



City of Philadelphia

City Council
Chief Clerk's Office
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Legislation Text

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Urging the United States Congress to pass the Judiciary Act of 2021, to restore the integrity of the United States Supreme Court by adding four new seats.

WHEREAS, On April 15, 2021, House of Representatives Bill 2584 and Senate Bill 1141, also known as the Judiciary Act of 2021, were introduced by Senator Edward Markey and Congressmen Hank Johnson, Jerry Nadler, and Mondaire Jones; and

WHEREAS, The Judiciary Act of 2021 would add four seats to the Supreme Court, rebalancing the Court after Senate Republicans installed a hyper-activist supermajority via dubious means, enabling an active assault on civil rights protections and democratic norms; and

WHEREAS, The Judiciary Act of 2021 has been co-sponsored by over 50 members of Congress. More than 90 organizations ranging from civil rights and pro-democracy groups to climate and immigration advocates have endorsed Supreme Court expansion; and

WHEREAS, Adding seats to the Supreme Court would restore integrity to our judicial system by mitigating an undemocratic, morally and ethically dubious reshaping of the Court; and

WHEREAS, In the past few years there have been a string of troubling developments regarding the Supreme Court, highlighting need for transparency and accountability for a Court made up of justices with lifetime appointments; and

WHEREAS, The Supreme Court has decimated the remaining protections of the Voting Rights Act which weakens the path to challenge discriminatory voting laws and negates and weakens the federal courts' powers to protect Americans from efforts to impede their ability to vote; and

WHEREAS, The process of nominating a justice to the Supreme Court has been politically perverted, going well beyond a vetting of a nominee's qualifications. In 2016, the 11 members of the U.S. Senate Judiciary Committee's Republican majority refused to conduct the hearings necessary to advance Merrick Garland's nomination to the Senate at large; and

WHEREAS, The Supreme Court's increased utilization of its "shadow docket" to make decisions in a wide range of consequential cases presents a massive problem of transparency and accountability. Historically the shadow docket was rarely used for rulings of serious legal or political significance because these decisions do not entail full briefing and argument, nor a full opinion. However, since 2017, the Court has dramatically increased its use of the shadow docket, often for serious, highly impactful, contested issues; and

WHEREAS, The Supreme Court's lack of code of conduct or ethical oversight paves the way for abuse of power by the justices; and

WHEREAS, One such example is Justice Thomas's refusal to recuse himself from a vote regarding President

Donald Trump's emergency application to block the release of records about the January 2021 insurrection. These records showed Virginia Thomas' active advocacy and participation in the January 2021 insurrection and was a direct conflict of interest for Justice Thomas. While all other justices rejected the request, in a sharp rebuke to the former president, Justice Thomas was the lone dissent vote; and

WHEREAS, At the same time the Court has shredded a series of core civil rights protections for vulnerable Americans, from voting rights to reproductive rights; and

WHEREAS, The increase in concern that the Court is overstepping and showing a lack of propriety is not limited to elected officials. According to a recent Gallup poll, the Court has its lowest public-approval rating in history, at just 40%, in part because it is viewed as being overly politicized and partisan; and

WHEREAS, It is of the utmost importance that the Judiciary Act of 2021 to restore the Court's legitimacy; now, therefore, be it

RESOLVED, BY THE COUNCIL OF CITY OF PHILADELPHIA, That it hereby urges the United States Congress to pass the Judiciary Act of 2021, to restore the integrity of the United States Supreme Court by adding four new seats.