

Judicial Nuclear Option?

By Robert D. Novak

WASHINGTON -- Senate Judiciary Committee Democrats on Thursday quietly blocked consideration of President Bush's 3-year-old nomination of White House aide Brett Kavanaugh as a federal appeals court judge, beginning a process that may trigger a constitutional test.

Under committee procedures, the Democrats can automatically block such a nomination only once. Kavanaugh is expected to be voted out of Judiciary on a straight party-line vote this coming week. Senate Democratic Leader Harry Reid will come under heavy pressure to conduct a filibuster.

Assuming that Republicans cannot get the 60 votes needed for cloture, Senate Majority Leader Bill Frist then intends to invoke the so-called nuclear option to confirm Kavanaugh by a majority vote. The showdown is expected within the next month. The same procedure may be used to try to confirm U.S. District Judge Terrence W. Boyle, whose appeals court nomination has been on the Senate floor for a year.