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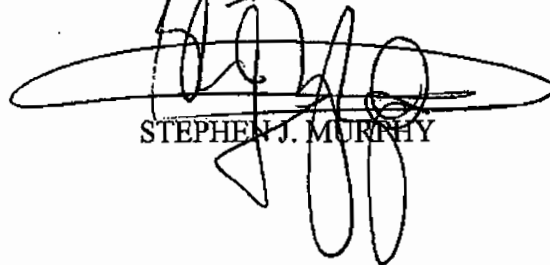
May 20, 2008

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Attached are my responses to written questions from Senator Grassley.

Sincerely,

A handwritten signature in black ink, appearing to be "SM", is written over a horizontal line. Below the signature, the name "STEPHEN J. MURPHY" is printed in a sans-serif font.

STEPHEN J. MURPHY

cc:
The Honorable Arlen Specter
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Responses of Stephen Joseph Murphy III
Nominee to the U.S. District Court for the Eastern District of Michigan
to the Written Questions of Senator Charles E. Grassley

- 1. Can you please tell us your views on statutory construction? What do you look to for guidance in interpreting statutes?**

Response: As a judge, if confirmed, I would look to the words of a statute to determine its meaning. I would be hesitant to find lack of clarity in a statute passed by Congress unless some actually and logically existed. Then, and only then, would I go outside the words and language of the statute to other references in an effort to resolve the lack of clarity and to construe Congress' meaning in the statute it passed.

- 2. In the confirmation hearings for Chief Justice Roberts and Justice Alito, there was extensive discussion about the amount to which judges are bound by *stare decisis*. What is your opinion as to how strongly judges should be guided by the doctrine of *stare decisis*?**

Response: I note my respect for the role of precedent and *stare decisis* in the development of American law. Judges on the lower federal courts must abide by and are not able to overrule the decisions of the United States Supreme Court. Federal judges should respect the precedents of the courts on which they sit and not be quick to overturn the decisions of their fellow judges who have previously ruled on certain matters.

- 3. Judges in both federal and state courts have come under criticism for engaging in "judicial activism." How would you define "judicial activism?" What assurances can you give the Committee that, if confirmed, you will not engage in judicial activism?**

Response: The U.S. Constitution vests executive authority in the President and legislative Authority in the Congress.

Article III of the Constitution provides the source of the federal courts' powers, and it also mandates a limited role for the judicial branch. Specifically, Article III restricts the jurisdiction of the federal courts to "cases and controversies." Accordingly, federal courts are not to exert executive power and those courts are likewise not to act in any legislative capacity.

My core belief is that a judge has an unwavering obligation to act fairly at all times and in conformance with the requirements of the Constitution – nothing less. A judge may not, through his or her issuance of orders and delivery of opinions, enact new law or exercise powers reserved for the various agencies of the executive branch. But I also believe that a federal judge has a grave and momentous obligation to decide cases independently and with firm decisiveness. Just as a judge may not cross over into the authority of the other branches of government, a judge also may never evade his or her obligation to assess what is in controversy, to say what the law is that applies to it and to use the dictates of law to decide the issues at hand.