

JUSTICE DAVID STRAS

Justice David Stras of the Minnesota Supreme Court was nominated by President Donald Trump to serve on the U.S. Court of Appeals for the Eighth Circuit. Alliance for Justice is investigating Justice Stras's record and has identified several red flags.

ULTRACONSERVATIVE PHILOSOPHY

Like other Trump nominees, Stras fits the mold of an ultra-right-wing conservative who will be a good friend to big corporations, the wealthy and the powerful, at the expense of everyday Americans. He is active in the Federalist Society, clerked for Justice Clarence Thomas and calls him a “mentor,” and has praised an archconservative Supreme Court Justice from the past, Pierce Butler, who is known for striking down New Deal laws.

Stras allowed Republicans in the Minnesota legislature, in putting on the ballot a constitutional amendment to prohibit same-sex marriage, to come up with the official name of the measure that would appear on the ballot. They chose the obviously loaded phrase “Recognition of

Marriage Solely Between One Man and One Woman.” In allowing this, Stras let legislators overrule the state Secretary of State (who under state law was required to “provide an appropriate title” for the ballot question), who had designated the measure “Limiting the status of marriage to opposite sex couples.”

In a law review article, Stras argued that “the [Supreme] Court’s own ventures into contentious areas of social policy—such as school integration, abortion, and homosexual rights—have raised the stakes of confirmation battles even higher.” It is disturbing that he would characterize “school integration” as “contentious” and give the impression that he does not believe the Court should have “venture[d]” into ensuring rights for women and LGBTQ Americans.

WORKPLACE DISCRIMINATION

Peterson v. Minnesota: Justice Stras would have prevented a police officer from suing the City of Minneapolis for age discrimination because the statute of limitations to sue had run out while the City took more than a year to investigate the officer’s original complaint. The state Supreme Court ruled the statute of limitations should have been suspended while the City pursued its investigation; Stras dissented.

VOTING RIGHTS

Justice Stras allowed Republicans in the Minnesota legislature to put on the ballot a constitutional amendment that would have made it harder for Minnesotans to exercise the right to vote, a ballot question that Justice Alan Page noted was “phrased to actively deceive and mislead” and “so materially and deliberately misstate[d] the language of the proposed amendment to which it relates” as to be “nothing more than a bait and switch.”

SEXUAL ASSAULT CASES

State v. Obeta: Justice Stras ruled that trial judges didn’t have the right in a rape case to allow expert testimony that went against the defendant’s claim of consensual sex. The experts had testified that a lack of detectable injuries, and a delay in reporting, are common in rape cases. The state Supreme Court ruled in favor of allowing the expert testimony, and Stras, in the minority, dissented.

INJURED PERSONS’ RIGHTS

Sleiter v. Am. Family Mut. Ins. Co: In a dissent, Justice Stras sided with an insurance company over an injured child who was involved in a tragic school bus accident resulting in multiple deaths and injuries. Had Stras prevailed, Cody Sleiter, who suffered extensive damage to his right leg, hip and lower back, would have been able to recover only about \$36,000, even though he suffered \$140,000 in damages.