

**Assembly Joint Resolution**

**No. 32**

**Introduced by Assembly Member Alejo**

February 19, 2016

Assembly Joint Resolution No. 32—Relative to United States Supreme Court Nominations.

LEGISLATIVE COUNSEL’S DIGEST

AJR 32, as introduced, Alejo. United States Supreme Court: nominations.

This measure would urge the United States Senate to fairly consider the nomination for Justice to the United States Supreme Court submitted by President Obama and to vote up or down on the nomination.

Fiscal committee: no.

1 WHEREAS, The Supreme Court of the United States is the  
2 highest court in the nation and considers important national  
3 questions whose determination is necessary for the orderly  
4 operation of the federal government and the government of the  
5 several states; and

6 WHEREAS, Having an even number of justices on the Supreme  
7 Court of the United States makes it possible to have numerical ties  
8 in controversial decisions before the Court, which could leave  
9 unresolved conflicts of law between the several Circuit Courts of  
10 Appeal across the Nation; and

11 WHEREAS, A failure to ensure conformity of federal and state  
12 law across the several states, the fundamental constitutional  
13 principles of due process and equal protection under the law will  
14 be severely compromised; and

1 WHEREAS, Section 2 of Article II of the United States  
2 Constitution provides the President of the United States with the  
3 power to nominate justices to the Supreme Court of the United  
4 States with the advice and consent of the United States Senate;  
5 and

6 WHEREAS, Barack Obama was duly reelected as President of  
7 the United States on November 6, 2012, with 332 electoral votes  
8 and nearly 5 million more votes than his opponent, and retains the  
9 full powers and privileges of that office until his term ends on  
10 January 20, 2017; and

11 WHEREAS, By reelecting Barack Obama as President of the  
12 United States, the American people have already voiced their  
13 affirmation that he is their choice to exercise the powers of the  
14 Presidency, including filling vacancies on the Supreme Court of  
15 the United States that arise during his term in office; and

16 WHEREAS, There is historical precedence for confirming  
17 nominees for Justice of the Supreme Court of the United States  
18 during the final year of a president's term, including Justice  
19 Anthony Kennedy of California by President Ronald Reagan in  
20 1988; Justice Frank Murphy of Michigan by President Franklin  
21 D. Roosevelt in 1940; and Justice Louis Brandeis of Kentucky by  
22 President Woodrow Wilson in 1916; now, therefore, be it

23 *Resolved by the Assembly and the Senate of the State of*  
24 *California, jointly*, That the Legislature urges the United States  
25 Senate to give whomever President Obama nominates to the  
26 Supreme Court of the United States fair and honest consideration  
27 through an up or down vote, both on the Senate Judiciary  
28 Committee and on the floor of the United States Senate; and be it  
29 further

30 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
31 of this resolution to the President and Vice President of the United  
32 States, to the Speaker of the House of Representatives, to the  
33 Minority Leader of the House of Representatives, to the Majority  
34 Leader of the Senate, to the Minority Leader of the Senate, and to  
35 each Senator and Representative from California in the Congress  
36 of the United States.

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