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**2016 RES-012**

**EXPRESSING SUPPORT FOR TIMELY FILLING COURT VACANCIES, INCLUDING THE  
SUPREME COURT OF THE UNITED STATES**

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. The Senate's constitutional duty to advise and consent on judicial nominees is one of its most important and solemn responsibilities. The Supreme Court serves an essential function resolving critical questions of law that affect our community, its economy, and its citizens.

The Senate has confirmed more than a dozen Supreme Court justices in presidential election years, including five in the last 100 years. 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. The Senate Judiciary Committee has never denied a Supreme Court nominee a hearing since it began holding public confirmation hearings.

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;

The President has nominated Merrick Garland, Chief Judge of the U.S. Court of Appeals for the District of Columbia Circuit, saying Garland "has earned a track record of building consensus as a thoughtful, fair-minded judge who follows the law." Judge Garland is well-qualified and has more judicial experience than any Supreme Court nominee in history.

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 among different regions of the nation and thereby undermining the Supreme Court's role as the final arbiter of the law.

Every Supreme Court nominee who was not withdrawn by the President has received an up-or-down vote within 125 days of the President's nomination announcement. The Supreme Court vacancy caused by the death of Justice Antonin Scalia occurred on February 13, 2016, 269 days before the 2016 presidential election. Since 1975, the average number of days from nomination to confirmation vote for a Supreme Court nominee has been 70 days.

NOW THEREFORE BE IT RESOLVED that the Dane County Board of Supervisors calls on the Senate performing its constitutional duty to provide advice and consent on the President's Supreme Court nominee by —

(1) 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;

(2) holding a confirmation vote on the Senate floor, with opportunity for debate on Judge Merrick Garland's nomination; and

50 (3) working on behalf of the people of the United States to ensure that the vacancy on the  
51 Supreme Court is filled without undue and unnecessary delay so that the Supreme Court can  
52 effectively serve its essential constitutional function as the final arbiter of the law.  
53  
54 BE IT FINALLY RESOLVED that a copy of this resolution be provided to Senator Tammy  
55 Baldwin and Senator Ron Johnson.