



May 5, 2020

The Honorable Lindsey Graham
Chair
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein,

On behalf of the Human Rights Campaign (HRC), America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality, we write to oppose the nomination of Cory Wilson to the U.S. Court of Appeals for the 5th Circuit. Lifetime appointment to the federal bench demands not only exceptional intellectual ability and distinguished legal experience, but a commitment to fairness and a temperament that prioritizes fact and law over individual ideology and biases. Cory Wilson's professional record and public statements represent a jurist who does not rise to these demands. As a state legislator, Wilson consistently supported exclusionary actions that targeted the most vulnerable Mississippians. Outside of the state house, Wilson's inflammatory and disrespectful language regarding political rivals shows a political pundit lacking the judicial temperament required by the federal bench.

As you consider this nomination, America is fighting one of the most deadly public health crises in modern history. This crisis is testing our nation's healthcare system and is exposing the deadly

health disparities that have plagued marginalized communities for decades, including LGBTQ people. As we navigate this uncertain time, LGBTQ people – particularly in communities of color – are at a heightened risk as a result of underlying conditions, limited access to care, and lack of preventative care for chronic conditions like diabetes and asthma. Cory Wilson has consistently argued that the Affordable Care Act is “perverse” and “illegitimate.”¹ He opposed Medicaid expansion in Mississippi, which would have provided additional coverage to 170,000 adult Mississippians. He has also argued that the ACA is “about redistribution of power and wealth” rather than providing healthcare access.² The ACA has changed the face of healthcare in this country for LGBTQ people and people living with HIV. In addition, tens of thousands of people living with HIV have qualified for care and treatment under Medicaid expansion, gaining access to life-saving treatments before becoming disabled by the virus. Mississippians living with HIV have been denied this life-saving – and dignity preserving – benefit of the Act.

We must approach this moment with a commitment to promoting public health and ensuring access to critical care. Cory Wilson’s consistent record of attacks against the ACA have already placed thousands of Mississippians at risk as a result of his opposition to Medicaid expansion in the state. As a federal circuit judge, Wilson would incorporate his dangerous resistance to healthcare access into the fabric of judicial precedent that will undoubtedly shape the future of this Act.

In the state legislature, Cory Wilson also supported the discriminatory House Bill 1523, which empowered businesses in the state to refuse to serve LGBTQ people. This case was enjoined by the District Court of Southern Mississippi and was later reversed by the 5th Circuit. In this reversal, Judge Carlton Reeves wrote that this legislation, “creates a vehicle for state-sanctioned discrimination on the basis of sexual orientation and gender identity.” Central to the debate over the legislation was its doubtful Constitutionality. Wilson’s disregard for the Constitutional concerns and his willingness to support legislation that explicitly discriminates against thousands of Mississippians is disturbing.

¹ *ACA: Big, Intrusive Government*, Madison County Journal, Feb. 20, 2014, at A4.

² *Shutting Down the American Dream*, Madison County Journal, Oct. 24, 2013, at A4.

We are also deeply concerned by Cory Wilson’s habitual use of pejorative language to describe his political opponents, including the use of “Crooked Hillary” and “King Barack.” Similar statements by previous nominees have been deemed disqualifying even by leading Republican voices like Senator Mitt Romney.³ These statements go beyond normal political discourse and betray a partisan, ideologue lacking the measured and unbiased temperament required to serve on the federal bench. These previous statements raise serious concerns for prospective litigants before Wilson who may express diverging political affiliations.

Cory Wilson’s record reveals a troubling commitment to partisan ideology and a lack of judicial temperament that makes him unfit for the federal bench. Accordingly, we urge you to vote against his lifetime appointment to a seat on the United States Court of Appeals for 5th Circuit. Thank you for your consideration. If you have any questions or need more information, please contact me at David.Stacy@hrc.org.

Sincerely,

A handwritten signature in cursive script that reads "David Stacy".

David Stacy

Government Affairs Director

³ *Romney rejects Trump judicial pick who smeared Obama*, [Politico](#), Burgess Everett, May 14, 2019.