

Democrats Promise to Filibuster President Trump's Supreme Court Pick

When Senate Democrats said their chamber was required by the Constitution of the United States to give an “up-or-down” vote on a president’s Supreme Court nomination, what they really meant was when a *Democrat* president makes the nomination.

Shortly after President Donald Trump announced Monday morning he would be making his nomination to the Supreme Court on Tuesday night, Sen. Jeff Merkley (D-Ore.) was asked how Democrats would respond to the nomination. If the nominee isn’t President Barack Obama’s nominee, Merrick Garland—no matter who it might be—he will filibuster the nomination.

“This is a stolen seat. This is the first time a Senate majority has stolen a seat,” he said. “We will use every lever in our power to stop this.”

It will require 60 votes to override a Democrat filibuster, meaning just 41 Democrats can put a halt to any Supreme Court nominee. Other Democrats have signaled a willingness to block Trump’s high court pick, as well.

The president said last Thursday he would encourage Senate Majority Leader Mitch McConnell (R-Ky.) to engage the “nuclear option,” changing the Senate rules that require a 60-vote majority. Supreme Court confirmations are one of the few remaining measures that requires the supermajority.

If McConnell—who has repeatedly said he prefers to keep the supermajority requirement—does in fact employ the “nuclear option,” Democrats will no longer have any means of preventing the Republican agenda from being fulfilled. During last weekend’s GOP retreat in Philadelphia, several Republican

senators said they were eager to take advantage of their “unified government.”

Eliminating the filibuster for Supreme Court nominees, however, could eventually come back to hurt conservatives and Christians in the long run. Without the 60-vote threshold, it would be much easier for future presidents to confirm ideologues to the high court.