

OPINIONS & LETTERS

Liar, Liar, Pants On Fire

One Minute to Midnight

By Alon Barlevy, PhD,
President, Hubert Humphrey
Democratic Club

I During the days of the Cold War, political pundits used to maintain a figurative clock to gauge how close we were to a nuclear war. The closer to midnight, the closer the nuclear

war. The pundits would periodically update the clock to reflect changes in our relations with the old Soviet Union.

It seems that we need to resurrect that old figurative clock, but this time for the political nuclear war that is raging in the U.S. Senate. Republicans have threatened to detonate the political equivalent of a nuclear bomb by unilaterally changing the Senate's rules on filibusters.

A filibuster is the concept of unlimited debate. Until 1917, a single senator could bring the Senate to a grinding halt by taking the floor and speaking until the Senate agreed to yield to his demands (note there were no women senators until 1922). The Senate has a mechanism for changing the rules under which it operates, and two thirds of the senators can vote to change the rules at any time.

In 1917, the rules for filibuster were changed so that debate could end ("cloture" in Senate jargon) if two thirds (67%) of the senators agreed to

end debate. The rules were changed again in 1975 so that debate could end if three fifths (60%) of the senators agreed. Each time the rule changed, it was done with the consent of two thirds of the Senate.

The Senate has other rules regarding filibusters. For example, if a bill's impact is less than 10 years, filibusters do not apply (this is why the

Republicans made their tax cut for the wealthiest Americans last only 10 years, to avoid a Democratic filibuster).

Now, the Republicans want to make another change to the filibuster rules. They want to change the rules to say that filibusters do not apply to judicial appointments that presidents make. They would certainly be within their right to make such a change in the rules if they could find 67 senators to agree to this proposed rule change. Their problem is that they can't get 67 senators to agree, so what the Republicans are proposing to do – and this is why it has been dubbed the "nuclear option" by the former Republican Majority Leader Trent Lott – is to *reinterpret* the rules to exclude judicial nominations, because a rule *reinterpretation* requires only a simple majority.

COLUMN LEFT

Let's put this a different way. Suppose there was a rule that stated: "No dogs allowed on the Senate floor." And let's say the Republicans wanted to bring a pit bull to the Senate floor. Rather than changing the rule to exclude pit bulls, the Republicans would like to reinterpret the rule to say that a pit bull is not a dog. How absurd!!!

If the Republicans succeed in implementing their nuclear option, they will have set a precedence whereby rules can effectively be changed by a simple majority, rather than a two-thirds majority.

Last month a very shaky compromise was reached to avoid the nuclear option from being exercised. The deal is so shaky that it is bound to collapse soon, if there is a vacancy on the Supreme Court. Column Left therefore sets the political nuclear war clock at one minute to midnight.

Text of Article

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