



## **LESSON PLAN: THE NUCLEAR OPTION**

### **Opening Activity**

#### **Teacher Resource: Terminology**

### **FILIBUSTER**

The practice of extending debate in the United States Senate to allow for all sides to be heard. The length of the debate is unlimited and the filibuster can be used to obstruct or delay legislative action. It provides the minority an impassioned chance to say no. It takes a supermajority of 60 votes in the Senate to end a filibuster.

### **CLOTURE**

A parliamentary procedure by which debate is ended and an immediate vote is taken on the matter under discussion. In the United States Senate it takes a vote of 60 members to invoke cloture.

### **NUCLEAR OPTION**

A term used to describe ending the filibuster procedure. This term relates to the view that ending the filibuster would eliminate the opportunity for the minority party to be heard on judicial appointments and possibly other areas of Senate business. People who oppose this procedure contend it would end 200 years of Senate tradition and is a violation of Senate rules and the U.S. Constitution.

### **CONSTITUTIONAL OPTION**

A term used to describe ending the filibuster procedure. This term relates to the view that ending the filibuster is to restore the majority rule (51%) in the Senate for judicial appointments. Advocates of this procedure contend the procedure is in the traditions of the Senate and in keeping with the U.S. Constitution.

### **JUDICIAL NOMINEES**

People who have been appointed by the President to serve on the federal courts (circuit, appeals, or the Supreme Court)

### **DEMOCRAT POSITION ON THE FILIBUSTER CONTROVERSY**

The filibuster offers the minority an opportunity to be heard in its opposition to proposed legislation or Senate action. It is one of the vital checks and balances established by our Founding Fathers. The Constitution says appointments shall be made with the Advice and Consent of the Senate. That is very different than saying that every nominee receives a vote. Removing the filibuster would end over 200 years of Senate tradition and operation.

### **REPUBLICAN POSITION ON THE FILIBUSTER CONTROVERSY**

A minority of Senators are using the filibuster to stop the Senate from exercising its Constitutional duty to advise and give consent. This campaign of obstruction is unprecedented. Instead of thoughtful deliberation and debate, a small, partisan minority is attempting to change 225 years of constitutional history. The other side threatens to shut down the Senate and obstruct government itself if it doesn't get its way. The obstruction must stop. It is hurting the nominees. It is hurting the Senate. It is hurting the American people.

**FILIBUSTER HISTORY**

There is little evidence the filibuster was part of the framers design for the Senate. It came out of an accidental rules change in the early 1800's. Since then, senators have used the filibuster to extend debate, stall a vote, or kill a bill when they didn't agree with it. Senators have been known to talk for hours on the Senate floor, sometimes about the matter at hand and sometimes about just anything. It has been used during civil rights legislation, jobs legislation, treaty legislation and appropriations funding for special projects.

**UP OR DOWN VOTE**

A simple majority (51%) vote to make a decision. This method is used in most Senate actions on legislation and rules decisions.

**ADVICE AND CONSENT**

A directive to the Senate to assist the president in making treaties and appointments to federal positions.