

119TH CONGRESS
1ST SESSION

S. RES. 108

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

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2025

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

RESOLUTION

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

Whereas the Constitution of the United States establishes 3 separate but equal branches of Government;

Whereas Article III of the Constitution of the United States vests the “judicial Power of the United States . . . in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish”;

Whereas the Supreme Court of the United States, in *Marbury v. Madison*, established the principle of judicial review, which empowers Federal courts to hold that a legislative or executive act violates the Constitution of the United States;

Whereas Vice President Vance and other prominent elected officials have made remarks suggesting the President or the executive branch may ignore the constitutional authority of the Federal Judiciary and disregard a decision of a Federal court; and

Whereas the President or the executive branch ignoring the constitutional authority of the Federal Judiciary and disregarding a decision of a Federal court would precipitate a constitutional crisis: Now, therefore, be it

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.*
9 *Madison*, “It is emphatically the province and duty
10 of the judicial department to say what the law is”;
11 and

12 (3) the Constitution of the United States and
13 established precedent require the executive branch to
14 comply with all Federal court rulings.

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