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July 27, 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: Letter of Concern for the Nominations of David Dugan and Stephen McGlynn to the Southern District of Illinois

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 NWLC's concerns about the nomination of David Dugan and Stephen McGlynn to the Southern District of Illinois. As detailed below, we have concerns about Dugan and McGlynn's specific records, but we are foremost concerned about the Senate's desire to push forward with judicial nominations given the current crises facing our country.

Our country is suffering from unprecedented public health and economic crises, as well as reckoning with white supremacy, institutionalized racism, and the continued devaluation of Black lives. Given the challenges our country faces, the Senate should prioritize providing relief to those struggling and addressing systemic racism and state-sanctioned police brutality. The Senate should not divert crucial time towards confirming federal judiciary nominees, especially since there is no crisis in vacancies for the federal judiciary.

Additionally, the Senate Judiciary Committee should not prioritize considering nominees with records that show hostility to reproductive health care and fundamental rights, which appears true of both David Dugan and Steve McGlynn.

David Dugan, when running for a position of judge on an Illinois state court, provided a letter to Illinois Right to Life Action about his views on abortion in order to receive an endorsement. The letter stated that abortion "often ends in great regret" and that "life begins at conception."<sup>1</sup> As an example of these deeply held beliefs, he lists his status as a founding member of Illinois Visions 2020-Ending Abortion in Illinois by 2020 and his involvement as a supporter, volunteer, board member, president, and legal counsel for a "large faith-based pregnancy center." He also stated that "I do believe that, for a number of reasons, the case of *Roe v. Wade* is sorely misplaced." Although Dugan asserted during his Judiciary Committee hearing that "you have my word and you have my record that I follow the law, that I stay away from the political and policy issues," as a judge, he would be unable to avoid deciding cases concerning the right to abortion, and his record gives reason to believe he would not decide such cases fairly or impartially. Similarly, there are parts of Stephen McGlynn's record, such as being endorsed by

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<sup>1</sup> David Dugan, SJC Questionnaire, 15-16, 2018 Judicial Candidate Survey

anti-abortion organizations when running for an elected judgeship that give us concerns about his ability to fairly decide matters involving reproductive rights.<sup>2</sup>

Judges with records that indicate biases against abortion, like Dugan and McGlynn, should not be confirmed to the federal judiciary at any time, but especially not at this moment. The COVID-19 pandemic has highlighted and worsened the inequities and systemic barriers facing those who need health care, including reproductive health care. Policymakers have used COVID-19 as an excuse to block abortion care, and some judges with biases against abortion have approved these efforts, effectively taking away people's right to abortion. If the Senate is going forward with judicial nominations, it should only approve those who commit to protect individual liberty and the right of all people to make personal decisions about their bodies, including the right to have an abortion.

But in this moment, with a country facing multiple crises, the Senate should not be moving forward with any judicial nominations. Instead, now is the time for the Senate to prioritize addressing the compounding and intersecting injustices of racism, the pandemic, and the economic crisis.

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

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<sup>2</sup> Bethany Krajelis, *More Money Flows Into Fifth District Race as Election Approaches*, *Madison – St. Clair Record* (Oct. 10, 2012), <https://madisonrecord.com/stories/510574119-more-money-flows-into-fifthdistrict-race-as-election-approaches> (last visited July 16, 2020).