

## Legislation Text

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Condemning President Donald Trump for making a Supreme Court nomination during this presidential election and calling upon Senate Majority Leader Mitch McConnell to defer consideration of the nomination until after the presidential inauguration in January.

WHEREAS, On September 18, 2020, Justice Ruth Bader Ginsburg passed away at the age of 87, after 27 years of distinguished service on the U.S. Supreme Court. As an advocate and then as a jurist, Justice Ginsburg stood apart for her exceptional legal acumen, her profound decency, and her dedication to equal justice under the law; and

WHEREAS, The U.S. Constitution requires the president to submit nominations to the Senate for its advice and consent; and

WHEREAS, On Saturday, September 26th, President Donald Trump announced his nominee for the Supreme Court, Judge Amy Coney Barrett. Senator Mitch McConnell earlier noted that while there was 43 days until Election Day and early voting had already started in some states, "the Senate has more than sufficient time to process a nomination"; and

WHEREAS, However, recent precedent dictates that filling the current vacancy during a presidential election is improper; and

WHEREAS, In February of 2016, President Barack Obama nominated Judge Merrick Garland to fill the Supreme Court vacancy left by Justice Antonin Scalia's death. Although there were 9 months remaining in the presidential election, Senate Majority Leader Mitch McConnell declared that the Senate would not consider Judge Garland's nomination. Senator McConnell explained the position by asserting that, because the nomination was taking place in an election year, "the American people should have a say in the court's direction"; and

WHEREAS, A Republican nominee would change the ideological balance of the U.S. Supreme Court; and

WHEREAS, The rushed, hypocritical confirmation process proposed by the White House and Senate leadership is a brazen power grab that precludes accountability and proper vetting of this enormously consequential lifetime appointment. By sidestepping the consideration the will of the American public, the Trump Administration and the Senate are undermining the legitimacy of the Supreme Court and the confirmation process; and

WHEREAS, This approach is a direct threat to public confidence in our system of laws. Indeed, the Supreme Court, as an unelected, counter-majoritarian institution, derives its legitimacy in large part from the integrity of the nomination and confirmation process. The lives of millions of Americans hang in the balance, with the Court in a position to rule on issues from war powers to healthcare to racial and economic justice; now, therefore, be it

RESOLVED, BY THE COUNCIL OF CITY OF PHILADELPHIA, That it hereby calls upon the U.S. Senate to defer consideration of any Supreme Court nomination until after the next presidential inauguration