



## Legislation Text

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**File #:** Res 1182-2016, **Version:** \*

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### Res. No. 1182

Resolution calling upon the United States Senate to perform its constitutional duty to provide advice and consent on the President's Supreme Court nominee, Judge Merrick Garland.

By Council Members Miller, Cohen and Chin

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 Senate's constitutional duty to advise and consent on 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 100 years; and

Whereas, The Senate has confirmed justices in presidential election years in which the executive and legislative branches of government were divided between two political parties, including Justice Anthony Kennedy's confirmation in 1988; and

Whereas, The Senate Judiciary Committee has never denied a Supreme Court nominee a hearing and a vote 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 caused by Senate inaction since the Civil War; and

Whereas, The Supreme Court serves an essential function resolving critical questions of law that affect our community, its economy, and its citizens; and

Whereas, In his remarks announcing the nomination of Merrick Garland, Chief Judge of the U.S. Court

of Appeals for the District of Columbia Circuit, President Barack Obama praised Garland as having “earned a track record of building consensus as a thoughtful, fair-minded judge who follows the law”; and

Whereas, Judge Garland is well-qualified and has more federal judicial experience than any Supreme Court nominee in history; 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, 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, Every Supreme Court nominee who was not withdrawn by the President has received an up-or-down vote within 125 days of President’s nomination announcement; 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 since 1975, the average number of days from nomination to confirmation vote for a Supreme Court nominee has been 67 days; and

Whereas, The Senate should promptly schedule a hearing in the Senate Judiciary Committee for Judge Merrick Garland, so that his nomination can be considered on its own merits in an open and transparent manner; and

Whereas, The Senate should then hold a confirmation vote on the Senate floor, with opportunity for debate on Judge Merrick Garland’s nomination; and

Whereas, Working on behalf of the people of the United States, the Senate should 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; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to perform its constitutional duty to provide advice and consent on the President’s Supreme Court nominee, Judge Merrick Garland.

LS# 8550

7/25/2016

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