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Judge Cory T. Wilson
Nominee to the United States Court of Appeals for the Fifth Circuit

Male, Age 49. Born: Flora, MS. Yale (J.D.) Univ. of Mississippi (B.B.A.)
2019 – present, Judge, Mississippi Court of Appeals
2016 – 2019, private law practice, Jernigan Copeland
2016 – 2019, State Representative, Mississippi House of Rep. District 73.¹
2011 – 2016, private law practice, Heidelberg Steinberger.
2014 – 2015, Office of State Treasurer (MS), Senior Advisor and Counsel
2013, Adjunct Professor, Mississippi College School of Law
2011, private practice, Cory t. Wilson PLLC
2008 – 2001, Deputy Secretary of State / Chief of Staff, Secretary of State, MS
2001 – 2005, 2006 – 2008, private practice, Bradley Arant, Rose & White
2005 – 2006, White House Fellow to Dept. of Defense, Washington, D.C.
1996 – 2001, private practice, Watkins Ludlam
1995 – 1996, Law Clerk, U.S. Court of Appeal, 11th Circuit (Judge Emmett R. Cox.)

Significant Associations & Memberships:

2016 – 2019, Mississippi House Conservative Coalition
2016 – 2019, Mississippi House Republican Caucus
2014 – 2018, National Rifle Association
1997 – 2014, Young Business Leaders, Men’s Bible Study²
1996 – 2005, Federalist Society, Mississippi Chapter
1992 – 1995, Federalist Society, Yale Chapter
2014 – present, Sunday School Class Leadership Team, Highlands Presbyterian Church (P.C.A.), Ridgeland, MS.³
2004 – 2014, Community Group Teacher/Leadership Team, Broadmoor Baptist Church (S.B.C.)⁴

Wilson has a Constitutionally Conservative Judicial Philosophy and Believes Judges Should Never Legislate from the Bench, but Should Allow the “Legislative Branch to Set Policy.”

Prior to his present nomination to the Fifth Circuit, Judge Wilson was nominated to the U.S. District Court for the Southern District of Mississippi. On January 8, 2020 Judge Wilson stated as his Senate Judiciary Committee hearing for confirmation to the District Court:

“I understand your concern Senator Feinstein and actually share it in terms of having an impartial judiciary, being a fair judge who rules based on precedent and based on the applicable law to each case. I’m keenly aware of the difference between being a candidate for elected office – for partisan elected office – for the legislative branch, law making and policy making and policy debates versus the role of a judge where none of that bears on

the way I decide cases. In other words, it's up to the legislative branch to set policy, to answer some of those questions, again like in the topics that you referenced, it's up to a United States District Judge, just like today as a court of appeals judge, to follow the precedent, to follow the law as you [referring to Feinstein as a legislator] write it.”⁵

Judge Wilson Believes: Our Unalienable Rights Come From God, Judges Never Make Law, and Statutes Mean What They Say. At his investiture ceremony to become a judge on the Mississippi Court of Appeals, Judge Wilson explained the foundation of his judicial philosophy, the role of a judge, and how judges function differently from legislators. Judge Wilson stated:

What a privilege it is to play a part in sustaining those *core American freedoms that are enshrined in the rule of law*. I put a quote down, you know where it comes from, it is the Declaration, those basic beliefs, that *'all men are created equal. That they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.'*

I also believe that *we should interpret the law, not make it*. You know, I'm so grateful for the time that I served in the legislature – I see some of my colleagues here – I really appreciate it. I will never trade those memories and the awesome privilege of representing people from Madison County, again to try to move the state forward. I'll always have the friendships, but Governor, *I've left legislating behind. That is the work of the political branches of government, not the judges, not the judiciary. It's not appropriate for us to legislate from the bench. We decide the cases before us, not the policy debates that are across the street at the capitol. It sounds pretty basic but in today's world maybe it needs to be said: statutes mean what they say. It's important for us to follow precedent, not invent it as we go along.*”⁶

Judge Wilson's Tenure on the Mississippi Court of Appeals Confirms His Pledge to Follow the Law and Not Make it. Wilson has served on the Court of Appeals for Mississippi since his appointment in February 2019. He has authored opinions and shown himself to be an excellent judge who follows the law, procedure and precedent. In *State v. Childs*,⁷ a woman was convicted of murdering her husband with the verdict affirmed by the Mississippi Supreme Court. Thereafter, the trial judge reversed the conviction, and the Court of Appeals reversed the trial court in an unanimous opinion written by Judge Wilson. In *Morales v. State*,⁸ Judge Wilson wrote for the Court in finding that the trial judge did not err in convicting an absent defendant since he was willfully avoiding trial. In *Payne v. State*,⁹ Judge Wilson wrote an opinion reversing a criminal conviction for possession of a controlled substance, because the indictment was defective.

Judge Wilson's Record in the Executive and Legislative Branches Demonstrates that he will be a Constitutionally Conservative Federal Judge and Not an Unreliable and Risky Stealth Nominee. Far from being a disqualifying factor, Judge Wilson's demonstrable record of standing for constitutionally conservative principles is what best recommends him as a reliable judicial nominee. The past fifty years are littered with examples of stealth judicial nominees who: (1) lacked demonstrable constitutionally conservative records, (2) nonetheless, were promised to manifest as “constitutionally conservative” jurists, but (3) who instead turned out to be liberal

activist judges. Justices Stevens, O'Connor, Kennedy, and Souter are but a few examples. The following evidence from Judge Wilson's record occurred prior to his judicial service:

- Wilson is a proponent of “life” and an opponent of “abortion,” and *Roe v. Wade*,
 - supported “the complete and immediate reversal of *Roe v. Wade*,”¹⁰
 - voted for the heartbeat bill to prohibit abortions after a baby has heart-beat,”¹¹
 - supported a ban on abortions after the fifteenth week,¹² and
 - opposed tax-payer funding of Planned Parenthood.”¹³
- Wilson is a defender of the Second Amendment,
 - member of the National Rifle Association,¹⁴
 - opposed centralized registry of lawful gun purchases,¹⁵
 - supported bill for carrying concealed firearms on all public property.¹⁶
- Wilson worked for election integrity and opposed voter fraud,
 - Advocated for voter ID laws,¹⁷
 - Worked in his state's Secretary of State office to prevent people for voting in the names of other people and preventing casting of ballots of dead persons.¹⁸
- A Supporter of Marriage,
 - Identified politicians who changes their positions on homosexual marriage as those who “pander to liberal interest groups.”¹⁹
 - Wrote: “[a]t the time [1990s], 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.”²⁰
- A Proponent of First Amendment Based Religious Freedom, even against the non-textual, judicially created LGBTQ+ attacks on religious freedom.
 - Voted for bill to protect religious groups, small businesses and government employees from being forced to violate their religious beliefs by having to affirm same-sex couples.²¹

Liberal Senators Hypocritically Seek to Disqualify Judge Wilson from Judicial Services for His Known Conservative Values but Never Applied that Same Standard to Liberal Judicial Nominees. Not only is this argument without constitutional merit, but the left took the opposite position when it came to confirming demonstrable liberals to the federal bench like Justice Ruth Bader Ginsburg, Judge Cornelia Pillard, and others. In response to a question from Senator Feinstein about his pro-life and pro-Second Amendment views, Judge Wilson replied:

“Let me start by saying that *before I became a judge about a year ago, I was involved in elective politics in the legislative branch as a candidate.* The information that you raised comes from two candidate questionnaires if I recall. One from 2007 and one from 2015. I was running as a candidate for the House of Representatives in both cases and, basically, I responded to those questionnaires setting forth my policy positions if elected as a legislator.

I understand your concern Senator Feinstein and actually share it in terms of having an *impartial judiciary, being a fair judge who rules based on precedent and based on the applicable law to each case. I'm keenly aware of the difference between being a candidate for elected office – for partisan elected office – for the legislative branch, law making and policy making and policy debates versus the role of a judge where none of that bears on the way I decide cases.* In other words, *it's up to the legislative branch to set policy*, to answer some of those questions, again like in the topics that you referenced, *it's up to a United States District Judge, just like today as a court of appeals judge, to follow the precedent, to follow the law* as you [referring to Feinstein as a legislator] write it.²²

Judge Wilson's Principled, Patient, and Measured Senate Testimony in Response to Partisan and Provocative Questioning is Evidence of his Even Judicial Temperament. Senator Hirono did not question any of Judge Wilson's three hundred and fifty judicial rulings, public statements, speeches, or writings during his service on the bench over the last year and three months. Instead, she said that during his legislative service he had been critical of political opponents, had "not hidden your extreme - extremely clear views," and said, "your record shows a temperament that is extremely partisan" She asked him whether "these public statements are appropriate for a judge? Judge Wilson, who made those statements *before* he was a judge patiently responded: "Senator, no, I don't think they would be appropriate for a judge, and as a sitting judge, I certainly share your concern about the need for an impartial judiciary."²³ Judge Wilson's patient response to Senator Hirono is admirable evidence of his fine judicial temperament.

Judge Wilson and Senator Kennedy Engaged in a Discussion Explaining that Wilson has Views on Various Social, Economic and World Issue, but He Understands the Proper Role of a Judge. Senator Kennedy asked Judge Wilson: "Judge, is there any doubt in your mind that you can put aside your personal, political, social, cultural, economic, religious beliefs and call it like you see it on the federal bench?" Wilson responded: "Not a doubt in my mind Senator. I have been doing it for - I've participated in about 350 cases to date on the court of appeals. I've written about ten percent of those opinions, and I think if you looked at my opinions what I hoped you would see is judicial restraint, faithful application of precedent, not reaching issues that are not central to disposing of the case before us, and stopping right there."²⁴

Judge Wilson's Service in All Three Branches of Government Gives Him a Unique Range of Experience in Government to Help Him Serve in His Current Role as a Judge. Senator Blackburn asked Judge Wilson about his experience as a legislator and he replied:

"It is a great privilege to have served both in the legislative branch and now the judicial branch. I actually served in state government in the executive branch as well. I think the biggest lesson that it gave to me – and as a judge over the last year or so – is the distinct functions of the judiciary in deciding cases and controversies versus the awesome privilege of making laws and making policy choices. That's appropriate in the legislative branch and that's certainly what I worked very hard to do in representing my constituents as best I could when I was in the house, it's not what I do as a judge. In terms of statutory interpretation, it also is good background to know how laws are drafted and what's important is the text of the law that is actually enacted, not what may have been in

committee or may have been discussed somewhere that never ended up in the law. And so, I bring that experience to bear as I decide cases on the court of appeals today.”²⁵

As a Legislator, Wilson Fought to Protect Textual First Amendment Religious Freedom Against Efforts to Force them to Affirm the LGBT Agenda. Senator Coons asked Judge Wilson about a bill he supported in the legislator that, according to Senator Coons, would allow businesses to “discriminate” against “a same-sex couple.” Wilson explained

“Well Senator, certainly *Obergefell* is binding precedent on that issue, there may be others. I don’t want to comment on cases that may come before the court and preview an opinion, **but I will say** that when I voted for that bill as a representative **my driving factor was religious liberty**, and my understanding of the bill, my memory of it is that it was an attempt to balance those **rights that are enshrined in the First Amendment** with the **rights that are delineated in Obergefell**. And I think that’s – it’s a very important discussion and decision in terms of balancing the earnestly held rights of people on both sides of that occasion, or that issue.”²⁶

It is normal for nominees to acknowledge binding precedent, pledge to follow it faithfully, and not comment further. Wilson took an exceptional approach and did comment further. He explained the conflict between the First Amendment and LGBTQ agenda. Furthermore, he juxtaposed the difference between rights “**enshrined**” in the text of the Constitution’s “First Amendment,” and others “**delineated**” in the judicial opinion of *Obergefell*. This was a clever and constitutionally appropriate implied elevation of textual “enshrined” rights over judicially created “delineated” “rights.”

Judge Wilson has Experience Maintaining Election Integrity and Preventing Voter Fraud. Senator Coons asked Judge Wilson about his record on election law and securing the vote:

“In a published column in 2011, you called objections to a proposed voter ID law ‘poppy-cock unless you count the dead vote.’ Can a voter ID law ever result in voter suppression, in your view? ... Could you point to any significant examples of the miscounting of so-called dead votes in an election in the period that led up to this initiative in Mississippi?”

Judge Wilson previously worked in his state’s Secretary of State’s office that oversees elections. He responded:

“Well Senator I can speak to my personal practice experience in handling a couple of election contests cases where we actually had new elections ordered because of the significant irregularities in the voting procedures. There was, I can think of absentee balloting fraud, impersonation voting. I actually handled a witness in a court trial who had voted in person on election day but was in Texas the entire month during the election. There were other things like that proven in court and so I can speak to those cases where we have litigated election contests but I wouldn’t want to go further than that Senator.”²⁷

¹ Examples of his legislative campaign website from 2016 are as follows:
<https://web.archive.org/web/20180902024606/https://www.corywilson.ms/> (homepage), and
<https://web.archive.org/web/20160703045538/http://www.corywilson.ms/about-cory/> (profile).

² <https://ybl.org/jackson/>

³ <https://highlandspca.org/>

⁴ <https://www.broadmoor.org/> <http://www.sbc.net/bfm2000/bfm2000.asp>

⁵ Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:14:30 – 1:15:22)

⁶ Judge Cory T. Wilson, Investiture Speech, May 20, 2019; available at: <https://livestream.com/supremecourtofms/investiture-judge-cory-t-wilson/videos/191513556> (from 57:28 - 1:00:16). (Emphasis added.) A longer excerpt of his speech is as follows:

“I can’t pay any of this back, but I can pay it forward. What does that mean?

You know, the Lord told Joshua to be strong and courageous, repeatedly. David actually said to Solomon, his son, the same thing: ‘be strong and courageous and do the work. Do not be afraid or discouraged for the Lord, my God, is with you.’

And I’ve had a heart for service as some of the speakers have said. I’ve never planned on serving in this role, but now I will endeavor to be strong and courageous and to pay it forward.

What a privilege it is to play a part in sustaining those *core American freedoms that are enshrined in the rule of law*. I put a quote down, you know where it comes from, it is the Declaration, those basic beliefs, that *‘all men are created equal. That they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.’* To have a part in sustaining, in the words of Abraham Lincoln ‘the last best hope of earth’ these are things I believe and I think it’s incredibly important for *courts to preserve the rule of law, ensure due process, equal and impartial justice for all*.

I also believe that *we should interpret the law, not make it*. You know, I’m so grateful for the time that I served in the legislature – I see some of my colleagues here – I really appreciate it. I will never trade those memories and the awesome privilege of representing people from Madison County, again to try to move the state forward. I’ll always have the friendships, but Governor, *I’ve left legislating behind. That is the work of the political branches of government, not the judges, not the judiciary. It’s not appropriate for us to legislate from the bench. We decide the cases before us, not the policy debates that are across the street at the capitol. It sounds pretty basic but in today’s world maybe it needs to be said: statutes mean what they say. It’s important for us to follow precedent, not invent it as we go along*.

So, I look forward to working with the other judges on the court of appeals, to live out these principles and ultimately remember that the parties in the cases that we have are people with problems, with disputes, people who have made mistakes, and *people who all start out with those unalienable rights*.

So, I’ll close just by quoting another favorite of mine, President Ronald Reagan. He said this: “freedom is never more than one generation away from extinction. We didn’t pass it to our children in the bloodstream. It must be fought for, protected and handed on for them to do the same.”

He also quoted Proverbs 19:21 in his investiture speech: “Many are the plans in a man’s heart, but the Lord’s purpose prevails.” The May ceremony, followed a short investiture ceremony the day he was appointed on February 15, 2019: <https://livestream.com/supremecourtofms/judge-cory-wilson/videos/187403080>.

⁷ *State v. Childs*, 2020 WL ___, (Miss. Ct. App. May 5, 2020), NO. 2018-CA-00263-COA.

⁸ *Morales v. State*, 2019 WL 3562031 (Miss. Ct. App. Aug. 6, 2019).

⁹ *Payne v. State*, 2019 WL 2511477 (Miss. Ct. App. June 18, 2019).

¹⁰ Cory T. Wilson, Answers to Candidate Questionnaire of Mississippi Right to Life, June 13, 2007.

¹¹ H.B. No 732, Mississippi House of Rep., 2019 Regular Session; and <http://billstatus.ls.state.ms.us/2019/pdf/history/HB/HB0732.xml>

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- ¹² H.B. No 1510, Mississippi House of Rep., 2018 Regular Session; and <http://billstatus.ls.state.ms.us/documents/2018/html/HB/1500-1599/HB1510IN.htm>
- ¹³ Cory T. Wilson, *Rep. Cory Wilson session recap*, Y'all Politics, May 17, 2016; see <https://yallpolitics.com/index.php/yp/post/rep-cory-wilson-session-recap-msleg/feed/>
- ¹⁴ Cory T. Wilson, Answers to Questionnaire of Senate Judiciary Committee, 10; available at <https://www.judiciary.senate.gov/download/cory-wilson-sjq-public>
- ¹⁵ Cory T. Wilson, Answers to Candidate Questionnaire of National Rifle Assoc., May 21, 2015.
- ¹⁶ H.B. No 1083, Mississippi House of Rep., 2018 Regular Session; see <http://billstatus.ls.state.ms.us/documents/2018/html/HB/1000-1099/HB1083PS.htm>
- ¹⁷ Cory T. Wilson, *Suppressing Common Sense*, Madison County J. (Madison, Miss.), Nov. 1, 2012, at A4, reprinted in Mississippi Press-Register (Mobile, Ala.), Nov. 4, 2012, at 1.
- ¹⁸ Cory T. Wilson, *Suppressing the Truth*, Madison County J. (Madison, Miss.), Feb. 1, 2012; see <http://www.onlinemadison.com/Content/EDITORIALS/Editorials/Article/WILSON-Suppressing-the-truth/3/3/24665?s=1>
- ¹⁹ Cory T. Wilson, *Culture Wars Hit Home*, Madison County J. (Madison, Miss.), May 31, 2012, at 4, reprinted in Mississippi Press-Register (Mobile, Ala.) June 1, 2012, at 1. *When Tolerance is Really 'Zero Tolerance.'*
- ²⁰ Cory T. Wilson, *Culture Wars Hit Home*, Madison County J. (Madison, Miss.), May 31, 2012, at 4, reprinted in Mississippi Press-Register (Mobile, Ala.) June 1, 2012, at 1. *When Tolerance is Really 'Zero Tolerance.'*
- ²¹ H.B. No 1523, Mississippi House of Rep., 2016 Regular Session; see <https://www.jacksonfreepress.com/news/2016/apr/02/roll-call-who-voted-and-against-anti-lgbt-house-bi/>
- ²² Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:13:53 – 1:15:22). (Emphasis added.)
- ²³ Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:38:00 – 1:39:40). (Emphasis added.)
- ²⁴ Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:44:55 - 1:45:35).
- ²⁵ Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:48:15 - 1:49:14).
- ²⁶ Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:52:18 – 1:53:45).
- ²⁷ Judge Cory T. Wilson, *Testimony*, Senate Judiciary Committee hearing, Jan. 8, 2020; available at <https://www.judiciary.senate.gov/meetings/01/08/2020/nominations> (1:41:41 - 1:57:18).