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**Title:** Resolution expressing support for Judge Merrick Garland, President Barack Obama’s nomination to the U.S. Supreme Court.

**Sponsors:** ALD. HAMILTON

**Indexes:** INTERGOVERNMENTAL RELATIONS

**Attachments:** 1. Mayor Barrett Letter, 2. Senator Baldwin Letter

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IMMEDIATE ADOPTION

160098  
ORIGINAL

ALD. HAMILTON

Resolution expressing support for Judge Merrick Garland, President Barack Obama’s nomination to the U.S. Supreme Court.

This resolution expresses support for Judge Merrick Garland, President Barack Obama’s nomination to the U.S. Supreme Court.

Whereas, The Constitution of the United States provides that the Senate shall provide advice and consent for appointments to the Supreme Court of the United States; and

Whereas, The Senate’s constitutional duty to advise and consent on judicial nominees is one of its most important and solemn responsibilities; and

Whereas, The Senate has confirmed several Supreme Court justices in presidential election years, including five in the last 100 years; and

Whereas, The Senate has confirmed justices in presidential election years in which the executive and legislative branches of government were divided between two political parties, including Justice Anthony Kennedy’s confirmation in 1988; and

Whereas, The Senate Judiciary Committee has never denied a Supreme Court nominee a hearing since it began holding public confirmation hearings; and

Whereas, If the Senate refuses to consider a Supreme Court nominee until after the next President is sworn into office, it will result in the longest Supreme Court vacancy caused by Senate inaction since the Civil War; and

Whereas, The Supreme Court serves an essential function resolving critical questions of law that affect the nation; and

Whereas, Forcing the Supreme Court to function with only eight justices risks creating numerous instances in which the Court is evenly divided on the outcome of a case, preventing the Court from resolving conflicting interpretations of the Constitution, thereby undermining the Supreme Court's role as the final arbiter of the law; and

Whereas, Every Supreme Court nominee who was not withdrawn by the President has received an up-or-down vote within 125 days of the President's nomination announcement; and

Whereas, The Supreme Court vacancy caused by the death of Justice Antonin Scalia occurred on February 13, 2016, 269 days before the 2016 presidential election, and since 1975, the average number of days from nomination to confirmation vote for a Supreme Court nominee has been 70 days; and

Whereas, The President has nominated Merrick Garland, Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, who "has earned a track record of building consensus as a thoughtful, fair-minded judge who follows the law"; and

Whereas, Judge Merrick Garland attended Harvard Law School, graduating with a J.D. *magna cum laude*; and

Whereas, Judge Merrick Garland was special assistant to Attorney General Benjamin Civiletti from 1979 to 1981; and

Whereas, Judge Merrick Garland was one of three principal prosecutors who handled the investigation into Washington, D.C., mayor Marion Barry's possession of cocaine; and

Whereas, Judge Merrick Garland served as a law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and Justice William J. Brennan, Jr. of the Supreme Court of the United States; and

Whereas, Judge Merrick Garland worked as a federal prosecutor in the U.S. Department of Justice, where he played a leading role in the investigation and prosecution of the Oklahoma City bombers; and

Whereas, Judge Merrick Garland oversaw some of the most important federal criminal cases in recent history, including the prosecutions of Timothy McVeigh and Terry Nichols for the Oklahoma City bombing as well as the government's responses to the Unabomber and the Montana Freeman; and

Whereas, Judge Merrick Garland took steps as a government attorney to ensure proper respect for the rights of criminal defendants, helping develop policies that require prosecutors to conduct an

individual assessment of each case when making charging decisions, rather than just charging with the most serious offense possible; and

Whereas, Judge Merrick Garland was confirmed to the D.C. Circuit in 1997 in a strong bipartisan vote of 76-23; and

Whereas, Judge Merrick Garland has more federal judicial experience than any Supreme Court nominee in history; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council expresses its support for the appointment of Judge Merrick Garland as the next Supreme Court Justice of the United States; and, be it

Further Resolved, That that the Common Council urges the U.S. Senate to perform its constitutional duty of providing advice and consent on the President's Supreme Court nominee by promptly scheduling a hearing in the Senate Judiciary Committee for Judge Merrick Garland, so that the his nomination can be considered on his own merits in an open and transparent manner; and, be it

Further Resolved, That that the Common Council urges the U.S. Senate to perform its constitutional duty to hold a confirmation vote on the Senate floor, with opportunity for debate on Judge Merrick Garland's nomination; and, be it

Further Resolved, That that the Common Council appeals to the U.S. Senate, working on behalf of the people of the United States, to ensure that the vacancy on the Supreme Court is filled without undue and unnecessary delay so that the Supreme Court can effectively serve its essential constitutional function as the final arbiter of the law; and, be it

Further Resolved, That upon adoption of this resolution, the City Clerk shall mail a copy of this resolution to each member of Milwaukee's delegation to the Federal Legislature and to the Office of the President of the United States.

LRB164141-1  
Adam Wickersham  
05/09/2016