



Eric Murphy

President Trump nominated Eric Murphy to serve on the U.S. Court of Appeals for the Sixth Circuit on June 7, 2018. Murphy is anti-choice.

Career

- Bachelor of Arts, Miami University of Ohio, 2001
- Juris Doctorate, University of Chicago School of Law, 2005
- Clerk, Hon. J. Harvie Wilkinson, U.S. Court of Appeals for the Fourth Circuit, 2005-2006
- Clerk, Hon. Anthony Kennedy, Supreme Court of the United States, 2006-2007
- Associate, Jones Day LLP, 2007-2013
- Solicitor General, Office of the Ohio Attorney General, 2013 – present

Record on Choice-Related Issues

Court Cases

- Murphy defended Ohio's efforts to defund Planned Parenthood by prohibiting the state from contracting with abortion providers.¹ He argued that there was no evidence that the defunding law "would reduce abortion access in Ohio, or pressure women to sacrifice any abortion right to obtain other services."² Fortunately, the Sixth Circuit disagreed, striking down the law and holding that Ohio women "do have a right not to have their access to important health services curtailed because their major abortion providers opted to protect women's abortion rights rather than yield to unconstitutional conditions."³
- Murphy is a strong supporter of Targeted Regulation of Abortion Providers (TRAP) laws, measures that subject abortion providers to burdensome restrictions not applied to other medical professionals. Not only did he defend Ohio's own TRAP laws,⁴ he also co-authored a brief in support of Texas' unconstitutional TRAP laws in *Whole Woman's Health v. Hellerstedt*.⁵
- Murphy submitted a brief to the Supreme Court in support of an Arizona law that banned abortion care as early as 20 weeks without an adequate exception to protect women's health or for cases in which the pregnancy is the result of rape or incest.⁶

- Murphy submitted a brief in *Burwell v. Hobby Lobby Stores* arguing against the Affordable Care Act’s contraceptive-coverage policy, the greatest advancement in reproductive healthcare in a generation.⁷

Notable Information

- Murphy is active in the conservative, anti-choice Federalist Society.⁸

Record on Other Key Issues

- Murphy defended Ohio’s ban on same-sex marriage before the Supreme Court in *Obergefell v. Hodges*. Fortunately, the Supreme Court disagreed with Murphy and made equal marriage the law of the land.⁹
- Murphy defended Ohio’s efforts to limit voting rights in several cases, most recently defending Ohio’s purges of voter rolls in *Husted v. Philip Randolph Institute*.¹⁰ The Supreme Court sadly upheld the voter roll purges, but Justice Sotomayor wrote a scorching dissent in which she states that the court’s opinion, “entirely ignores the history of voter suppression against which the [National Voter Registration Act] was enacted and upholds a program that appears to further the very disenfranchisement of minority and low-income voters that Congress set out to eradicate.”¹¹

June 20, 2018

¹ *Planned Parenthood of Greater Ohio v. Himes*, 888 F.3d 224 (6th Cir. 2018)

² Brief of Appellant Richard Hodges at 4, *Planned Parenthood of Greater Ohio v. Himes*, 888 F.3d 224 (6th Cir. 2018)

³ *Planned Parenthood of Greater Ohio v. Himes*, 888 F.3d 224 (6th Cir. 2018)

⁴ Memorandum in Support of Jurisdiction of State Appellants, *Preterm-Cleveland, Inc. v. Gov. John Kasich* (Ohio 2016) (No. 2016-1252)

⁵ Brief of Amicic Curiae States of Indiana, Ohio, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Kansas, Louisiana, Michigan, Mississippi, Montana, Nebraska, Nevada, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, West Virginia, and Wyoming in Support of Respondents, *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (U.S. 2016)

⁶ Amicus Brief of the States of Ohio, Montana, and 14 Other States Supporting Petitioners, *Horne v. Isaacson*, 134 S.Ct. 905 (U.S. 2014)

⁷ Brief of Amici Curiae States of Michigan, Ohio, and 18 Other States For Conestoga, Hobby Lobby, and Mardel, *Burwell v. Hobby Lobby Stores*, 13 S.Ct. 2751 (U.S. 2014)

⁸ Eric Murphy, The Federalist Society, <https://fedsoc.org/contributors/eric-murphy> (last visited June 25, 2018)

⁹ *Obergefell v. Hodges*, 135 S.Ct. 2584 (U.S. 2015)

¹⁰ *Husted v. Philip Randolph Institute* (U.S. 2018) (No. 16-980)

¹¹ *Husted v. Philip Randolph Institute* (U.S. 2018) (No. 16-980) (Sotomayor, J. dissenting)