

AMENDED IN SENATE APRIL 26, 2016  
AMENDED IN ASSEMBLY MARCH 10, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## Assembly Joint Resolution

No. 32

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**Introduced by Assembly Member Alejo**  
***(Coauthor: Assembly Member Chiu)***

February 19, 2016

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Assembly Joint Resolution No. 32—Relative to United States Supreme Court 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~~ Court in the-~~nation~~ Nation and considers important  
3 national 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

1 WHEREAS, A failure to ensure conformity of federal and state  
2 law across the several states would severely compromise the  
3 fundamental constitutional principles of due process and equal  
4 protection under the law; and

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

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

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

20 WHEREAS, There is historical precedence for confirming  
21 nominees for Justice of the Supreme Court of the United States  
22 during the final year of a president's term, including Justice  
23 Anthony Kennedy of California by President Ronald Reagan in  
24 1988; Justice Frank Murphy of Michigan by President Franklin  
25 D. Roosevelt in 1940; and Justice Louis Brandeis of Kentucky by  
26 President Woodrow Wilson in 1916; *Justice George Shiras, Jr.*  
27 *by President Benjamin Harrison in 1892; Justice Melville Fuller*  
28 *by President Grover Cleveland in 1888; Justice William Johnson*  
29 *by President Thomas Jefferson in 1804; and Chief Justice John*  
30 *Marshall by President John Adams in 1801; and*

31 WHEREAS, The United States Senate has a duty afforded by  
32 Section 2 of Article II of the United States Constitution to provide  
33 the President of the United States with their advice and consent to  
34 nominations to the Supreme Court of the United States made by  
35 the President, and refusing to even give due consideration to a  
36 presidential nomination would be a dereliction of the Senate's  
37 constitutional duties; now, therefore, be it

38 *Resolved by the Assembly and the Senate of the State of*  
39 *California, jointly,* That the Legislature urges the United States  
40 Senate to give whomever President Obama nominates to the

1 Supreme Court of the United States fair and honest consideration  
2 through an up or down vote, both on the Senate Judiciary  
3 Committee and on the floor of the United States Senate; and be it  
4 further

5 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
6 of this resolution to the President and Vice President of the United  
7 States, to the Speaker of the House of Representatives, to the  
8 Minority Leader of the House of Representatives, to the Majority  
9 Leader of the Senate, to the Minority Leader of the Senate, and to  
10 each Senator and Representative from California in the Congress  
11 of the United States.

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