



Peter Phipps

President Trump nominated Peter Phipps to serve on the U.S. Court of Appeals for the Third Circuit on May 6, 2019. Phipps is anti-choice.

Career

- B.A./B.S., University of Dayton, 1995
- Juris Doctor, Stanford Law School, 1998
- Associate, Jones Day, 1998-2001
- Clerk, Hon. R. Guy Cole, Jr., U.S. Court of Appeals for the Sixth Circuit, 2001-2002
- Trial Attorney, United States Department of Justice, Civil Division, Federal Programs Branch, 2003-2009
- Senior Counsel, United States Department of Justice, Civil Division, Federal Programs Branch, 2009-2011
- Senior Trial Counsel, United States Department of Justice, Civil Division, Federal Programs Branch, 2011-2018
- Adjunct Professor, Duquesne University School of Law, 2014-present
- District Judge, U.S. District Court for the Western District of Pennsylvania, 2018-present

Record on Choice-Related Issues

Court Cases

- Phipps has repeatedly defended a government policy that allows organizations that receive federal money to care for undocumented young people and victims of human trafficking to refuse to provide them with reproductive healthcare including contraception and abortion.¹
 - In one of the cases challenging this policy, the ACLU asked a judge to issue a temporary restraining order to allow an undocumented young woman being held in a Texas facility to access abortion care. Private groups had already raised funds and arranged transportation to help the young woman access the care she needed, but the Department of Health and Human Services was refusing to allow her out of the facility for the procedure. The judge chided Phipps, who was representing the government, for standing in the way of the young woman's care: "You're not being asked to do anything. You're not being

asked to spend money. You're really not being asked to transport. You're just being asked to stay out of the way.”²

- Phipps received a Distinguished Service Award from the U.S. Attorney General for his “untiring effort” in defending the so-called “Partial-Birth Abortion Act of 2003.”³ He was specifically involved in the government’s attempts to subpoena private medical records from Planned Parenthood affiliates across the country in an effort to defend the law, which bans a safe abortion procedure.⁴

Record on Other Key Issues

- Phipps defended the United States’ discriminatory “don’t ask, don’t tell” policy, which prohibited openly LGBTQ folks from serving in the military.⁵

May 29, 2019

¹ American Civil Liberties Union of Northern California v. Azar (N.D. Cal. 2018) (No. 3:16-cv-03539); American Civil Liberties Union of Massachusetts v. Sebelius (D. Mass. 2012) (No. 09-10038-RGS)

² Sudhin Thanawala and Nomaan Merchant, *Judge presses government on abortion access for immigrant*, Associated Press (Oct. 11, 2017), <http://www.spokesman.com/stories/2017/oct/11/judge-presses-government-on-abortion-access-for-im/>

³ *Individuals Involved in Fight in War on Terror Receive Top Awards*, State News Service (Aug. 31, 2005)

⁴ Karen Roebuck, *Justice Department Won't Pursue Medical Records for Now*, Trib Live, <https://archive.triblive.com/news/justice-dept-wont-pursue-medical-records-for-now/?printerfriendly=true> (last visited May 29, 2019)

⁵ *Witt v. Department of the Air Force* (W.D. Wash. 2006) (No. Co6-5195)