

May 20, 2020

The Honorable Lindsey Graham
Chairman, Senate Committee on the Judiciary
290 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member, Senate Committee on the Judiciary
331 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of Giffords, I write to urge you to reject the nomination of Cory Wilson to the U.S. Court of Appeals for the Fifth Circuit.

Impartiality and independence are essential for any federal judge. Unfortunately, Mr. Wilson lacks both. Mr. Wilson has demonstrated a dangerous commitment to gun lobby groups who challenge all common-sense firearm regulations as unconstitutional. This view is a radical departure from *District of Columbia v. Heller*, in which Justice Antonin Scalia described several categories of firearms regulations that comply with the Second Amendment.¹ Indeed, since *Heller*, courts have repeatedly upheld the vast majority of gun safety laws in line with Justice Scalia's guidance.² Mr. Wilson's fealty to the gun lobby's extreme ideology ignores Supreme Court precedent and renders him unfit for a life-tenured seat on the federal bench.

During his 2015 candidacy for the Mississippi House of Representatives, Mr. Wilson pledged to side with the gun lobby on a vast array of firearms issues. In his responses to a candidate questionnaire from the National Rifle Association ("NRA"), he promised to oppose universal background checks, which ensure criminals, domestic abusers, and other dangerous individuals cannot easily obtain a firearm (and which 97% of Americans support).^{3,4} He also pledged to oppose any restriction on the sale of semi-automatic assault rifles, which have been used in the seven deadliest shootings in the past decade.⁵

Not only did Mr. Wilson oppose new gun safety measures in Mississippi, he also stood in lockstep with the gun lobby by actively undermining existing gun laws in the state, which are already the weakest in the country.⁶ During his time in the Mississippi House, Mr. Wilson helped pass a law that allows the carrying of a concealed firearm

¹ *District of Columbia v. Heller*, 554 U. S. 570 (2008).

² <https://lawcenter.giffords.org/wp-content/uploads/2019/07/PHLS-June-2019-Update.pdf>

³ <https://afj.org/wp-content/uploads/2020/01/Wilson-Attachments-p450-453.pdf>

⁴ <https://poll.qu.edu/national/release-detail?ReleaseID=2521>

⁵ <https://lawcenter.giffords.org/wp-content/uploads/2019/08/Assault-Weapons-Giffords-Law-Center.pdf>

⁶ <https://lawcenter.giffords.org/scorecard/#MS>

without a permit or any firearms training whatsoever and permits guns to be carried in houses of worship. The Mississippi Association of Chiefs of Police opposed this dangerous measure, which they said puts “law enforcement officers and all Mississippians directly in harm’s way.”⁷ Mr. Wilson also supported a bill to effectively bar state officials from restricting concealed firearms on public property, including colleges and universities. The state’s flagship public universities opposed this “guns on campus” bill, as did the Southeastern Conference (“SEC”).⁸

It is critical to note that debates about gun violence are not academic exercises in Mississippi. The state has one of the highest rates of gun deaths in the country.⁹ Yet Mr. Wilson has repeatedly made clear that he chooses loyalty to the gun lobby’s extreme positions over even the most incremental, reasonable measures to address this ongoing threat to public safety. Mr. Wilson’s fealty to NRA extremism led him to disregard the views of even his own state police and institutions of higher education—the ones who now must bear the harsh consequences of Mississippi’s reckless firearm policies.

The Fifth Circuit Court of Appeals is closely divided on the constitutional status of critical gun safety laws. A recent major Second Amendment case in the Fifth Circuit, *Mance v. Barr*, illustrates this division. In a vote among all 15 active judges on the Fifth Circuit, the judges voted 8-7 to leave undisturbed a three-judge panel’s ruling upholding the federal law requiring out-of-state handgun purchases to be completed through an in-state federal firearms licensee.¹⁰ This vote involved more than the federal law at issue: all of the dissenting judges framed the case as an opportunity to revise well-established Second Amendment methodology in favor of a radical reinterpretation that would treat the Second Amendment as having fewer limitations than other rights and seriously undermine gun safety. This reinterpretation conflicts with the U.S. Supreme Court’s holdings in the *Heller* and *McDonald* cases, which made clear that “the right secured by the Second Amendment is not unlimited” and “reasonable firearms regulations will continue under the Second Amendment.”¹¹

The Supreme Court is reviewing a petition for certiorari in *Mance v. Barr*, meaning that the case could eventually return to the Fifth Circuit for further review. If confirmed, Cory Wilson would shift the Circuit’s balance towards a radical new Second Amendment doctrine, under which gun safety laws would be more vulnerable than in any other time or place in American history.

In addition to a pending lawsuit regarding regulation of 3D-printed firearms,¹² the Fifth Circuit recently reviewed challenges to concealed carry of firearms on college campuses;¹³ restrictions on firearm possession by minors;¹⁴ and a federal firearm prohibition for people with felony convictions.¹⁵ Mr. Wilson might be the deciding vote in reviewing these and other life-saving gun safety laws.

⁷ <https://www.pbs.org/newshour/nation/mississippi-governor-signs-law-authorizing-guns-in-churches>

⁸ <https://mississippitoday.org/2018/02/07/sec-officials-threaten-repercussions-on-concealed-carry-bill/>

⁹ <https://lawcenter.giffords.org/scorecard/#MS>

¹⁰ *Mance v. Sessions*, 896 F.3d 699 (5th Cir. 2018)

¹¹ *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008); *McDonald v. City of Chi.*, 561 U.S. 742, 785 (2010).

¹² *Defense Distributed, et al v. Gurbir Grewal, et al*, No. 19-50723 (5th Cir.)

¹³ *Glass v. Paxton*, 900 F.3d 233 (5th Cir. 2018) *Mance v. Sessions*, 896 F.3d 699 (5th Cir. 2018)

¹⁴ *NRA of Am., Inc. v. McCraw*, 719 F.3d 338 (5th Cir. 2013)

¹⁵ *United States v. Massey*, 849 F.3d 262 (5th Cir. 2017)

With a significant volume of Second Amendment litigation in the federal courts, it is likely that Mr. Wilson, if confirmed to the Fifth Circuit, would be called upon to rule on the NRA's radical attempts to upend constitutional precedent and dismantle broadly supported gun safety measures. Mr. Wilson's confirmation could tilt the balance towards Second Amendment extremism. His record indicates that he is poorly suited to cast deciding votes in these cases. Americans deserve judges with a neutral and measured approach to legal decision making. Yet Mr. Wilson's opinions on gun safety are far from neutral. His demonstrated allegiance to the gun lobby, coupled with his ignoring the devastating toll of gun violence on families and communities, disqualifies him from serving on the federal bench.

As an organization dedicated to reducing gun violence in America, Giffords must oppose Mr. Wilson's nomination. We urge you to vote against confirming Mr. Wilson to serve on the U.S. Court of Appeals for the Fifth Circuit.

Signed,

Adam Skaggs
Chief Counsel & Policy Director