



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 has repeatedly defended the legality 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 defended the state of Ohio's efforts to shutter Toledo's last and only abortion clinic.⁶ The Ohio Department of Health revoked Capital Care Network of Toledo's healthcare license after it was unable to find a “local” hospital to enter into a written transfer agreement with.⁷ Capital Care sued, challenging the TRAP law that required written transfer agreements, arguing that it placed an undue burden on access to abortion.⁸ Murphy represented the state of Ohio in defending the law.⁹

- 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.¹⁰
- Murphy was behind a series of challenges to the Affordable Care Act’s contraceptive-coverage policy, the greatest advancement in reproductive healthcare in a generation. He submitted briefs arguing against the policy in *Burwell v. Hobby Lobby Stores* and *Conestoga Wood v. Sebelius*,¹¹ and represented several organizations in their individual challenges to the landmark policy.¹²

Notable Information

- Murphy signed a series of letters sent to the Senate in support of anti-choice judicial nominees Andrew Brasher, Britt Grant, Patrick Wyrick, J. Campbell Barker, Kyle Duncan, and Neil Gorsuch.¹³ Notably, every single nominee Murphy went out of his way to support has a clear anti-choice record.¹⁴
- Murphy is active in the conservative, anti-choice Federalist Society.¹⁵ 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,”¹⁶ and serves as co-chairman of Students for Life,¹⁷ a group whose mission is to “abolish abortion.”¹⁸

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.¹⁹
- 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*.²⁰ 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.”²¹

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- 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 Amici 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 Capital Care Network of Toledo v. State of Ohio Department of Health, 58 N.E.3d 1207 (Court of Appeals of Ohio, 2016)
- ⁷ *Capital Care Network of Toledo v. State of Ohio Department of Health*, REWIRE NEWS, <https://rewire.news/legislative-tracker/legal-case/capital-care-network-toledo-v-state-ohio-department-health/> (last visited September 20, 2018)
- ⁸ Capital Care Network of Toledo v. State of Ohio Department of Health, 58 N.E.3d 1207 (Court of Appeals of Ohio, 2016)
- ⁹ Capital Care Network of Toledo v. State of Ohio Department of Health, 58 N.E.3d 1207 (Court of Appeals of Ohio, 2016)
- ¹⁰ Amicus Brief of the States of Ohio, Montana, and 14 Other States Supporting Petitioners, Horne v. Isaacson, 134 S.Ct. 905 (U.S. 2014)
- ¹¹ 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); Brief of Amici Curiae State of Michigan, Ohio, and 16 Other States for Petitioners, Conestoga Wood Specialties v. Sebelius (U.S. 2014) (No. 13-356)
- ¹² Franciscan University of Steubenville v. Sebelius, 2013 WL 1189854 (S.D. Ohio 2013); Catholic Diocese of Nashville v. Sebelius, 2012 WL 5849796 (M.D. Tenn. 2012); University of Notre Dame v. Sebelius, 2012 WL 6756332 (N.D. Ind. 2012)
- ¹³ *Questionnaire for Judicial Nominees: Eric Earl Murphy*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY, <https://www.judiciary.senate.gov/download/murphy-sjq> (last visited September 19, 2018)
- ¹⁴ Records on reproductive rights on file with NARAL Pro-Choice America Government Relations Department
- ¹⁵ Eric Murphy, The Federalist Society, <https://fedsoc.org/contributors/eric-murphy> (last visited June 25, 2018)
- ¹⁶ 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>
- ¹⁷ *Board of Directors*, STUDENTS FOR LIFE, <http://studentsforlife.org/supporters/board-of-directors-1> (last visited July 5, 2018)
- ¹⁸ *Mission Statement*, STUDENTS FOR LIFE, <http://studentsforlife.org/about/mission-statement/> (last visited July 5, 2018)
- ¹⁹ Obergefell v. Hodges, 135 S.Ct. 2584 (U.S. 2015)
- ²⁰ Husted v. Philip Randolph Institute (U.S. 2018) (No. 16-980)
- ²¹ Husted v. Philip Randolph Institute (U.S. 2018) (No. 16-980) (Sotomayor, J. dissenting)