

# **Centennial Honors College**

*Western Illinois University*  
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**Poster Presentation**  
**The Constitutionality of Filibusters for Judicial Nominations**  
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**Centennial Honors College**

The filibuster is a unique parliamentary procedure that has long been employed in the United States Senate. The term “filibuster” means “the use of obstructionist tactics” and is derived from the French word *filibustier*, which described the pirates’ plundering of Spain’s West Indies colonies. The filibuster, as it developed in the Senate establishes the “right” to unlimited debate. Unlike the U.S. House of Representatives where debate must be germane and limited, Senators are free to speak on any topic as long as they choose. Over the years, filibusters have been associated with minority rights as a way of obstructing the flow of legislation. Notable examples are Senator Strom Thurmond’s filibuster of the 1957 Civil Rights Act, Senator Robert Byrd’s filibuster of the 1964 Civil Rights Act, and, most recently, Senator Ted Cruz’s 2013 filibuster of the Affordable Care Act. The Senate, of course, has altered its rules to end debate through the use of cloture. The purpose of this research is to examine the origins of the filibuster, its constitutionality, and its employment, especially with respect to judicial nominations. The research includes an examination of the debate at the Constitutional Convention, relevant Constitutional provisions in Article I and II, and essays in the *Federalist Papers*. The research offers both pros and cons of the filibuster and an analysis of its impact on judicial appointments.