

House Joint Memorial 7

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Urges Congress to increase number of United States Supreme Court Justices to 11 and also urges Congress to increase Circuit Courts of Appeal judges and District Court judges by proportionate number.

JOINT MEMORIAL

1 To the President of the United States and the Senate and the House of Representatives of the United
2 States of America, in Congress assembled:

3 We, your memorialists, the Eightieth Legislative Assembly of the State of Oregon, in legislative
4 session assembled, respectfully represent as follows:

5 Whereas the United States Constitution directs the President to nominate qualified individuals
6 to fill vacancies on the United States Supreme Court; and

7 Whereas the United States Constitution directs the United States Senate to provide advice and
8 consent by rigorously examining the qualifications, fitness and suitability of individuals nominated
9 by the President to fill vacancies on the Supreme Court; and

10 Whereas recent Supreme Court appointments have been seriously flawed by the Senate failing
11 to provide advice and consent on one timely nomination and failing to conduct a rigorous examina-
12 tion of the qualifications, fitness and suitability of another nominee; and

13 Whereas as a result of the Senate's failures, the Supreme Court's current makeup does not re-
14 flect the reasoned deliberations of the executive and legislative branches of government when op-
15 erating as the United States Constitution intended; and

16 Whereas the United States Constitution directs the President to nominate, and the Senate to
17 provide advice and consent by confirming or rejecting nominations, to fill vacancies on United
18 States Circuit Courts of Appeals and United States District Courts; and

19 Whereas the nomination and confirmation process for filling these lower court positions has
20 been poisoned by excess partisanship and political maneuvering that denied a prior President the
21 appropriate deference in nominating judicial vacancies; and

22 Whereas many lower court vacancies were not timely filled as a result of these delays and now
23 does not reflect the collective wisdom of the American people as memorialized in their historical
24 record of electoral support for a prior President; and

25 Whereas the United States Constitution permits the Congress of the United States to by law
26 modify the number of Justices that serve on the Supreme Court; and

27 Whereas the United States Constitution authorizes Congress to by law fix the number of Court
28 of Appeals and District Court judges; now, therefore,

29 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

30 That we, the members of the Eightieth Legislative Assembly, urge the Congress of the United
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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 States to increase the number of Justices that serve on the United States Supreme Court to 11, in
2 order to restore the makeup of the Supreme Court to one that more closely approximates the de-
3 liberations of a fully functional presidential nomination process and a robust advice and consent
4 function performed by the Senate; and be it further

5 Resolved, That we also urge Congress to increase the number of positions among the Circuit
6 Courts of Appeal and District Courts by 22 percent, which reflects the same proportionate increase
7 as is urged for the Supreme Court; and be it further

8 Resolved, That a copy of this memorial shall be sent to the President of the United States, to
9 the Senate Majority Leader, to the Speaker of the House of Representatives and to each member
10 of the Oregon Congressional Delegation.

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