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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 2014.¹ For example, in a 2012 piece, Mr. Wilson

¹ 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.”² In a 2014 piece, Mr. Wilson labelled the ACA “perverse” and “illegitimate.”³ 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.⁴

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.⁵ He voted in favor of HB1510, which would have banned abortion after 15 weeks of pregnancy.⁶ He voted in favor of HB 519, which would imprison abortion providers for performing a safe and common abortion procedure.⁷ 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.⁸

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.⁹ The Supreme Court ruled that the Texas provisions were unconstitutional.¹⁰

[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>.

² 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>.

³ 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>.

⁴ *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>.

⁵ 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>).

⁶ 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>.

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

⁸ 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>).

⁹ 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>.

¹⁰ *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.”¹¹ 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.”¹²

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.¹³ 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.¹⁴

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

¹¹ 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>.

¹² 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>.

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

¹⁴ 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>.