



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Text

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**File #:** 16-3064, **Version:** 1

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### **PROPOSED RESOLUTION**

#### **REGARDING THE CONSTITUTIONAL DUTY OF THE UNITED STATES SENATE TO CONDUCT AN ADVICE AND CONSENT HEARING ON THE PRESIDENT'S NOMINATION OF JUDGE MERRICK GARLAND TO THE SUPREME COURT OF THE UNITED STATES**

**WHEREAS**, the Supreme Court, in its capacity as the highest federal court in the United States, serves an essential function resolving critical questions of law that affect our community, our economy, and all citizens; and

**WHEREAS**, the Constitution of the United States provides that the Senate shall provide Advice and Consent for appointments to the Supreme Court of the United States; and

**WHEREAS**, the Supreme Court vacancy caused by the death of Justice Antonin Scalia occurred on February 13, 2016, 269 days before the 2016 presidential election; and

**WHEREAS**, the Senate has confirmed more than a dozen Supreme Court justices in presidential election years, including five in the last 100 years; and

**WHEREAS**, the Senate's constitutional duty to advise and consent on judicial nominees is one of its most important and solemn responsibilities; and

**WHEREAS**, the Senate Judiciary Committee has never denied a Supreme Court nominee a hearing since it began holding public confirmation hearings; and

**WHEREAS**, if the Senate refuses to consider a Supreme Court nominee until after the next President is sworn into office, it will result in the longest Supreme Court vacancy since the Civil War; and

**WHEREAS**, every Supreme Court nominee who was not withdrawn by the President has received a vote by the Senate within 125 days of the nomination announcement; and

**WHEREAS**, since 1975, the average number of days from nomination to confirmation vote for a Supreme Court nominee has been 70 days; and

**WHEREAS**, forcing the Supreme Court to function with only eight justices risks creating instances in which the Court is evenly divided on the outcome of a case, preventing the Court from resolving conflicting interpretations of the Constitution among different regions of the Nation and thereby undermining the Supreme Court's role as the final arbiter of the law; and

**WHEREAS**, President Obama has nominated Merrick Garland, Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, who has an established track record of building consensus as a thoughtful, fair-minded judge who follows the law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Senate should perform its constitutional duty to provide advice and consent on the President's Supreme Court nominee by:

- 1) Promptly scheduling a hearing in the Senate Judiciary Committee for Judge Merrick Garland, so that he can be considered on his merits in an open and transparent manner; and
  
- 2) Holding a confirmation vote on the Senate floor, with opportunity for debate on Judge Merrick Garland's nomination; and
  
- 3) Working on behalf of the people of the United States to ensure that the vacancy on the Supreme Court is filled without undue and unnecessary delay so that the Supreme Court can effectively serve its essential constitutional function as the final arbiter of the law.

**BE IT FURTHER RESOLVED**, that suitable copies of this resolution be sent to Senate Majority Leader Mitch McConnell, Senate Minority Leader Harry Reid, Senator Richard Durbin, and Senator Mark Kirk.