



General Assembly

**Senate Resolution No.  
11**

February Session, 2016

LCO No. 3565



Referred to Committee on No Committee

Introduced by:

SEN. DUFF, 25<sup>th</sup> Dist.

**RESOLUTION MEMORIALIZING THE UNITED STATES SENATE TO  
CONDUCT CONFIRMATION HEARINGS FOR THE PRESIDENT'S  
NOMINEE TO FILL THE VACANCY ON THE UNITED STATES  
SUPREME COURT.**

Resolved by the Senate:

1 WHEREAS, Article III of the United States Constitution establishes  
2 "the judicial Power of the United States" and, specifically, "one  
3 supreme Court"; and

4 WHEREAS, pursuant to said Article III, the judicial power extends  
5 to all "Cases" arising under federal law and to any "Controversies",  
6 including, but not limited to, Controversies to which the United States  
7 is a party, Controversies between two or more States and  
8 Controversies between the citizens of different States; and

9 WHEREAS, pursuant to said Article III, Justices of the United States  
10 Supreme Court "hold their Offices during good Behaviour", meaning  
11 each Justice's appointment to the Court is for life, unless such Justice  
12 resigns from the Court or is removed by impeachment; and

13 WHEREAS, on February 13, 2016, Associate Justice of the United  
14 States Supreme Court Antonin Scalia passed away; and

15 WHEREAS, the passing of Justice Scalia left a vacancy on the Court,  
16 reducing the number of Justices on the Court from nine to eight; and

17 WHEREAS, Article II of the United States Constitution provides  
18 that the President of the United States "shall nominate, and by and  
19 with the Advice and Consent of the Senate, shall appoint . . . Judges of  
20 the supreme Court"; and

21 WHEREAS, the President of the United States has nominated  
22 Merrick Garland, Chief Judge of the United States Court of Appeals for  
23 the District of Columbia Circuit, who "has earned a track record of  
24 building consensus as a thoughtful, fair-minded judge who follows the  
25 law" and who received bipartisan support during his confirmation to  
26 said court in 1997; and

27 WHEREAS, the majority leadership of the United States Senate has  
28 stated that the Senate will neither conduct any confirmation hearings  
29 for nor hold any vote on any Supreme Court Justice nominee put forth  
30 by the current President of the United States for the purpose of filling  
31 the vacancy left by the passing of Justice Scalia until after the 2016  
32 presidential election; and

33 WHEREAS, a majority of the Justices on the Court, by joining in any  
34 holding of an opinion, may set forth a rule of law that is binding upon  
35 the United States government and the governments of the several  
36 States; and

37 WHEREAS, the state of the law in this country may be uncertain in  
38 the absence of nine Justices sitting on the Supreme Court adjudicating  
39 the Cases and Controversies that come before the Court; and

40 WHEREAS, the Court's pending decision in *Harris v. Arizona*  
41 *Independent Redistricting Commission*, No. 14-232 (argued December  
42 8, 2015), would have far-reaching effects on the electoral

43 reapportionment process and the conduct of elections in Connecticut;  
44 and

45 WHEREAS, the Court's pending decisions in *Whole Women's*  
46 *Health v. Hellerstedt*, No. 15-274 (argued March 2, 2016), and *Zubik v.*  
47 *Burwell*, No. 14-1418 (argued March 23, 2016), would significantly  
48 impact the reproductive rights of countless Connecticut women; and

49 WHEREAS, the Court's pending decision on granting certiorari in  
50 *Shew v. Malloy*, 804 F.3d 242 (2d Cir. 2015) (petition filed February 16,  
51 2016, No. 15-1030), involves Connecticut's 2013 gun control legislation,  
52 enacted in the wake of horrific tragedy and with the goal of, among  
53 other things, restricting access to certain dangerous firearms; and

54 WHEREAS, the rulings on these and any other such Cases and  
55 Controversies may be less decisive and more susceptible to deadlock  
56 on important legal issues in the absence of nine Justices sitting on the  
57 Supreme Court; and

58 WHEREAS, on March 22, 2016, only thirty-eight days after the  
59 passing of Justice Scalia, the Court has already issued an evenly-split  
60 decision; and

61 WHEREAS, inaction by the United States Senate should not  
62 override the nation's need and desire for a clear, sound and stable  
63 body of law.

64 NOW, THEREFORE, BE IT RESOLVED, that the Connecticut Senate  
65 respectfully memorializes the United States Senate to hold  
66 confirmation hearings on the Supreme Court Justice nominee put forth  
67 by the President of the United States, confirm any such qualified  
68 nominee and thereby appoint such qualified nominee to fill the  
69 vacancy on the United States Supreme Court, in accordance with  
70 Article II of the United States Constitution; and

71 BE IT FURTHER RESOLVED, that the clerk of the Connecticut  
72 Senate cause a copy of this resolution to be transmitted to the President

***Senate Resolution No.***

---

73 of the United States; the Vice President of the United States, in his  
74 capacity as presiding officer of the United States Senate and addressed  
75 to him in the office he maintains at the United States Capitol Building;  
76 the President Pro Tempore of the United States Senate; the Majority  
77 Leader of the United States Senate; and the Minority Leader of the  
78 United States Senate.