

House Concurrent Resolution 106 - Introduced

HOUSE CONCURRENT RESOLUTION NO. 106

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SMITH, ANDERSON, T. TAYLOR, KEARNS, OURTH,
PRICHARD, GASKILL, WOLFE, WINCKLER, STUTSMAN,
LENSING, HUNTER, MASCHER, STAED, LYKAM, OLSON,
WESSEL-KROESCHELL, McCONKEY, DUNKEL, FORBES,
KRESSIG, BENNETT, COHOON, BEARINGER, ABDUL-SAMAD,
HEDDENS, KELLEY, MEYER, RUFF, OLDSON, HANSON,
JACOBY, STECKMAN, and FINKENAUER

1 A Concurrent Resolution urging United States Senator
2 Charles Grassley to promptly hold a hearing to
3 consider President Barack Obama's nomination of an
4 associate justice to the Supreme Court of the United
5 States and for the United States Senate to vote on
6 the nomination.

7 WHEREAS, Article III, Section 1 of the Constitution
8 of the United States vests judicial authority "in one
9 supreme Court"; and

10 WHEREAS, the Supreme Court of the United States is
11 the highest court in the nation, serves as the final
12 arbiter of the Constitution of the United States,
13 and considers important national questions whose
14 determination is necessary for the orderly operation
15 of the federal government and the government of the
16 several states; and

17 WHEREAS, the United States Supreme Court's power
18 of judicial review acts as a vital check on the power
19 of the executive and legislative branches and is
20 essential to the United States' constitutional system
21 of government; and

22 WHEREAS, in an effort to avoid an evenly divided
23 United States Supreme Court, the Judiciary Act of 1869
24 increased membership on the Supreme Court to one chief
25 justice and eight associate justices, a number that has
26 remained unchanged; and

27 WHEREAS, the death of Associate Justice of the
28 United States Supreme Court Antonin Scalia on February
1 13, 2016, has left a vacancy on the Supreme Court and
2 reduced the number of sitting justices from nine to
3 eight; and

4 WHEREAS, Article II, Section 2 of the Constitution
5 of the United States authorizes the President to
6 nominate and, with the advice and consent of the
7 Senate, to appoint judges to the Supreme Court; and

8 WHEREAS, Barack Obama was elected President of
9 the United States in 2008 and again in 2012, and his
10 presidency will end on January 20, 2017; and

11 WHEREAS, on March 16, 2016, President Obama
12 fulfilled his constitutional obligation by nominating
13 Merrick Garland, Chief Judge of the United States
14 Court of Appeals for the District of Columbia Circuit,
15 to fill the vacancy on the United States Supreme
16 Court; and

17 WHEREAS, Judge Garland received bipartisan support
18 during his confirmation to the United States Court
19 of Appeals for the District of Columbia Circuit in
20 1997; and

21 WHEREAS, the United States Senate has a duty
22 pursuant to Article II, Section 2 of the Constitution
23 of the United States to provide the President with

24 its advice and consent to the President's nominations
25 to the Supreme Court, and refusing to even give due
26 consideration to a presidential nomination would be a
27 dereliction of the Senate's constitutional duties; and

28 WHEREAS, before the full United States Senate may
29 consider Judge Garland, the Senate Committee on the
30 Judiciary must hold confirmation hearings for Judge
1 Garland; and

2 WHEREAS, Senator Charles Grassley, the senior
3 senator representing the State of Iowa, is the chairman
4 of the Senate Judiciary Committee and has the power
5 to schedule and hold confirmation hearings for Judge
6 Garland before the Senate Judiciary Committee; and

7 WHEREAS, by scheduling and holding confirmation
8 hearings for Judge Garland before the Senate Judiciary
9 Committee, Senator Grassley would fulfill his duties as
10 chairman of the Senate Judiciary Committee and as an
11 elected representative of the State of Iowa; and

12 WHEREAS, the Senate Judiciary Committee and
13 the full United States Senate should fulfill their
14 constitutional duties by providing an up-or-down vote,
15 both in the Senate Judiciary Committee and on the floor
16 of the Senate, for Judge Garland's nomination to the
17 United States Supreme Court; NOW THEREFORE,

18 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
19 SENATE CONCURRING, That the Iowa General Assembly urges
20 Iowa Senator Charles Grassley to promptly schedule and
21 hold confirmation hearings before the Senate Committee
22 on the Judiciary for President Barack Obama's nominee,
23 Judge Merrick Garland, to the Supreme Court of the

24 United States and for the full United States Senate
25 to give Judge Garland a fair and honest consideration
26 through an up-or-down vote on the floor of the United
27 States Senate; and

28 BE IT FURTHER RESOLVED, That a copy of this
29 resolution be distributed to the President of the
30 United States; the President of the United States
1 Senate; the President Pro Tempore of the United States
2 Senate; the Majority Leader of the United States
3 Senate; the Minority Leader of the United States
4 Senate; the Chairman of the Senate Judiciary Committee;
5 and the Ranking Member of the Senate Judiciary
6 Committee.