

# AFL-CIO

## LEGISLATIVE ALERT

February 7, 2018

Dear Senator:

The AFL-CIO urges you to oppose the nomination of Stuart Kyle Duncan to serve on the United States Court of Appeals for the Fifth Circuit.

Mr. Duncan's record is one of defending discriminatory voting laws and undermining Americans' civil rights.

In 2016, Duncan defended the North Carolina's racially discriminatory voting identification law, described by the U.S. Court of Appeals for the Fourth Circuit, which reviewed the matter, as "the most restrictive voting law North Carolina has seen since the era of Jim Crow." When the Fourth Circuit struck down the law, Duncan then unsuccessfully petitioned the U.S. Supreme Court in an attempt to reverse the decision.

Duncan was lead counsel in *Burwell v. Hobby Lobby Stores, Inc.*, which enabled businesses to declare religious objections to the Affordable Care Act's contraceptive coverage mandate in order to prevent their female employees (and their dependents) from receiving this coverage from their employer-sponsored health plan.

Last, Duncan filed briefs opposing marriage equality when *Obergefell v. Hodges* was before the Supreme Court. Further, his statement that the Court's decision in *Obergefell* "raises a question about the legitimacy of the Court" calls into question his ability as a judge to follow Supreme Court precedent on which he may disagree.

Our courts need appointees who treat all Americans fairly, including working women, African Americans, and LGBTQ individuals. Our review of Duncan's record leads us to the conclusion that he does not possess that background. We urge you to oppose Duncan's nomination to the Fifth Circuit.

Sincerely,



William Samuel, Director  
Government Affairs Director

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