Twitter Thread by Sarah Binder



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1/ More thoughts on impasse over organizing Senate/committees. McConnell demands Democrats commit that they won't "go nuclear" to ban legislative filibusters. Schumer says no. The organizing resolution can be filibustered, hence McC's potential leverage. So what's going on here?

2/ Democrats are highly unlikely to make such a commitment, even if McC sees the ploy as a clever way to split the Democrats. Even if Dems *did* agree, both parties know it's not a credible commitment. The last time the party leaders shook hands on such an agreement (2011)...

3/ the agreement didn't stick. McConnell and the GOP's concerted effort to block judicial and executive nominees encouraged Reid and Democrats to nuke most nomination filibusters in 2013-- in a Congress that was covered by the 2011 agreement. Granted, that agreement was informal

4/ in the sense that it wasn't written into either the organizing resolution or one of the "standing orders" Senate agreed to in 2011. (Here, I highly recommend @ProfStevenSmith The Senate Syndrome. If we weren't in a pandemic, I'd pull out my hard copy to pinpoint the chapters!)

5/ Of course, even if agreement had been formalized beyond the ■, that wouldn't have stopped the Dems in 2011 (minor nuke of the cloture rule) or 2013 (major ■of cloture rule) or the GOP in 2017-- once the party felt it could shoulder the political costs of bending the rules.

6/ McConnell knows that history. Schumer too. McC coming out of the ■■ gates holding up the organizing resolution (which freezes the committees with their GOP chairs and ratios from the last congress) just affirms to Dems that GOP willingness to obstruct is alive and well.

7/ Will that push Democrats to nuke a version of the organizing resolution w/o McC's demand (i.e. cut off debate by 51, not 60, votes)? I'm a bit doubtful since they don't (yet) have 50 votes to do that-- and it would in effect ban the leg filibuster. And that is problematic....

8/ to the extent that it creates inordinate pressure on Democrats to pursue the full thrust of their legislative agenda on which they surely do *not* have 50 votes for each part.

9/ Bottom line...The majority threat to go nuclear (to the extent it is credible) has not tamed the minority party's willingness to obstruct Democrats even over the very basic organizing task for the new Congress (which puts swift action on new president's nominees at risk).