

119TH CONGRESS
1ST SESSION

S. RES. _____

Affirming the rule of law and the legitimacy of judicial review.

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself, Mr. SCHUMER, Ms. HIRONO, Mr. HICKENLOOPER, Mr. COONS, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. WELCH, Mr. PADILLA, Mr. WYDEN, Mr. OSSOFF, Mr. BLUMENTHAL, Mrs. SHAHEEN, and Mr. KELLY) submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Affirming the rule of law and the legitimacy of judicial review.

1 *Resolved*, That the Senate affirms that—

2 (1) Article III of the Constitution of the United
3 States vests the “judicial Power of the United States
4 . . . in one supreme Court, and in such inferior
5 Courts as the Congress may from time to time or-
6 dain and establish”;

7 (2) as Chief Justice Marshall held in the Su-
8 preme Court’s landmark 1803 decision *Marbury v.*

1 Madison, “It is emphatically the province and duty
2 of the judicial department to say what the law is”;

3 (3) the Constitution of the United States and
4 established precedent require the executive branch to
5 comply with all Federal court rulings; and

6 (4) if the executive branch disagrees with a rul-
7 ing by a Federal court, it may appeal that ruling
8 when authorized by law.