considered at all. Those who work to advance the interests

of this nomination are nothing less than complicit in a nationwide effort to turn back the clock on racial equality and progress in this country.

Mr. Duncan should have been disqualified for a judgeship because of his prominent role in these landmark cases, but President Trump saw fit to add his name to the very long list of judicial nominees who do not look like America and do not share the American values of inclusion and equal rights for all. Of the 106 nominations President Trump has made, only four have been persons of color. We urge you to not be complicit in what is an apparent trend to reshape our courts by appointing people who are on the extreme fringes of our legal jurisprudence and on the margins of our moral perimeter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Cedric L. Richmond', with a stylized flourish at the end.

Cedric L. Richmond  
Chair, Congressional Black Caucus

A handwritten signature in blue ink, appearing to read 'Eleanor H. Norton', with a stylized flourish at the end.

Eleanor Holmes Norton  
Chair, CBC Judicial Nominations Working Group