

# United States Senate

WASHINGTON, DC 20510-3203

June 22, 2020

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, D.C. 20510

Dear Leader McConnell:

We write to respectfully request that you decline to move forward with the nomination of Cory Wilson to the Fifth Circuit, and instead we urge you and the White House to work with civil rights groups to identify a nominee who represents the Circuit's diversity, and who is committed to protecting the voting rights of all Americans.

Reports indicate that you intend to file cloture on Cory Wilson's nomination to a Mississippi seat on the Fifth Circuit in the coming days. Judge Wilson has a long and troubling record on voting rights, and moving forward with his nomination at a time when hundreds of thousands Americans are protesting against systemic inequality, including inequality in our voting system, is wrong.

Judge Wilson has been an ardent supporter of restrictive voting measures, including voter ID laws, that disproportionately harm minority voters, and he has shown a pattern of dismissing legitimate concerns from voting rights groups. Appointing someone to the Fifth Circuit who refers to the concerns of African American citizens and community advocates regarding the effects of voter ID laws as "poppycock"<sup>1</sup> is a slap in the face to Black Americans at a time when our country is working to take steps forward on racial justice, not backwards.

In addition to supporting laws that disenfranchise voters, Judge Wilson has made numerous unsubstantiated claims regarding voter fraud, and he has been a vocal critic of the *Voting Rights Act*, one of the most important pieces of civil rights legislation this body has ever considered. The spread of disinformation regarding the integrity of our election system is a serious and dangerous practice that threatens our democracy. It is our hope that at this time of tremendous unrest in our country there would be bipartisan agreement that nominees to lifetime appointments on the federal judiciary should have a basic respect for the laws that protect the right to vote and should not spread lies regarding voter fraud.

Last week, the Senate Judiciary Committee held a business meeting regarding Judge Wilson's nomination. That meeting coincided with primary elections across the country, where Americans were forced to choose between protecting themselves from COVID-19 or exercising their right to vote. In Georgia, thousands of people went to the polls and experienced long lines and chaos. Voters who requested absentee ballots never received them, voting machines were inoperable, and a shortage of sufficiently trained poll workers caused unconscionable delays. Preliminary

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<sup>1</sup> [https://www.washingtonpost.com/politics/senate-panel-advances-mississippi-appeals-court-nominee/2020/06/11/95a8c7cc-ac0d-11ea-a43b-be9f6494a87d\\_story.html](https://www.washingtonpost.com/politics/senate-panel-advances-mississippi-appeals-court-nominee/2020/06/11/95a8c7cc-ac0d-11ea-a43b-be9f6494a87d_story.html)

reports indicate that minority communities in Metro Atlanta were most affected by the failure of state officials to properly administer elections.

Earlier this primary season, voters in Wisconsin were also forced to risk their health in order to vote. Voters stood in line for hours in homemade masks and garbage bags to protect themselves from the spread of COVID-19. In Milwaukee, there were just five polling locations open, instead of the usual 180. Two-thirds of Wisconsin's Black voters live in Milwaukee. There's no question Black voters were disenfranchised. And now, Wisconsin health officials say that more than 67 people have tested positive for coronavirus following voting in the primary.

As we engage in a national conversation about combatting racial inequality, it is clear that our voting system, the very wellspring of American democracy, is plagued by systemic racism. It is against this backdrop that the Senate is preparing to consider a nominee whose record has caused many to raise alarm about his hostility to minority voting rights. To make matters worse, if confirmed, Judge Wilson will preside over cases in a Circuit that is comprised primarily of people of color. The Fifth Circuit is a majority-minority Circuit. People of color comprise roughly 55 percent of the Circuit's population. Confirming a nominee like Judge Wilson—who has regularly trivialized the fact that voting is not equally accessible to all—would underscore that our system of justice is broken.

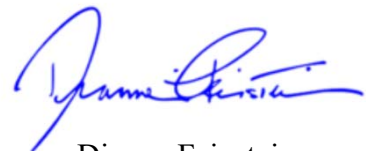
We therefore ask that you work to select a more appropriate nominee who is committed to upholding the voting rights of all the Fifth Circuit's citizens.

Thank you for considering this request.

Sincerely,



Charles E. Schumer  
United States Senator



Dianne Feinstein  
United States Senator



Amy Klobuchar  
United States Senator