

# BRANTLEY STARR

On March 11, 2019, President Trump [nominated](#) Brantley D. Starr to the District Court for the Northern District of Texas, for the seat previously held by [Judge Sidney A. Fitzwater](#). Starr is [currently](#) the Deputy First Attorney General of Texas, a position he has held since 2015. He previously worked as a Fellow and Assistant Solicitor General to the Texas Office of the Attorney General (AG), and a law clerk to Justice [Don Willett](#) on the Texas Supreme Court.

## IMMIGRATION

- Starr defended President Trump's Muslim Ban. Contrary to court decisions, Starr [claimed](#) that the Muslim ban "was a facially neutral order" and that the "order did not discriminate."
- Starr fought to eliminate protections for Dreamers. He argued that the Deferred Action for Childhood Arrivals (DACA) policy was unconstitutional in [Texas v. United States](#). He was [integral](#) to the case, explaining how he "represent[ed] a 10-state coalition and . . . worked on all aspects of the case, from drafting the complaint and preliminary injunction motion to arguing the preliminary injunction hearing."
- Starr [defended](#) a law that would have limited the ability of local authorities to determine how best to use law enforcement resources and forced local law enforcement to enforce federal immigration law. Starr [defended](#) Texas's attempt to enact this law that "would allow local law enforcement to ask legally detained people about their immigration status and punish law enforcement officials if they don't cooperate with federal requests to hold undocumented immigrants they detain — whether or not they actually committed a crime." Facing backlash from the bill, Starr claimed that "[t]he bill is simply not vague. There's no racial focus . . . [w]e are not trying to enforce immigration law."
- During the Obama Administration, Texas [announced](#) it would impose additional security clearances on refugees being resettled through the federal refugee resettlement program in an effort to block the entry of Syrian refugees and refugees from other Muslim-majority countries into Texas. In May 2016, Starr [signed](#) an opinion letter stating that Texas did not violate the law by imposing additional security conditions on the federal funds. Texas was notified that this move was a violation of the program's federal funding and, instead of complying with the program, Governor Abbott announced Texas would [withdraw](#) from the refugee resettlement program entirely in September 2016.
- Starr strongly supported criminalizing undocumented immigration under state laws. The resulting legislative framework would allow Texas to detain and prosecute immigrants independently of the federal immigration system. Starr [claimed](#) that, contrary to serious preemption concerns, Texas would "have the ability to create state-level offenses that have an immigration element to them, as long as they are sufficiently unique."

## LGBTQ RIGHTS

- Starr [led](#) Texas's efforts to [block](#) guidance from federal agencies that protected gender identity as a form of sex discrimination under Title IX, a policy which was later rescinded by the Trump Administration. This notably included protections for transgender students.
- Following the landmark ruling of [Obergefell v. Hodges](#), Starr [signed](#) an opinion letter claiming that despite the Supreme Court establishing what he referred to as a "new constitutional right," civil servants, including clerks, judges, and justices of the peace, could refuse to issue marriage licenses to same-sex couples.
- Starr [supported](#) a Texas House bill that advocates explained would provide "religious based groups a license to discriminate, allowing them to refuse to place foster children with gay couples or families with different religious backgrounds."
- Starr [defended](#) a bill ("Hope for Orphans and Minors Expansion Act," or HOME Act) which would prohibit the state from addressing groups who deny adoption services to same-sex couples based on "sincerely held religious beliefs." Advocates argued that the bill could even permit these groups to impose harmful disciplinary actions on children under the guise of religion, such as conversion therapy, without the state being able to intervene.

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## REPRODUCTIVE RIGHTS

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- Starr misrepresented information about local authorities to support the Texas AG's office takeover of the [criminalization](#) and prosecution of abortion from local officials. The El Paso District Attorney described Starr's argument as "ill-advised, unfounded, and simply reflect[ing] the calculated narrative constructed by the Attorney General's Office to support that Office's agenda to expand its criminal jurisdiction."
- On behalf of the Texas AG, Starr [testified](#) in support of a bill to restrict access to reproductive care by imposing harsh and medically unnecessary requirements on abortion care providers "relating to the disposition of embryonic and fetal tissue remains; imposing a civil penalty." In his defense of the law, Starr argued that it "is not a health law or a medical law. It's a dignity or respect of life law."
- Starr [defended](#) a Texas law criminalizing a vital, safer abortion procedure for women who need to terminate their pregnancy during the second trimester in [Whole Woman's Health v. Paxton](#).
- Starr [represented](#) Texas in [Franciscan Alliance, Inc. v. Burwell](#), a controversial, multi-state case challenging the Affordable Care Act's anti-discrimination provision. Notably this challenge, if successful, would result in severe health consequences for women seeking reproductive care, as well as transgender patients. This case is expected to go before the Supreme Court.
- Starr [advocated](#) for the termination of Medicaid agreements with Planned Parenthood. These agreements allowed Planned Parenthood to perform vital health services for "nearly 11,000 patients enrolled in Medicaid." With the Medicaid funding, Planned Parenthood service providers were able to provide mainly low-income patients with "physical exams, contraception, screening for breast cancer, screening and treatment for cervical cancer, testing for sexually transmitted infections ('STIs'), and biopsies and colposcopies." Moreover, Starr's arguments for defunding the program were "[based](#) solely on videos made by a radical anti-abortion group with ties to violent extremists."

## VOTING RIGHTS

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- Starr [assisted](#) Texas in [Veasey v. Abbott](#), defending the state's discriminatory voter ID law. In order to support restrictive voter ID laws and dramatize the supposed prevalence of voter fraud, Starr [falsely testified](#) before a Texas Senate hearing that a deceased judge's name had been found on voting rolls after his death.
- In two 2018 [letters](#) (one to the Texas Senate Select Committee on Election Integrity and one to a local prosecutor investigating voting irregularities) Starr advocated for measures that would make it more difficult for people to vote. In doing so, he propagated the Trump Administration's false narrative regarding alleged widespread voter and election fraud. Starr described how there is "growing concern that the integrity of the election process in Texas is not as strong as it ought to be, and is therefore susceptible to fraud, manipulation, and subversion of the democratic process." He alleged that "[m]edia reports of illegal voting and the widespread practice of seeding and harvesting mail ballots, together with recent prosecutions and investigations conducted by this office, have confirmed that the threat to election integrity in Texas is real, and the need to provide additional safeguards is increasing."
- Starr [defended](#) Texas against lawsuits arguing that Texas redistricting plans violated the Constitution and Voting Rights Act by intentionally diluting the votes of African-American and Latino communities in [Abbott v. Perez](#).
- Starr [sided](#) with a Texas Tea Party group called King St. Patriots in their efforts to overturn campaign finance rules. The Texas Supreme Court disagreed with the group's challenge and found the existing campaign finance laws that restricted corporate contributions to be in line with Supreme Court precedent.

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## GUN VIOLENCE

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- In defending Texas's expansive concealed carry law, Starr signed several letters arguing that the law permitted individuals to carry handguns into a variety of public spaces. The places Starr argued people may be allowed to freely carry concealed handguns included [churches](#), [local government](#) centers, limited [school district property](#), and [college campuses](#).
- Starr also [defended](#) Texas's efforts in suing Waller County for posting signs that banned firearms in its multipurpose courthouse.

## CLIMATE

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- Starr represented Texas in bringing an injunction to [block](#) the implementation of the Clean Water Rule.
- Texas Attorney General Ken Paxton received criticism for formally intervening in an Exxon case, where the big oil corporation was being investigated for publicly casting doubt on the legitimacy of climate change. In response to criticisms that it is unusual for a state AG to intervene in this way, Starr [argued](#) that a formal investigation should not revolve around policy debates: "What we shouldn't do is investigate public debate and say that there's only one side of the public debate that we're investigating."

## HATE SPEECH

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- Following an uptick in hate groups targeting college campuses for recruitment, Starr [supported](#) Texas's efforts to combat alleged "censorship" of groups like neo-Nazis and other hate groups on college campuses. He testified at a Texas Senate hearing that "we know that now there's a running trend that college students should be protected from ideas that they find to be offensive or unpopular, and the means to accommodate that is to censor speech."

*Alliance for Justice has prepared this brief fact sheet to highlight areas of Starr's record in which we believe greater scrutiny by the Senate is warranted. This snapshot report does not attempt to analyze the entirety of his record.*