The Senate acted on an institutional crisis of historic proportions through the recent compromise agreement on judicial nominations entered into by a bipartisan coalition of senators.

The agreement requires signatories from the majority party to relent on the filibuster of three judicial nominees and signatories from the minority party to agree not to support the “nuclear option” for the current Congress, provided that the minority resorts to filibustering of nominees only under “extraordinary circumstances” (defined subjectively by the signatories). The compromise agreement fits a pattern that has existed in Congress since at least back to the 16th century, when senators had elected not to impose de jure majority rule on the Senate, but because a majority was not firmly committed to acting on the issue in question or because the minority revered when confronted with a compromise proposal. The lessons from a few prominent historical cases shed light on whether the current compromise can be resolved the way it was and what we can expect to happen in the future with filibusters.

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By Sunday morning, however, weavers of similar spam about German politics began spamming e-mail postmasters—largely to overcome the filtering of spam that resulted from its passage. Ironically, there seemed to be more support for the cloture rule than for the Election Bill, but majority support for the former eroded as senators contemplated that it would result in the passage of the latter in this case, the minority did not relent, but a committed majority did not exist in support of either proposal.

The outcome of the Armed Services Bill filibuster in 1973 prohibited the Senate’s efforts to end debate for an indefinite period. The filibuster The stakes will be a great deal higher for a Supreme Court nominee and both sides will feel more intensely than they currently do about the appeals court nominees. Democrats will likely assert that a majority coalition is necessary to confirm a Supreme Court nominee who weaknesses the court’s current deliberate balance of power. The justice most likely to retire in the near future is William Rehnquist, but replacing him with another conservatively inclined minority would not fundamentally upset the current equilibrium on the court, which underscores the rationale for a filibuster. But if one of the justices who supports Roe v. Wade retires prior to the 2006 elections and President Bush nominates a suspected opponent of abortion rights, Democrats will almost certainly filibuster and will resist. The pressure from the bases on the right and the left will be formidable, and may well result in the kind of intensely committed majority that would be necessary to execute the nuclear option. It did not happen in May 2005 because enough Republican senators had deep reservations about the ramifications that going nuclear would have on the functioning of the Senate, but not on nomination battles or for other substantive legislative matters where they might find themselves wanting to filibuster. Yet if presented with the opportunity to deliver a long-standing promise to overturn Roe, Republican senators may constitute the kind of intensely committed majority that would be necessary to impose de jure majority rule in the Senate for the first time in the institution’s history.

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