

Dear Senator,

On behalf of Alliance for Justice (AFJ), a national association representing 130 groups committed to equal justice and access to justice, I write to oppose the confirmation of Eric Murphy to the United States Court of Appeals for the Sixth Circuit.

Murphy has fought to make it easier for Ohio to disenfranchise voters, has argued against marriage equality in the landmark *Obergefell v. Hodges* case, has attacked reproductive rights, and has repeatedly fought for special interests, including the tobacco industry. Murphy's record demonstrates a narrow-minded elitism that raises serious concerns that he will undermine critical rights and legal protections if confirmed.

As the Senate reviews the troubling positions Murphy took as solicitor general in Ohio, it is important to remember that Senate Republicans have previously articulated their belief that legal work done in an official government capacity is entirely subject to scrutiny. As Senator Chuck Grassley said in opposing Caitlin Halligan, then Solicitor General of New York, "some of my colleagues have argued that we should not consider this aspect of [Caitlin] Halligan's record, because at the time she was working as the Solicitor General of New York. But, no one forced Ms. Halligan to approve and sign this brief."

Similarly, the record Murphy established in the attorney general's office, in our view, "represents an advocacy position that is extreme," in that he has sought to weaken the rights of women, persons of color, and LGBTQ Americans.

Likewise, as Senator Cruz stated in May 2018, opposing Mark Bennett's nomination to the Ninth Circuit based on Bennett's work as Hawaii Attorney General, "[Bennett's] record as Attorney General of Hawaii, I believe, represents an advocacy position that is extreme and inconsistent with fidelity to law, in particular, he was an aggressive advocate as attorney general for gay marriage, he was an aggressive advocate demonstrating hostility to the First Amendment and political speech, and most significantly, he was, he has been, an aggressive advocate for undermining the Second Amendment."

Finally, we note that Senator Sherrod Brown opposes Murphy's confirmation, and as he eloquently explained to the Judiciary Committee in person, the White House did not meaningfully consult with the senator. In 2015 Chairman Grassley made clear that "I appreciate the value of the blue-slip process and also intend to honor it." Just as Chairman Grassley respected the decision of Republican senators not to return the blue slip on Obama nominees, such as Rebecca Haywood, Lisabeth Tabor Hughes, Abdul Kallon, and Myra Selby, Senator Brown should be respected here.

Given all these concerns, and as detailed in our report on his nomination issued prior to his hearing, which can be found at the following link, <https://www.afj.org/our-work/nominees/eric-murphy>, the Senate should reject Eric Murphy for the Sixth Circuit Court of Appeals.

Sincerely,



Nan Aron