

RNC Research BRIEFING

Hypocrite Harry Goes Nuclear

Not Long Ago, Democrats Likened The End Of The Filibuster To The End Of Senate As We Know It

Yesterday, Sen. Harry Reid Announced He Is Prepared To Execute The “Nuclear Option” As Early As Next Week If The Senate Does Not Agree To Force Through Seven Obama Nominees. “Reid filed cloture on a bloc of seven Obama nominees on Thursday afternoon, setting the stage for a potential vote on invoking the nuclear option on Tuesday. If Republicans continue to filibuster any or all of those presidential selections, the Nevada Democrat will force through his proposed rules change, he told reporters. Reid’s nuclear option comes in two parts. It would require a simple majority to change Senate rules, rather than the 67 now needed. And it would mean that a filibuster on an executive-branch nominees could be ended with only 51 votes, rather than the 60-vote threshold now in place.” (Burgess Everett and John Bresnahan, “Harry Reid Slams Mitch McConnell, Ready For Nuclear Option,” [Politico](#), 7/11/13)

White House Spokesman Jay Carney Confirmed That Obama Would Defer To Sen. Reid On Invoking The Nuclear Option. JAY CARNEY: “And unfortunately, Republicans are choosing and have chosen to play political games instead of fulfilling their constitutional responsibility to confirm executive branch appointments. We’ve voiced that frustration many times -- I have, the President has, and others have. And in terms of Senate procedure, that is something that we generally defer to the Senate leadership, and so we defer to Senator Reid on the steps that he may or may not take. But we certainly share and have been vocal about sharing the frustration that he expressed today about the obstructionism, the historic obstructionism that we’ve seen from Senate Republicans.” (Jay Carney, White House Press Briefing, 7/11/13)

- **Biden Is Also Supportive Of Reid’s Decision And Could Cast A Tie-Breaking Vote In Favor Of The Nuclear Option.** “In fact, Vice President Joe Biden — who is apparently supportive of Reid’s move — could end up casting a tie-breaking vote if the two sides deadlock at 50-50.” (Burgess Everett and John Bresnahan, “Harry Reid Slams Mitch McConnell, Ready For Nuclear Option,” [Politico](#), 7/11/13)

OBAMA, BIDEN AND REID HAVE SHORT MEMORIES – THEY ALL USED TO OPPOSE THE NUCLEAR OPTION

In 2005, Obama Called For His Colleagues Considering The Nuclear Option To Think About “Protecting Free And Democratic Debate.” SEN. BARACK OBAMA: “Mr. President, I rise today to urge my colleagues to think about the implications of what has been called the nuclear option and what effect

that might have on this Chamber and on this country. I urge all of us to think not just about winning every debate but about protecting free and democratic debate.” (Sen. Barack Obama (D-IL), [Floor Remarks](#), Washington, DC, 4/13/05)

- **Obama: “If They Choose To Change The Rules And Put An End To Democratic Debate, Then The Fighting, The Bitterness, And The Gridlock Will Only Get Worse.”** SEN. BARACK OBAMA: “The American people want less partisanship in this town, but everyone in this chamber knows that if the majority chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.” (Sen. Barack Obama, [Floor Remarks](#), Washington, D.C., 4/13/05)
- **Obama: “It Certainly Is Not What The Patriots Who Founded This Democracy Had In Mind. We Owe The People Who Sent Us Here More Than That.”** SEN. BARACK OBAMA: “Right now we are faced with rising gas prices, skyrocketing tuition costs, a record number of uninsured Americans, and some of the most serious national security threats we have ever had, while our bravest young men and women are risking their lives halfway around the world to keep us safe. These are challenges we all want to meet and problems we all want to solve, even if we do not always agree on how to do it. But if the right of free and open debate is taken away from the minority party and the millions of Americans who ask us to be their voice, I fear the partisan atmosphere in Washington will be poisoned to the point where no one will be able to agree on anything. That does not serve anybody's best interest, and it certainly is not what the patriots who founded this democracy had in mind. We owe the people who sent us here more than that. We owe them much more.” (Sen. Barack Obama, [Floor Remarks](#), Washington, D.C., 4/13/05)

In 2005, Biden Called The Nuclear Option The “Single Most Significant Vote” In His “32 Years In The Senate” And “An Example Of The Arrogance Of Power.” SEN. JOE BIDEN: “Mr. President, my friends and colleagues, I have not been here as long as Senator Byrd, and no one fully understands the Senate as well as Senator Byrd, but I have been here for over three decades. This is the single most significant vote any one of us will cast in my 32 years in the Senate. I suspect the Senator would agree with that. We should make no mistake. This nuclear option is ultimately an example of the arrogance of power. It is a fundamental power grab by the majority party, propelled by its extreme right and designed to change the reading of the Constitution, particularly as it relates to individual rights and property rights. It is nothing more or nothing less. ... We have been through these periods before in American history but never, to the best of my knowledge, has any party been so bold as to fundamentally attempt to change the structure of this body.” (Sen. Joe Biden, [Floor Remarks](#), Washington, D.C., 5/23/05)

- **Biden: “I Pray God When The Democrats Take Back Control, We Don't Make The Kind Of Naked Power Grab You Are Doing.”** BIDEN: “Isn't what is really going on here that the majority does not want to hear what others have to say, even if it is the truth? Senator Moynihan, my good friend who I served with for years, said: You are entitled to your own opinion but not your own facts. The nuclear option abandons America's sense of fair play. It is the one thing this country stands for: Not tilting the playing field on the side of those who control and own the field. I say to my friends on the Republican side: You may own the field right now, but you won't own it forever. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing. But I am afraid you will teach my new colleagues the wrong lessons.” (Sen. Joe Biden, [Floor Remarks](#), 5/23/05)

Reid, In 2005: “The Filibuster Is Far From A Procedural Gimmick. It's Part Of The Fabric Of This Institution ... Senators Have Used The Filibuster To Stand Up To Popular Presidents, To Block

Legislation, And, Yes, Even, As I've Stated, To Stall Executive Nominees." SEN. HARRY REID: "The filibuster is not a scheme and it certainly isn't new. The filibuster is far from a procedural gimmick. It's part of the fabric of this institution we call the Senate. It was well-known in colonial legislatures before we became a country, and it's an integral part of our country's 214-year history. The first filibuster in the United States Congress happened in 1790. It was used by lawmakers from Virginia and South Carolina who were trying to prevent Philadelphia from hosting the first Congress. Since then, the filibuster has been employed hundreds and hundreds and hundreds of times. It's been employed on legislative matters, it's been employed on procedural matters relating to the president's nominations for Cabinet and sub-Cabinet posts, and it's been used on judges for all those years. One scholar estimates that 20 percent of the judges nominated by presidents have fallen by the wayside, most of them as a result of filibusters. Senators have used the filibuster to stand up to popular presidents, to block legislation, and, yes, even, as I've stated, to stall executive nominees. The roots of the filibuster are found in the Constitution and in our own rules." (Sen. Harry Reid, [Floor Remarks](#), 5/18/05)

- **Reid: "Some In This Chamber Want To Throw Out 214 Years Of Senate History In The Quest For Absolute Power. ... They Think They're Wiser Than Our Founding Fathers. I Doubt That That's True."** SEN. HARRY REID: "For 200 years we've had the right to extended debate. It's not some procedural gimmick. It's within the vision of the founding fathers of our country. They did it; we didn't do it. They established a government so that no one person and no single party could have total control. Some in this chamber want to throw out 214 years of Senate history in the quest for absolute power. They want to do away with Mr. Smith, as depicted in that great movie, being able to come to Washington. They want to do away with the filibuster. They think they're wiser than our founding fathers. I doubt that that's true." (Sen. Harry Reid, [Floor Remarks](#), 5/18/05)
- **Reid Warned That Altering The Filibuster Rules In Limited Circumstances "Sets A Precedent" And Is "A Slippery Slope" Toward Making The Senate "An Extension Of The House Of Representatives."** SEN. HARRY REID: "And as we've said before, and I would direct my friend, Arlen Specter, who has a good legal mind, what does this do? It sets a precedent. It's a slippery slope. Today -- if you can imagine the rationale mill of this one -- today what they're saying, it only applies to appellate judges. Well, why should an appellate judge be less important than a district court judge? And then, of course, the slippery slope is, maybe Bolton -- ever heard of this guy lately? -- maybe there would be a filibuster on Bolton. Now, we know that the president really likes him. Well, why couldn't they change the rule to simple majority, because the precedent's been set there, they can do that. And what about an issue? I have been a thorn in the side of people for years on nuclear waste because I have filibuster rights. Why don't they just change that so that a simple majority can stop any filibuster on legislative matters? And then we're all under the auspices of a rule. The House has a rule on every piece of legislation that comes to the floor -- how long you can debate it, what amendments can be offered. They'll do the same thing in the Senate; we're an extension of the House of Representatives." (Sen. Harry Reid, Press Conference, 5/19/05)
- **Reid, On The Eventual Consequences Of The Nuclear Option In *The Good Fight*: "That, Simply Put, Would Be The End Of The United States Senate."** "I just couldn't believe that Bill Frist was going to do this. The storm had been gathering all year, and word from conservative columnists and in conservative circles was that Senator Frist of Tennessee, who was the Majority Leader, had decided to pursue a rules change that would kill the filibuster for judicial nominations. And once you opened that Pandora's box, it was just a matter of time before a Senate leader who couldn't get his way on something moved to eliminate the filibuster for regular business as well.

And that, simply put, would be the end of the United States Senate.” (Harry Reid, *The Good Fight*, 2008)

- **Reid: “It Would Tamper Dangerously With The Senate’s Advise-And-Consent Function As Enshrined In The Constitution.”** “A filibuster is the minority’s way of not allowing the majority to shut off debate, and without robust debate, the Senate is crippled. Such a move would transform the body into an institution that looked just like the House of Representatives, where everything passes with a simple majority. And it would tamper dangerously with the Senate’s advise-and-consent function as enshrined in the Constitution. If even the most controversial nominee could simply be rubber-stamped by a simple majority, advise-and-consent would be gutted.” (Harry Reid, *The Good Fight*, 2008)