

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the U.S. Senate's Constitutional duty to provide advice and consent on U.S. Supreme Court judicial nominees is one of its most important and solemn responsibilities; and

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

WHEREAS, the Senate has confirmed justices in Presidential election years despite having a politically divided government, as was the case in Justice Anthony Kennedy's confirmation in 1988; and

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

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

WHEREAS, Judge Garland is well-qualified and has more judicial experience than any other Supreme Court nominee in U.S. history; and

WHEREAS, with the vacancy caused by the death of Justice Antonin Scalia occurring 269 days before the 2016 Presidential election, 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 caused by Senate inaction since the Civil War; and

WHEREAS, every Supreme Court nominee who was not withdrawn by the President has received an up-or-down vote within 125 days of the President's nomination announcement, and since 1975, the average number of days from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 numerous instances in which the Court is evenly divided on the outcome of a case, thereby preventing the Court from resolving conflicting interpretations of the Constitution among different regions of the Nation and undermining the Supreme Court's role as the final arbiter of the law; and

WHEREAS, the Supreme Court serves an essential function resolving critical questions of law that affect the community, economy, and people of the United States;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 Federal Legislative Program SUPPORT for the U.S. Senate to provide advice and consent on the President's U.S. Supreme Court nominee by: (1) Promptly scheduling a hearing in the Senate Judiciary Committee for Judge Merrick Garland, so that his nomination can be considered on his own merits in an open and transparent manner; (2) Holding a confirmation vote on the Senate floor, with opportunity for debate on Judge Garland's nomination; and (3) Ensuring 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.


APR 22 2016

PRESENTED BY: 
PAUL KORETZ
Councilmember, 5th District

SECONDED BY: 

ORIGINAL