

AMENDED IN ASSEMBLY MARCH 10, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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~~; *nominations*.

LEGISLATIVE COUNSEL’S DIGEST

AJR 32, as amended, 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~~; *nation*; and

11 WHEREAS, A failure to ensure conformity of federal and state
12 law across the several ~~states~~; *states would severely compromise*

1 the fundamental constitutional principles of due process and equal
2 protection under the law will be severely compromised; *law*; and

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

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

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

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

25 *WHEREAS, The United States Senate has a duty afforded by*
26 *Section 2 of Article II of the United States Constitution to provide*
27 *the President of the United States with their advice and consent*
28 *to nominations to the Supreme Court of the United States made*
29 *by the President, and refusing to even give due consideration to*
30 *a presidential nomination would be a dereliction of the Senate's*
31 *constitutional duties; now, therefore, be it*

32 *Resolved by the Assembly and the Senate of the State of*
33 *California, jointly, That the Legislature urges the United States*
34 *Senate to give whomever President Obama nominates to the*
35 *Supreme Court of the United States fair and honest consideration*
36 *through an up or down vote, both on the Senate Judiciary*
37 *Committee and on the floor of the United States Senate; and be it*
38 *further*

39 *Resolved, That the Chief Clerk of the Assembly transmit copies*
40 *of this resolution to the President and Vice President of the United*

1 States, to the Speaker of the House of Representatives, to the
2 Minority Leader of the House of Representatives, to the Majority
3 Leader of the Senate, to the Minority Leader of the Senate, and to
4 each Senator and Representative from California in the Congress
5 of the United States.

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