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HOUSE RESOLUTION

2           WHEREAS, Article III, Section I of the United States  
3           Constitution vests judicial authority "in one supreme Court,  
4           and in such inferior Courts as the Congress may from time to  
5           time ordain and establish"; and

6           WHEREAS, The United States Congress passed the Judiciary  
7           Act of 1789, fixing the number of Supreme Court justices at 6;  
8           and

9           WHEREAS, In an effort to avoid an evenly divided Court, the  
10          Judiciary Act of 1869 increased membership on the Court to one  
11          Chief Justice, and 8 Associate Justices; that number has  
12          remained unchanged; and

13          WHEREAS, Antonin Scalia became an Associate Justice on the  
14          Supreme Court after being nominated by President Ronald Reagan  
15          in 1986; Justice Scalia was confirmed by the United States  
16          Senate 98-0; he was sworn in on September 26, 1986; and

17          WHEREAS, The death of Justice Scalia has effectively placed  
18          the Court in ideological gridlock with respect to liberal and  
19          conservative interpretations of the Constitution; and

20          WHEREAS, The Court now consists of 4 members appointed by

1 Republican presidents: Chief Justice John Roberts, Justice  
2 Anthony Kennedy, Justice Clarence Thomas, and Justice Samuel  
3 Alito; and 4 members appointed by Democratic presidents:  
4 Justice Ruth Bader Ginsburg, Justice Stephen Breyer, Justice  
5 Sonia Sotomayor, and Justice Elena Kagan; and

6 WHEREAS, A Supreme Court term begins on the first Monday in  
7 October, and continues until late June or early July of the  
8 following year; the final day of the 2016 term will be June 26,  
9 2016; the Court continues to hear oral arguments until April  
10 26, 2016; and

11 WHEREAS, There are currently 74 cases on the Court docket;  
12 with the absence of Justice Scalia, many of those cases could  
13 be decided 4-4; in that event, the decisions of the lower  
14 courts will stand; and

15 WHEREAS, In its current term, the Court will hear cases on  
16 a variety of issues affecting millions of Americans, such as  
17 affirmative action, immigration, reproductive rights,  
18 redistricting, and labor practices; and

19 WHEREAS, Pursuant to Article II, Section I of the  
20 Constitution, Barack Obama was elected President of the United  
21 States in 2008, and again in 2012; his presidency will end on  
22 January 20, 2017; and

1           WHEREAS, Article II, Section II of the Constitution  
2 provides that the President "shall nominate" judges of the  
3 Supreme Court with the "Advice and Consent of the Senate"; and

4           WHEREAS, The Democratic and Republican Presidential  
5 nominating conventions will take place in July of 2016; the  
6 Presidential election will take place on November 8, 2016; a  
7 new President will not be inaugurated until January 20, 2017,  
8 at which time that President will have the power to nominate  
9 judges; however, until that time, the power to nominate remains  
10 with President Barack Obama; and

11           WHEREAS, In 1916, Justice Louis Brandeis was confirmed as  
12 the 67th Associate Justice of the Supreme Court after 4 months  
13 of scrutiny, representing the longest confirmation process in  
14 American history; during which time, the Senate Judiciary  
15 Committee held the first public hearings on the nomination of a  
16 justice; he was sworn in on June 6, 1916, a presidential  
17 election year; and

18           WHEREAS, Justice Anthony Kennedy is the most senior member  
19 of the Court today; he was nominated by President Ronald Reagan  
20 on November 30, 1987; he was confirmed unanimously by a Senate  
21 controlled by Democrats on February 3, 1988 and was sworn in on  
22 February 18, 1988, during the last year of Reagan's presidency;

1 and

2 WHEREAS, Additional Supreme Court justices nominated and  
3 confirmed during the final year of a presidency include: Oliver  
4 Ellsworth, Samuel Chase, William Johnson, Philip Barbour,  
5 Roger Taney, Melville Fuller, Lucius Lamar, George Shiras,  
6 Mahlon Pitney, John Clarke, Benjamin Cardozo, and Frank Murphy;  
7 therefore, be it

8 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
9 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we  
10 urge President Barack Obama to select and nominate a candidate  
11 to be an Associate Justice for the U.S. Supreme Court in a  
12 timely manner and that the nominee both liberalize and truly  
13 diversify the Court; and be it further

14 RESOLVED, That we urge the Judiciary Committee of the  
15 United States Senate to promptly schedule confirmation  
16 hearings for the President's nominee followed by a recorded  
17 vote recommending confirmation; and be it further

18 RESOLVED, That we urge the full Senate to vote to confirm  
19 such nomination; and be it further

20 RESOLVED, That suitable copies of this resolution be  
21 delivered to President of the United States, Barack Obama;

1 Chairman of the Senate Judiciary Committee, Chuck Grassley;  
2 Vice-President, Joe Biden; Chief Justice of the Supreme Court,  
3 John Roberts; and Senators Dick Durbin and Mark Kirk of  
4 Illinois.