



## Jeffrey V. Brown

President Trump nominated Jeffrey Brown to serve on the U.S. District Court for the Southern District of Texas on March 8, 2019. Brown is anti-choice

### Career<sup>1</sup>

- Bachelor of Arts, University of Texas at Austin, 1992
- Juris Doctorate, University of Houston Law Center, 1995
- Briefing Attorney, Supreme Court of Texas, 1995-1996
- Associate, Baker Botts, LLP, 1996-2001
- Adjunct Professor, University of Houston Law Center, 1998-1999
- Presiding Judge, 55th District Court of Texas, 2001-2007
- Adjunct Professor, University of Houston Law Center, 2004-2006
- Justice, Texas Fourteenth Court of Appeals, 2007-2013
- Justice, Supreme Court of Texas, 2013-Present

### Record on Choice-Related Issues

#### Notable Information

- In 2015, Brown joined a unanimous order by the Texas Supreme Court placing drastic limitations on young women's access to abortion care in the state of Texas.<sup>2</sup> The order amended recently-passed legislation that gave judges more time to rule in judicial bypass cases and required young women to provide home addresses and phone numbers to the sitting judge. Brown joined the Texas Supreme Court in taking those restrictions even further, allowing young women to be identified by name in court documents and creating an automatic denial of the bypass if a judge hasn't ruled within five days.<sup>3</sup>
  - In a speech to the Tea Party discussing the new restriction and the history of the judicial bypass, Brown outlined the various constitutionally-required elements for the judicial bypass process. He commented, "You may be wondering where any of those words are appear in the United States Constitution, they don't. But the court at that time, and to a large extent still today, finds things in the constitution that aren't there."<sup>4</sup>
- Throughout his career, Brown has supported and been active in many anti-choice organizations:

- Brown’s judicial campaigns have been endorsed by anti-choice organizations including Texas Right to Life and Texas Alliance for Life.<sup>5</sup> Brown has repeatedly highlighted their support on social media, thanking the groups for their endorsements and calling them an “honor.”<sup>6</sup>
- Brown included a press release on his campaign website in 2014, which was later concealed by font color so the page appeared to be blank, announcing Texas Right to Life PAC’s endorsement.<sup>7</sup> The President of the Texas Right to Life PAC said Brown “has long been a friend of Texas Right to Life and to the Pro-Life cause.” In the same press release, Brown stated, “I’m proud and honored to receive the endorsement of the largest pro-life organization in Texas. Texas Right to Life is one of the strongest grassroots organizations in the country. They are devoted to championing life at every stage, and this is a cause that I applaud and support.”
- Brown has been a member of Texas Alliance for Life’s Leadership Circle<sup>8</sup> a group of “pro-life leaders in Texas” that receive opportunities to gain “an edge on the latest pro-life initiatives in Texas.”<sup>9</sup>
- Brown has repeatedly expressed disdain for the Supreme Court’s decision in *Roe v. Wade*:
  - In a speech in 2017, Brown praised conservative judges and highlighted Justice Byron White’s dissent in *Roe v. Wade* on the grounds that it was “an improvident and extravagant exercise of the power of judicial review.”<sup>10</sup>
  - Brown posted a series of tweets in 2016 surrounding the anniversary of the landmark *Roe* decision casting doubt on the opinion and describing dissents in the case as “eloquent,” “elegant,” and “pithy.”<sup>11</sup> He specifically quoted dissents in the case including a quote from Justice Byron White’s dissent, “I find nothing in the language or history of the Constitution to support the Court’s judgement.”<sup>12</sup>
- Since 2002, Brown has served on the advisory council of LifeHouse, a home for pregnant women “choosing life for their unborn children.”<sup>13</sup> In an interview in 2014, Brown stated that LifeHouse is a “life-affirming ministry.”<sup>14</sup> LifeHouse states that it recruits some of its residents from fake women’s health centers, also known as crisis pregnancy centers.<sup>15</sup> Fake women’s health centers lie, shame, and intentionally mislead women in order to block them from accessing the full range of reproductive healthcare options, including abortion.
- In a speech in 2017, Brown discussed his support for the decision in *Burwell v. Hobby Lobby Stores*, a case that challenged the Affordable Care Act’s landmark contraceptive-

coverage policy, the greatest advancement in reproductive healthcare in a generation.<sup>16</sup> He stated, “In that case, a U.S. Department of Health and Human Services mandate would have required Hobby Lobby and co-founders David and Barbara Green to provide and facilitate, against their religious convictions, four potentially life-terminating drugs and devices—abortifacients—in the company’s health-insurance plan.... Thankfully, however, we’ve got something that the colonists of Massachusetts and Maryland, didn’t have, and that no one in Great Britain has ever had—the First Amendment.”

- Brown is a member of the conservative, anti-choice Federalist Society.<sup>17</sup> The Federalist Society is led by Leonard Leo, the anti-choice activist who is heavily involved in selecting Trump’s Supreme Court and lower court nominees. Leo has been outspoken in his anti-choice views, calling abortion “an act of force” and “a threat to human life,”<sup>18</sup> and serves as co-chairman of Students for Life,<sup>19</sup> a group whose mission is to “abolish abortion.”<sup>20</sup>
- Brown has donated thousands of dollars to anti-choice, Republican politicians over the years, including Rick Perry and George Bush.<sup>21</sup>

### **Record on Other Key Issues**

- Brown joined the majority of the Texas Supreme Court in *Pidgeon v. Turner*, holding that the protections for same-sex couples under *Obergefell v. Hodges* did not necessarily confer a right to benefits for same-sex spouses of city workers in Houston.<sup>22</sup> The majority opinion stated, “The Supreme Court held in *Obergefell* that the Constitution requires states to license and recognize same-sex marriages to the same extent that they license and recognize opposite-sex marriages, but it did not hold that states must provide the same publicly-funded benefits to all married persons.”<sup>23</sup>
- Brown criticized federal judges for halting President Trump’s “so-called travel ban.”<sup>24</sup> In a speech last year, Brown disregarded the President’s own comments on the Muslim travel ban, saying, “These comments, whatever they were, made before the President was even the president, and of course having no bearing whatsoever on the actual policy itself, are being leveraged by federal judges to undermine the President in one of his most fundamental duties: securing our borders and keeping us safe.” Brown went on to state, “This double standard is not based on the law but in petty defiance of the president. You’ve heard of fake news. Welcome to fake law.”
- Brown began a speech to a group of Republican women by disrespecting the LGBTQ community: “Each individual person here gives me hope. Because to match every snowflake that preens for the cameras, disavowing their patriotism, their privilege, and even their pronouns, there’s a Republican woman standing tall.”<sup>25</sup> Brown went on

to criticize a federal judge who held that employees who identify as transgender should be able to bring civil rights claims under the Americans with Disabilities Act. Brown disregarded the protections for transgender people stating, “This progressive judge simply didn’t like what the law said, so he ignored it. That is not rule of law. That is rule of men.”

April 5, 2019

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<sup>1</sup> *Questionnaire for Judicial Nominees: Jeffrey V. Brown*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

<sup>2</sup> Order Amending the Rules and Forms for a Judicial Bypass of Parental Notice and Consent Under Chapter 33 of the Family Code, Misc. Docket No. 15-9246 (Tex. Dec. 29, 2015), available at <http://www.txcourts.gov/media/1225647/159246.pdf>.

<sup>3</sup> Mary Tuma, Texas Supreme Court Makes Abortion Access for Neglected Teens Even More Difficult, *The Austin Chronicle* (Dec. 30, 2015), <https://www.austinchronicle.com/daily/news/2015-12-30/texas-supreme-court-makes-abortion-access-for-neglected-teens-even-more-difficult/>

<sup>4</sup> NETarrantTeaParty1, *Justice Jeff Brown on Recent Abortion Ruling*, YOUTUBE (Jan. 12, 2016), <https://www.youtube.com/watch?v=PsNPbzKcRBO>.

<sup>5</sup> *2018 General Election Endorsements*, TEXAS RIGHT TO LIFE (Oct. 10, 2018), <https://www.texasrighttolifepac.com/2018-general-election-endorsements/>; *Texas Alliance for Life Endorsements 2018 General Election*, TEXAS ALLIANCE FOR LIFE (Oct. 29, 2018), <https://www.texasallianceforlife.org/wp-content/uploads/TAL-2018-Voter-guide-data-General-Election-v3.pdf>.

<sup>6</sup> Justice Jeff Brown (@judgejeffbrow), TWITTER (Oct. 29, 2014, 12:12 PM), <https://twitter.com/judgejeffbrow/status/527493273515212801>; Justice Jeff Brown (@judgejeffbrow), TWITTER (Feb. 17 2014, 1:32 PM), <https://twitter.com/judgejeffbrow/status/435481850971029504>; Justice Jeff Brown (@judgejeffbrow), TWITTER (Oct. 17, 2012, 7:43 AM), <https://twitter.com/judgejeffbrow/status/258533593796706304>; Justice Jeff Brown, FACEBOOK (Oct. 22, 2012), [https://www.facebook.com/JusticeBrown/posts/210631219070006?\\_\\_tn\\_\\_=-R](https://www.facebook.com/JusticeBrown/posts/210631219070006?__tn__=-R).

<sup>7</sup> *Justice Jeff Brown Announces the Endorsement of Texas Right to Life PAC*, JUSTICE JEFF BROWN: SUPREME COURT OF TEXAS (Jan. 15, 2014), <https://web.archive.org/web/20190315141427/https://www.justicejeffbrow.com/justice-jeff-brown-announces-the-endorsement-of-texas-right-to-life-pac/?fbclid=IwAR3kVeowWe2BlirOoAnu4lQRGTXc5mxPfon1YCTVa7AwzQE7mex1SJC2Xak> (Note the page must be highlighted to view the text of the press release).

<sup>8</sup> Justice Jeff Brown, FACEBOOK (Oct. 17, 2012), [https://www.facebook.com/permalink.php?story\\_fbid=10151141861388353&id=151562528352](https://www.facebook.com/permalink.php?story_fbid=10151141861388353&id=151562528352).

<sup>9</sup> *Leadership Circle*, TEXAS ALLIANCE FOR LIFE, <https://www.texasallianceforlife.org/leadership-circle/> (last visited April 5, 2019).

<sup>10</sup> Jeffrey Brown, Texas Supreme Court Justice, Speech to Civil Justice Reform Group (Nov. 14, 2017).

<sup>11</sup> Justice Jeff Brown (@judgejeffbrow), TWITTER (Jan 23, 2016, 9:30 AM), <https://twitter.com/judgejeffbrow/status/690904360742576129>; Justice Jeff Brown (@judgejeffbrow), TWITTER (Jan 23, 2016, 9:35 AM), <https://twitter.com/judgejeffbrow/status/690905585307353091>.

<sup>12</sup> Justice Jeff Brown (@judgejeffbrow), TWITTER (Jan 23, 2016, 9:35 AM), <https://twitter.com/judgejeffbrow/status/690972327501115392>.

<sup>13</sup> *Our Mission*, LIFEHOUSE HOUSTON, <https://lifehousehouston.org/this-is-our-mission/> (last visited Apr. 4, 2019).

<sup>14</sup> Justice Jeff Brown, *Justice Jeff Brown Hangout*, YOUTUBE (Sept. 24, 2016), <https://www.youtube.com/watch?v=sDar2bryhE4>.

<sup>15</sup> *Our Mission*, LIFEHOUSE HOUSTON, <https://lifehousehouston.org/this-is-our-mission/> (last visited Apr. 4, 2019).

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<sup>16</sup> Jeffrey Brown, Texas Supreme Court Justice, Fortnight of Freedom Address at St. John the Evangelist Church (Summer 2017).

<sup>17</sup> *Questionnaire for Judicial Nominees: Jeffrey Vincent Brown*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.

<sup>18</sup> Jeffrey Toobin, *The Conservative Pipeline to the Supreme Court*, THE NEW YORKER (April 17, 2017), <https://www.newyorker.com/magazine/2017/04/17/the-conservative-pipeline-to-the-supreme-court>

<sup>19</sup> *Board of Directors*, STUDENTS FOR LIFE, <http://studentsforlife.org/supporters/board-of-directors-1> (last visited April 5, 2019).

<sup>20</sup> *Mission Statement*, STUDENTS FOR LIFE, <http://studentsforlife.org/about/mission-statement/> (last visited April 5, 2019).

<sup>21</sup> *Donor Report: Jeffrey Brown*, OPEN SECRETS,

<https://www.opensecrets.org/search?q=jeffrey+brown+v&type=donors> (last visited April 5, 2019).

<sup>22</sup> *Pidgeon v. Turner*, 538 S.W. 3d 73 (Tex. 2017).

<sup>23</sup> *Ibid.* at 86-87.

<sup>24</sup> Jeffrey Brown, Texas Supreme Court Justice, Keynote Address: Brazoria County Republican Party Lincoln-Reagan Dinner (Feb. 10, 2018)

<sup>25</sup> Jeffrey Brown, Texas Supreme Court Justice, *Conservative Judging and the Constitution*, listed in *Questionnaire for Judicial Nominees: Jeffrey V. Brown*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY.