

May 8, 2019

Dear Senator,

On behalf of Alliance for Justice (AFJ), a national association representing 130 groups committed to equal justice, I write to oppose the confirmation of Jeffrey Brown to the United States District Court for the Southern District of Texas.

Brown's nomination is yet another attempt to stack the courts with conservative ideologues. As an elected judge on the Supreme Court of Texas, Brown, a long-time member of the Federalist Society, has repeatedly ruled against LGBTQ equality, women's rights, workers and consumers, and criminal justice. There is nothing in his record that suggests he would be an unbiased, fair-minded jurist on the federal bench.

First, Brown, as a judge, has consistently ruled against marriage equality. In June 2017, Brown joined the Texas Supreme Court majority in *Pidgeon v. Turner*, which held that cities in Texas could defy *Obergefell v. Hodges* and deny married same-sex couples the rights of marriage. The opinion stated that *Obergefell* "did not hold that states must provide the same publicly funded benefits to all married persons, and . . . it did not hold that the Texas DOMAs are unconstitutional." Brown has also expressed his personal disdain for *Obergefell*'s holding.

Brown's anti-LGBTQ rulings extend beyond marriage equality. After Houston's city council passed an ordinance that prohibited discrimination based on sexual orientation and gender identity, Brown joined an opinion suspending the ordinance and forcing it to go to a popular vote. Ultimately, the ordinance failed, leaving LGBTQ Houstonians without legal protections against discrimination. Additionally, Brown joined a majority opinion that restricted same-sex sexual harassment claims. As one author [noted](#), the opinion "totally misunderstands homosexuality."

Brown's record on women's rights is no better. For example, Brown bragged about his involvement in increasing restrictions placed upon minors seeking abortion care in Texas. After the legislature enacted constitutionally-required bypass procedures under the state's parental consent law, the Texas Supreme Court unanimously amended the rules to allow judges to deny a minor's application for bypass by refusing to take any action on the petition. He has repeatedly publicly reversed the dissenting opinions in *Roe v. Wade* and referred to IUDs and emergency contraceptives as "abortifacients." His staunch anti-choice beliefs gained him the endorsement of various anti-choice groups when he ran for reelection to the Texas Supreme Court.

On issues relating to the health, safety and rights of workers, Brown has repeatedly voted for businesses and corporations at the expense of employees. For example, as a trial judge, Brown barred a lawsuit brought by a former Navy officer who had developed mesothelioma from asbestos products. Brown was overruled by the Texas Supreme Court. Texas Civil Justice League, an anti-consumer and anti-worker protections organization, filed an amicus curiae brief in support of affirming the circuit court and Brown's trial court decisions. Brown delivered a campaign speech to this group in 2018.

Throughout his career Brown has also worked to undermine consumers' rights. He has delivered speeches to organizations, backed by the wealthy and powerful, that fight to keep Americans from holding corporations accountable. In 2017 he spoke to the Civil Justice Reform Group, a secretive funder of corporate-backed anti-consumer and anti-worker associations.

Given these concerns, and as detailed in our [AFJ Nominee Report](#) on Brown's record issued prior to his hearing, Alliance for Justice strongly opposes his confirmation to a lifetime seat on the federal bench. The Committee should reject Jeffrey Brown's nomination to the U.S. District Court for the Southern District of Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Nan Aron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nan Aron