

# Nuclear Option Restores Senate Sanity

[Via](#) Ilya Shapiro at Cato:

*“Thursday’s removal of the filibuster – a parliamentary tool effectively requiring 60 votes to proceed with a vote on a matter – for Supreme Court nominees is the long overdue denouement of a process that began not with Senate Republicans’ refusal to vote on Merrick Garland, or even Harry Reid’s elimination of the filibuster for lower-court nominees in 2013, but with Reid’s unprecedented partisan filibusters in 2003. Recall especially the record 7 failed votes to end the filibuster of Miguel Estrada, who was blocked primarily because Democrats didn’t want President Bush to appoint the first Hispanic Supreme Court justice.*

*The Senate is now restored to the status quo ante, such that any judicial nominee with majority support will be confirmed. That’s a good thing.*

*RIP Partisan Filibuster (2003-2017).”*

It’s a great point by Shapiro. I still recall the day Estrada, a preeminent jurist, was compelled to pull his name from consideration for reasons that appeared nakedly partisan. Here is a [2003 article from CNN](#) that highlights Shapiro’s basic points:

*“The dispute over Estrada is part of a larger and increasingly bitter struggle over Bush’s judicial nominations in the Republican-controlled Senate.*

*Democrats are under pressure from interest groups in their party’s base to hold the line against Bush’s conservative nominees.*

*When they controlled the Senate earlier in Bush's term, Senate Democrats could block nominations in committee. But once Republicans took control after the 2002 elections, Democrats had to resort to the filibuster, a parliamentary maneuver, to thwart Bush's nominations.*

*Republicans charged that tactic was an abuse of the Senate's "advice and consent" constitutional power on judicial nominations by, in effect, changing the requirement for approval to 60 votes rather than a simple majority."*

I had long opposed efforts to invoke the "nuclear option" because it was one of the few remaining checks and balances that prevented majorities from steamrolling the opposition. But it's a tool for a more civilized age. Precedent and prudence are no match for partisanship in today's political climate.