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An Enthymemetic Analysis of Political Metaphors in the Fight Over Judicial Filibusters

Introduction

On May 1, 2003, Republican Senators' frustration with Democratic filibusters of Bush Administration nominees to the federal bench reached a boiling point after Judge Priscilla Owen and Miguel Estrada were both blocked from confirmation on the same day. For Estrada it was the fifth time his nomination had been filibustered; for Owens it was her third. Returning to his cloak room, Senator Ted Stevens is said to have complained that Democratic filibusters should be declared out of order. The idea to use a rules change to thwart Democratic tactics against these judicial nominees took hold, and it was Senator Trent Lott who coined the metaphor "nuclear option" to describe this rules change (Toobin). When Democrats adopted the metaphor to describe the incendiary nature of the proposed rules change, Republican shifted to calling it the "Constitutional option." So began the metaphor wars surrounding this controversial proposed action by the Republicans to end Democratic filibusters of judicial nominees.

The use of metaphor in politics is all about power. Although political metaphors serve to simplify and clarify complex issues into neat packages for the public, political metaphors define an issue most importantly for rhetorical purposes to sanction the exercise of power. As Ilna Hellsten has said, "Power is linked to the communications that aim at re-defining the metaphors used" (50).

Hence, a close examination of the defining and re-defining of the conflicting metaphors used to describe the proposed Republican rules change will reveal the role of metaphor in the struggles for power within the U.S. Senate, and provide an interesting case history for why some metaphors work better than others to sanction political power. This paper will first describe the competing metaphors used in this debate as well as the enthymetic approach to analyzing metaphor. Then, it will use what I call "enthymetic analysis" to analyze the rhetorical nature of the most important metaphor used in the debate—the "nuclear option." How did the "nuclear option" work rhetorically for each side in the debate? Finally, the paper will evaluate how these competing metaphoric arguments worked and why one sense of the "nuclear option" came to dominate the literal meaning of the Republican's proposed rules change.

Description

Metaphors describe one thing in terms of another. Literary critics refer to these two things being compared as the *tenor* and the *vehicle*. For example, for the metaphor "nuclear option" the *tenor* would be the proposed rules change by the Republicans while the *vehicle* would be the item it is compared to—a nuclear bomb. The "option" is described as if it were the setting off of a nuclear bomb. Modern rhetorical and linguistic theorists in the use of metaphor have referred to these two sides of a metaphor as "domains": the source domain (*vehicle*) and the target domain (*tenor*). The "nuclear option" and the "Constitutional option" were the two dominant metaphors used.

Target Domain: the proposed rules change

Each of these metaphors contain the same target domain—the proposed rules change—so we will start with a description of what the Republicans proposed to do to break the Democratic filibusters of judicial nominees. Part of the difficulty within this metaphor is that the target domain

refers to a complex set of rules and parliamentary procedures. According to the Congressional Research Service of the Library of Congress report, "Changing Senate Rules: The 'Constitutional' or 'Nuclear' Option" (April 5, 2005), "the Republican proposal involves ending a filibuster without the 60 votes needed to end debate or it involves a change to the cloture rule (Rule XXII) itself" ("Summary"). Cloture refers to the limiting or closing of debate in a legislative body. The Republicans have contemplated using three different maneuvers to prevent filibusters of judicial nominees.¹ As the CRS report describes, this "option" would change how the Senate operates:

the point of using such an option is to achieve a goal by means lying outside the Senate's normal rules of procedure.

and

All these possible scenarios would require that one or more of the Senate's precedents be overturned or interpreted otherwise than in the past. (Palmer "Summary")

Although each of these three options involves quite distinct parliamentary maneuvers, they all had the same goal of shifting the close of debate on judicial nominees from 60 votes to 51 votes (from a 3/5th majority to a simple majority).

Source Domains

Two key source domains emerged to describe what the Republican rules change was like:

1) The "nuclear option"--

This metaphor describes the proposed rules change as if it were a nuclear bomb. Although "nuclear" could refer to "nuclear power" and a benevolent use, the meaning of nuclear referred almost exclusively to "nuclear weapon" and its characteristics of destruction, even annihilation.

2) The "Constitutional option"--

As the founding and guiding document for our government and all civic life, the Constitution has final civil authority. Constitutional action is valid and legitimate, while action that goes against the Constitution is illegitimate, radical, invalid and even illegal. The Constitution as a guiding and legitimizing document trumps any Senate rules or precedents. Senate rules and precedents can be broken if this action follows the higher authority of the Constitution. What the Republicans point to is the Constitutional requirement that the Senate provide "advice and consent" on all presidential nominees. Democrats, by preventing a vote on a nominee brought before the Senate floor, impedes the Senate from performing its Constitutionally-required function.

The Enthymetic Analysis of Metaphor

An enthymetic analysis of metaphor assumes that metaphors work rhetorically to present an argument. As locutionary acts, metaphors don't simply present a situation, but they present a proposition about that situation. An enthymeme is an argument based upon implied premises. The connection between the claim and the reason is based upon the warrant, or implied premise(s), which the audience has to accept for the argument to work. Metaphors work in a similar fashion. Malcolm Sillars and Bruce Gronbeck point out that "metaphor, because it draws on analogy among situations that are unrelated (e.g. 'the war on drugs'...), is a way to create new thought through language use. Thus, it is central to making sense through language" (qtd. in Burkholder and Henry 109). Readers and listeners, however, must "make the link" between the two domains for the metaphor to be meaningful. As Burkholder and Henry state, readers and listeners "must complete the enthymeme for the metaphor to have its intended affect" (109). For the metaphor to have its rhetorically intended affect, they must accept the premises upon which the metaphoric comparison is based.

Ricoeur talks about the "interactive moment" when the two different domains of a metaphor

are perceived and brought together by the reader or listener. On the literal level, there is a logical absurdity between the two domains; however, it is in the interactive moment that metaphor operates to produce meaning. Davide Panagia believes metaphors produce meaning interactively rather than following the classical model of substitution theory:

What the interactive view presents us with is a description of language based on what may be referred to as a dialogical model of encounter. Two differences encounter each other in metaphor and the result is an instance of confrontation, contestation, and the production of significance. (59)

The "semantic innovation," as Ricoeur would call it, is a meaning constructed dialogically by the reader or listener who will construct this meaning differently depending upon what he or she brings to the interactive moment. The propositional meaning, then, of metaphor occurs because a reader "project[s] a content that the metaphor brought to mind onto the metaphor" (David Davidson, qtd. in Rayner 542).

The enthymetic analysis of metaphor asserts that what meaning the listener or reader projects onto a metaphor is determined by implied premises that must be accepted for metaphor to work as persuasive argument. Enthymetic analysis seeks to uncover the way politicians combine and highlight these various premises to form competing arguments, and also it seems to uncover what is "brought to mind" by the metaphor for a reader or listener and why he or she would select one metaphoric meaning as more convincing than another. Thus, the enthymetic analysis of metaphor is based on the notion that the propositional content of metaphoric meaning is determined by a complex mapping of situational, narrative, conceptual, and ideological premises.

First, as Bitzer noted, all rhetoric is "situated" (Farrell and Young 34). As a starting point, rhetorical metaphors must be understood in context. As Hellsten points out, political metaphors are always "used in specific ways in specific contexts" (22). Jeremy Rayner in "Between Meaning and

Event: An Historical Approach to Political Metaphors," believes political metaphors for students of history are best understood within their historical contexts. He bases his perspective on Ricoeur's notion that metaphor should be understood both as meaning and event: "If we are to take the creativity of metaphors seriously—as we should—then we should look to the consequences of metaphorical utterances considered as events" (542). Readers are historical agents within historically constituted discourses. Citing the work of Merrie Bergman, Rayner believes we must take into account the historical context of these readers: "if we wish to explain the creativity and richness of particular metaphors, we should begin with the specifically sustained scrutiny that such metaphors have received from readers" (543). The occasion of a metaphor's appearance and use can yield important information about the premises behind it.

The second part of enthymetic analysis is to examine the narrative elements within metaphor. Just as Bitzer saw all rhetoric as situated, so Fisher believed all communication is narrative in nature (Rowland 140). Philip Eubanks uses the term "licensing stories" to describe the way narrative guides the interpretation and selection of metaphoric meaning, particularly metaphor at the conceptual level. He distinguishes his idea of "licensing stories" from Aristotle's belief that metaphors contained mini-narratives:

No story licenses a metaphor simply because the metaphor's image-schematic correspondences are possible. Nor do we find a metaphor apt simply because we can narrativize the target and source domains, coherently mapping causal sequences.

Instead, we endorse and reject—and sometimes negotiate—metaphors based on stories that are saturated with political, philosophical, social, and personal commitments.

("Conclusion")

He believes these "world-representing stories" guide our sense of "metaphoric aptness and the selection of metaphoric mapping" ("Conclusion"). These stories are contextual in nature, refer to

Conceptual metaphors, and come with ideological freight, and so are crucial for the enthymetic formation of a metaphor's argument.

Conceptual metaphoric analysis provides another important lens for analyzing the premises behind how metaphors are construed. Conceptual metaphors, as described by George Lakoff, are "an extensive, but unconscious, system of metaphorical concepts, that is, concepts from a typically concrete realm of thought that are used to comprehend another, completely different domain" ("Metaphor, Morality, and Politics"). Lakoff believes that "vital political reasoning is done using those metaphors" and "shape our very understanding of our everyday world" ("Consequences" and "Coda"). Of particular interest for this analysis are two key conceptual metaphors Lakoff uses to analyze political metaphors:

Deeply embedded in conservative and liberal politics are different models of the family. Conservatism, as we shall see, is based on a Strict Father model, while liberalism is centered around a Nurturant Parent model. These two models of the family give rise to different moral systems and different discourse forms, that is, different choices of words and different modes of reasoning" (Moral Politics 12).

Analyzing political metaphors following the concepts of the Strict Father model and Nurturant Parent model helps explain significant differences in how liberals and conservatives make sense of these metaphors. Importantly, I follow Eubank's contention that conceptual metaphors are best accounted for in relation to licensing stories.

The last key premise affecting how metaphors function enthymatically is a close analysis of the ideology beneath the metaphor. Ideological criticism is about the relationship between discourse, power, and truth (Lee 307). The metaphors within the debate of judicial filibusters were pivot points and represented crucial expressions of power seeking to shape perception of the Republican's proposed rules change. An ideological perspective will reveal how "powerful interests... define the

very terms of the discussion" (311). Rayner discusses the work of the German linguist Harald Weinrich and his theory of metaphorical fields. Weinrich believed metaphors established a field, or *Bildfeld*, comprised of "the two semantic fields [domains] held together" (545). Rayner stresses the political and ideological aspects of Weinrich's ideas: "for it is in claiming the territory [the *Bildfeld*] for a particular political doctrine, structuring the metaphorical field according to a political ideology, that the meaning of political metaphors becomes conventionally fixed" (545). An ideological analysis of these metaphors reveals how powerful interests sought to, as Lett says, "define the space in which we encounter the situation" (qtd. in Burkholder 111) for their own interest. In particular, this analysis will employ McGee's ideographic approach to the rhetorical analysis of ideology.

In summary, enthymetic analysis attempts to offer a more comprehensive understanding of how metaphors work rhetorically. In practice, separating these four premises is impossible because they each overlap and influence each other. Situational analysis contains narrative. Narrative meaning is shaped in significant ways by Conceptual metaphors and by ideology. One quote from Eubanks illustrates this interconnectedness: "Licensing stories are narratively structured representations of an individual's ideologically inflected construal of the world" ("Conclusion"). Hence, this enthymetic analysis of the metaphors used in the political fight over judicial filibusters will not mechanically break these four premises apart, but examine how they work together to form their metaphoric argument. In particular, this analysis will focus on the metaphor the "nuclear option" and how important the label of "tyrant" and "tyranny" was for how each side defined and perceived the metaphoric argument differently.

Analysis Section

The Republican's Use of "the nuclear option"

As mentioned in the opening of this paper, Republican's first used the metaphor the "nuclear

option" out of frustration with continued filibusters of judicial nominees by Democrats. A sense of frustration and the willingness to resort to extreme measures to accomplish the goal of ending judicial filibusters dominates the Republican's initial use of this metaphor:

Outraged by this ploy [filibustering judicial nominees], Senate Republicans have vowed to change the filibuster rules, by going "nuclear" if necessary. "I'm for the nuclear option, absolutely," Mississippi Republican Trent Lott, chair of the Senate Rules Committee, said recently. "The filibuster of federal district and circuit judges cannot stand. ... It is bad for the institution. It's wrong. It's not supportable under the Constitution. And if they insist on persisting with these filibusters, I'm perfectly prepared to blow the place up. No problem," Mr. Lott huffed. ("Courting Nukes" Bangor Daily News 6/10/2003).

The Republican's open willingness to "go nuclear" soon after the metaphor was first used is clearly evident in a New York Times article published on June 25, 2003. In the article, Senator Frist is said to have "indicated he would not hesitate to use it [rules change] or other parliamentary approaches to overcome a judicial impasse that he called unconstitutional." Senator Trent Lott, anticipating the use of the nuclear option almost like it were a game of nuclear brinkmanship, is quoted in the articles as saying, "We are going to find out if we are men or mice sooner or later." The article ends by highlighting the most extreme way of ending judicial filibusters, calling it the "nuclear option":

Mr. Lott and other Republicans have suggested that the Senate majority could break the filibuster on the judges by having a member of their party--a party representative presides at all times--simply end it from the chair. But Democrats have warned such a decision would destroy all cooperation between the parties in the Senate. Such a move is known as the "nuclear" option. (Hulse)

Within media coverage, the attribution of "nuclear option" was given to the Republicans, as this

quote from a Norman J. Ornstein op-ed piece in the Washington Post from November 28, 2004 illustrates, "Senate Republicans have one weapon--what Majority Leader Bill Frist and his colleagues have called the 'nuclear option' because it would blow up the current rules requiring a 60-vote 'supermajority' to end a filibuster."

The key question warranting the "nuclear option" is who is acting as an extremist? Who is the tyrant here? It was not just the unusual--and as the Republicans liked to stress—unprecedented use of filibusters to block judicial nominees that Republicans believed warranted their action, but important elements of the situation as well acted as a licensing story for casting Democratic actions against these confirmations as particularly extreme and unacceptable. The strongest licensing story behind the Republican's open willingness to use the "nuclear option" is their perception of judicial activism that runs counter to religious conservative ideology. Debra Rosenberg's April 25, 2005 *Newsweek* article titled "The War on Judges" recounts what we might call a long-running narrative of growing frustration building among conservatives toward judges: "In the past few years alone, judges have irked social conservatives with rulings on the words "under God" in the Pledge of Allegiance, gay marriage, the Ten Commandments and so-called partial-birth abortion." Added to this list might be the Supreme Court ruling in April 2003 (right before the emergence of the metaphoric term "nuclear option") against an anti-sodomy law in Texas as well as the 1973 and 1993 rulings on abortion. House Majority Leader Tom Delay has been one of the most vocal critics of the judiciary, and in 2002 he helped form the House Working Group on Judicial Accountability whose purpose was to strip jurisdiction from the courts over religious matters like the Pledge of Allegiance and the Ten Commandments. In conservative eyes, they saw the judicial filibusters within the much larger narrative of the fight against what they saw as judicial tyranny: "But court decisions in recent decades have sparked growing anger among religious conservatives, who speak of 'judicial tyranny' and a 'judicial war on faith.' They charge judges have made new laws on the basis of a 'mythical wall of

separation' between church and state never intended by the founding fathers" (Lampman). More broadly speaking, the battle over judicial filibusters fit within the larger narrative of the ongoing "culture wars" that have been raging within the United States since the 1960s. As this quote from the President of the Family Research Council president, Tony Perkins, spoken in April 2005, the judicial filibuster became the focal point in the larger culture war: "the issue of judges is so important to his members that it's replaced gay marriage at the top of his agenda. 'Every issue we are deeply about has the fingerprints of judges on it,' he says" (Rosenberg).

The particular situation surrounding the Republican use of the "nuclear option" metaphor also had other events which served as licensing stories. Two judges filibustered by Democrats, in particular, sparked conservative ire. Justice Priscilla Owen was championed by conservatives because of a ruling she made in Texas putting restrictions on abortion. Justice Janice Rogers Brown, in particular, represented the kind of justice conservatives sought to confirm. A snap-shot of her views was reported in an April 26, 2005 Los Angeles Times article about a speech she gave to a Catholic group: "California Supreme Courts Justice Janice Rogers Brown told an audience Sunday that people of faith were embroiled in a "war" against secular humanist who threatened to divorce America from its religious roots" (Wallsten). The Spring of 2005 also saw the Terry Shiavo case where Congress and even the President attempted to intervene to restore her feeding tube, but the judiciary repeatedly refused. April 2005 also saw a mobilization by conservatives to influence the outcome, in particular, the April 24, 2005 "Justice Sunday: Stop the Filibuster Against People of Faith." In addition, the Republican victory in the 2004 election extended their control of the Executive Branch and Congress based on support from religious conservatives. When President Bush in his January 2005 State of the Union speech spoke of earning political capital in the election and being willing to spend it, the issue of judicial nominees seemed like one of the best places for Bush and the Republicans to act on their perceived mandate. Lastly, the expectation of vacancies on the Supreme Court in the Summer of

2005, gave extra significance to the issue of judicial filibusters in the Senate--confirming a new Supreme Court justice who would rule based upon Christian conservative values was the ultimate goal.

It is important to see how Republicans—with these licensing stories in mind as they used the metaphor "nuclear option"—saw themselves as embroiled in a war against "judicial tyranny" within the larger context of what has come to be called the "culture wars." Their "nuclear" actions, destructive and immense as they may be, are warranted by their larger sense of Christian ideology. Panagia discusses the importance of "analogical argument" in politics, and believes such metaphors reveal how a specific ideology functions (56). Similarly, Eubanks asserts that "licensing stories are narratively structured representations of an individual's ideologically inflected construal of the world" ("Conclusion"). Ideology, then, serves as a lens or filter through which people understand and represent the world, especially in terms of the expression of power. Republican ideology surrounding this issue possessed two key pairs of ideographs: <Authority> and <God> as well as <Politics> and <Religion>. <Authority> for Christian conservatives ultimately resides with <God> as God is conceived in the Bible; thus, Christian conservatives make value judgments about morality based upon their <Authority> as it is validated by their conception of <God>. For example, Christian conservative opposition to homosexuality and gay marriage comes from Biblical passages. Their views on <Religion> and <Politics> also influence how their ideology becomes expressed politically. The relationship between ideographs here is more complex:

<Christianity> - **<Religion>** - <World> - **<Politics>** - <Freedom>

The conception of <Religion> is influenced in two ways: first, <Religion> is seen as only valid if it is a <Christian> religion (and a particular type of fundamental Christianity that has close orthodoxy with the Bible); second <Religion> and the <World> are not conceived as distinct realms.

<Religion> and the sacred pervade all the <World> so that the significance of <Religion> touches

everything in the <World>. <Politics>, then, as part of the <World> should be guided also by <Religion>. A Christian conservative's ability to press for this particular view of <Religion's> place within politics is validated by <Freedom> seen as the Constitutional right of free expression. <Freedom> sanctions their efforts to impose their religious views into <Politics>. Thus, for Christian conservatives and Republicans there is no separation between <Religion> and the <World>. Since <Politics> is part of the <World>, they ultimately do not believe in the separation of Church (<Religion>) and State <Politics>. Thus, Republicans push for a Constitutional amendment banning gay marriage--a Christian view on moral behavior turned into a civil law. For them, it is impossible for anyone to check their religion in at the door before they go to work or when they sit on the bench in a courtroom.

The metaphor of the "nuclear option" becomes a kind of argument in support of an act of power for Republicans holding these ideological views and possessing these licensing stories. The judicial filibusters resist Republican efforts to do something against "judicial tyranny" and their right to express their views of the appropriateness of religious values guiding politics. Based on their sense of <Authority> and <God>, an act of power, such as the "nuclear option," is justified to fight those who would oppose their views. No better illustration of how the "nuclear option" is expressed by Christian conservatives can be found than in this interview given by Rev. Jerry Falwell:

"Rev. Jerry Falwell told Ralph Neas on Crossfire on February 16th [2005] that if the Democrats persisted in not approving all of President Bush's nominees "he [i.e., Sen. Frist] will in fact impose the nuclear option. And there will be a 51-vote necessity only. When that happens, you guys are dead in the water, and you ought to be" ("Trent Lott coined NUCLEAR OPTION").

Key words in Falwell's remarks are "you guys are dead in the water, and you ought to be." Clearly, "nuclear" in its destructiveness is good because it devastates an enemy who "ought" to be defeated.

Significantly, the ideology of the Republicans and Christian conservatives subordinate <Politics> and its institutions to <Religion>; hence, changing rules like the filibuster rule is a minor thing in the context of the larger goal of pursuing their own religious (ideological) agenda. We can see this hierarchy at work in Senator Frist's comment, "The filibuster may be famous, but it is hardly sacrosanct" (Hulse).

Finally, the conceptual metaphor of the Strict Father significantly impacts how the "nuclear option" was perceived and used by Republicans. George Lakoff in his book Moral Politics identifies two key Conceptual Metaphors that underlie the moral vision of Conservatives and Liberals: "two different models of ideal family life can motivate corresponding sets of metaphorical priorities, each of which constitutes a distinct moral system" (65). Republicans subscribe to what Lakoff calls the "Strict Father model" while Democrats to the "Nurturant Parent" model. Two aspects of the Strict Father model are most significant in terms of the Republicans use of the metaphor the "nuclear option": Moral Authority and Moral Strength. Lakoff points out that the Strict Father model is based on the assumption that "the exercise of authority is itself moral" (67). He goes on to detail the particular model of moral authority the Strict Father model communicates:

The authority figure sets standards of behavior and punishes those subject to authority if the standards are not met. ...But just as importantly, the exertion of authority is moral behavior on the part of the authority figure, and it is immoral for the authority figure to fail to exert authority, that is to fail to set standards of behavior and to enforce them through punishment. (78)

Republicans in their role as authority figures (valorized by their adherence to the Christian view of <Authority> as well as their majority position in Congress) perceive the Democratic filibusters as "out of order" and feel morally justified to use their authority to punish them in a "nuclear" way. The "nuclear option" may seem extreme, but Lakoff's explication of the metaphor of Moral Strength

within Strict Father morality clarifies it: "The metaphor of Moral Strength sees the world in terms of a war of good against the forces of evil, which must be fought ruthlessly. Ruthless behavior in the name of the good fight is thus seen as justified" (74). Thus, the Republican use of "nuclear" fed into the Strict Father model and its need to exhibit Moral Strength. In fact, the ruthlessness within the term "nuclear" corresponded to the Moral Strength the Strict Father is supposed to possess.

In summary, let's return to the question of "tyranny" in relation to the "nuclear option" metaphor. Although Republicans might have perceived the proposed rules change as harsh, they would not have seen their own actions as "tyrannical." Quite the contrary. Republicans initially used the "nuclear option" metaphor as a necessary and justified measure in response to the "judicial tyranny" and the "tyranny of the minority" which deserves ruthless punishment to destroy actions in opposition to their exercise of authority. Rhetorically, then, the "nuclear option" metaphor served as an intimidating argument to end judicial filibusters.

The Democratic view of the "nuclear option"

Democrats and the media were quick to pick up other premises beneath the "nuclear option" metaphor, and came to perceive the metaphor as meaning something quite different. James Voss in an article on the use of metaphor in the Senate debate over the first Gulf War identified two functions for metaphor: "metaphor was used to state and/or simplify the premises of a senator's argument and was also used to induce a sharing of premises with the audience." Rather than highlighting "judicial tyranny" or "tyranny of the minority," the metaphor primarily came to be seen as an argument about the "tyranny of the majority." How is such a contrasting perception of a metaphor possible? Jeremy Rayner draws on Ricouer's notions of the "predicative and relational" properties of metaphor to shape what he calls a "metaphorical field":

The metaphorical field ... is already the bearer of meaning, and already has some of its

implications spelled out. Created by previous metaphorical uses, and modified by current and future ones, the structure of a field is the outcome of a series of contests fought in metaphors. The prize is the capture of a core of accepted implications which will support further metaphorical elaboration, and may, at length, become part of what we mean when we talk about the primary subject of these metaphors. (549)

The "nuclear option" certainly had implications of Strong Moral resistance to tyranny coming from the Cold War; however, the other factors in the situation, licensing narratives, ideology and conceptual metaphors formed premises that saw the extreme destructive power of "nuclear" mapped to the Republican actions quite differently.

The "nuclear option" as portrayed by the Democrats and many in the media, captured a core set of implications: 1) that the "nuclear option" would be highly destructive, and 2) that the Republican actions represent a "tyranny of the majority" and an abuse of power. The destructive implications of the "nuclear option" can be seen in these quotes:

"That's the nuclear scenario. It blows everything out of the water because it would fundamentally change how the Senate does business," says an expert involved in these deliberations. (Chaddock, Christian Science Monitor 5/12/03)

Democrats have said that tactic, which was called the "nuclear" option, would bring the Senate to a standstill. "When you go nuclear, it's bad for everyone," Senator Charles E. Schumer, Democrat of New York, said. "You vaporize every bridge, every bipartisan bridge or every other bridge, in sight." (Hulse, NY Times 6/6/03).

Thus, the "nuclear option" would require a dictatorial show of force that would destroy a wide variety of Senate precedents. (Hammond, Human Events 2/14/05)

The nuclear option "blows everything out of the water," "vaporizes," and "destroys" just like a nuclear bomb. The nuclear option as described by the Democrats and much of the mass media maps the negative aspects of "nuclear" onto the Republicans potential actions. The abuse of power and tyranny associated with Republican actions can be seen in these quotes:

The debate is only partly about judicial nominees. It has much--probably more--to do with a Republican effort to force a tyranny of the majority. ("A Shortsighted Maneuver," The Buffalo News 4/23/05)

It is the tyranny of the majority that James Madison, Alexis de Tocqueville, and countless others have warned against. ...This is nothing less than piracy. ("Ignoring the Rules," Boston Globe 5/20/05)

One of the most precious safeguards against the tyranny of the majority could be scuttled this week if Senate Republicans invoke the "nuclear option" and vote to change rules to prevent Democrats from filibustering President Bush's judicial nominees. That showdown could be disastrous for a body that has managed a system of checks and balances for more than two hundred years. ("Showdown in the Senate," San Francisco Chronicle 5/17/2005).

Similar characterizations of the "nuclear option" abound in the Spring of 2005. What has shifted in the Democratic sense of the "nuclear option" is both the nature of the rules change (the source domain) as well what is going to be destroyed in a nuclear way (the target domain). The focus becomes the destruction, through actions considered excessive and abusive, of the right to filibuster, and thereby the unique character of the Senate.

The situation in May 2003 through June 2005 offered a number of licensing stories that cast

the "nuclear option" as an abuse of power. The American foreign policy after 9/11 and the invasion of Iraq in March 2003--only two months before the emergence of the "nuclear option" metaphor--provide an important backdrop for seeing Republican actions as excessive and destructive. Although no instance of a direct comparison between the effort to end judicial filibusters and the Iraq invasion exists in the discourse surrounding this controversy (that I could find), the circumstances surrounding the Iraq invasion provided a precedent of character that I believed carried over to how the "nuclear option" was perceived. Just as America was the sole superpower in the world, so the Republicans were the superpower in American politics with majorities in both Congressional Houses and holding the Presidency. When America ignored international opposition and invaded Iraq, following what was widely perceived as a dangerous policy of "pre-emptive action," it followed a rationale almost exactly parallel to the dynamics surrounding the debate over judicial filibusters⁵.

A number of other specific events also served to paint the Republicans as excessive and greedy for control. The fact that Democrats had passed over 200 of Bush's nominees and only filibustered 10 also led to the impression that the Republicans wanted absolute control. The Democrats hardly could be seen as obstructionists when they had gone along with over 95% of these nominations. Spring 2003 also saw the Republicans ram redistricting plans through legislatures in Texas and Colorado in order to secure their majority in the House of Representatives (Cohen). In addition, the Republican's actions in the Terry Shiavo case during the Spring of 2005 provided an important licensing story demonstrating Republican excess in pursuing their conservative agenda. Her situation likewise showed the importance of the judiciary in protecting against that agenda. The 2004 election must also be seen as an important event since it gave Republicans power over two branches of government. Finally, an important licensing story within the American political consciousness is the institutions of checks and balances inscribed into our form of government. When Americans see a party with total control and no checks to their power they see the potential for

tyranny and abuse. The fact that the "nuclear option" would be enacted in the most likely scenario by a constitutional ruling by Vice-President Cheney, acting as the President of the Senate, further cast the Republican's actions as a take over of the government. The resistance to tyranny and abuse of power is a licensing story rooted in the American political consciousness since the American Revolution.

Senator Robert Byrd provided another licensing story bolstering the idea that the Republican "nuclear option" was an act of a tyrant that would destroy our liberties and form of government. In his March 1, 2005 speech in the Senate, he made a tangential comparison between actions by the Republicans and Hitler:

"Hitler's originality lay in his realization that effective revolutions, in modern conditions, are carried out with, and not against, the power of the state... . Hitler never abandoned the cloak of legality; he recognized the enormous psychological value of having the law on his side. Instead, he turned the law inside out and made illegality legal." (Nyden, Charleston Gazette 3/11/2005)

Byrd was condemned by Republicans and the anti-defamation league for his remarks, but his premise of comparing the Republican "nuclear option" to a dictator seizing absolute control of the reins of government fit in with the larger licensing narrative of the "tyranny of the majority." The Nyden article ends with another quote from Byrd, "We must never surrender that forum, the United States Senate, to the tyranny of the majority."

A narrative emerges within the "nuclear option" metaphor that casts the Republicans as tyrannical antagonist bent on pursuing their narrow ideological agenda. In the process they will change the nature of the Senate, resulting in a fundamental erosion of the system of checks and balances--all of which will destroy our democracy as we know it. A March 28, 2005 editorial "Our Voice" in the Minnesota Daily, expresses succinctly the metaphoric argument these licensing stories

communicate: "The nuclear option is, bad for our democracy."

The ideographs of <Democracy> and <Rights> become important for the Democratic interpretation of the "nuclear option." <Democracy> with its complicated mechanisms for providing checks and balances in order to prevent the excesses of power is meant to respect the <Rights> of everyone, especially the minority (those who don't have the power. Implicit in the Democratic view of <Rights> is <Tolerance>, which respects the equality of all. <Democracy> as it is designed by our Constitution is build to prevent the powerful from abusing the rights of people. The system of checks and balances enshrined in American <Democracy> is cast as being imperiled, as this quote from Senator Ted Kennedy illustrates: "They [Republicans] are seeking to take away the independence of the judiciary—the crown jewel in our system of government—so that they can advance their own ideological agenda of the day... . That is exactly the kind of tyranny that our ancestors fought to prevent" (Reynolds). Thus, the "nuclear option" threatens the ideology of <Democracy> both by its change of the Senate and by its biasing of the Judiciary.

But why should Democrats be so concerned about a majority superseding the rights of a minority? George Lakoff in Moral Politics may provide an answer. For Democrats who work within the Nurturant Parent model there are certain categories of moral action. The Republican's as tyrants violate the first three categories of what Lakoff calls Liberal Moral Action:

1. Empathetic behavior and promoting fairness.
2. Helping those who cannot help themselves.
3. Protecting those who cannot protect themselves. (165)

Despite the Democrat's hypocrisy in seeking to limit filibusters when they were in the majority in the 1990s, Democrats in this debate seized these liberal moral categories of action to cast the Republicans as unfair, self-serving, and insensitive toward those who are in the minority.

Evaluation

Why then didn't the Republicans enact the rules change for the Senate ("trigger" the nuclear option), especially at three key moments when it seemed they were about to use it—in June 2003, in January 2005, and May 2005? How could Matt Bai in a July 17, 2005 New York Times Sunday Magazine article represent that the Democrats had scored a victory in the framing wars over judicial filibusters? Despite efforts by the Republicans to shift the dominant metaphor referring to their proposed rules change to the "Constitutional option,"⁶ the tag "nuclear option" stuck, replete with the premises that worked together to shed a negative light on what the Republicans proposed to do. Why? In April and May 2005, when the Republican's pressed the issue of judicial filibusters and came closest to implementing the nuclear/Constitutional option, how come the media still used the term "nuclear option" in overwhelming numbers over the "Constitutional option?" (A Lexis/Nexis phrase search between 5/10/05 and 5/30/05 during the height of the crisis, and for one week after the Compromise which defused the situation, revealed 873 news articles using the term "nuclear option," while the "constitutional option" was only used 87 times.)⁷ The answer lies in the failure of the "nuclear option" metaphor to work effectively as an argument to sanction the Republican's action.

The first problem with the "nuclear option" was the circumstances out of which it was coined. The use of "nuclear" was regrettable because it was too aggressive. Although the metaphor fit with the emotions of the Republicans and with the Conceptual Metaphor of Politics As War, even in real war "nuclear" is an extreme and undesirable weapon. Certainly politics involves competition and fighting over issues, but no one pulls out their hydrogen bombs in the heat of political debate.

The second problem with the "nuclear option" is similar. The extremity of the "nuclear option" activated negative aspects of the Strict Father model. Lakoff explains that the Strict Father exercises legitimate authority in large part because of the perception that its authority is used to protect and benefit those who are under its authority (70). The problem for the Republicans was that the focus of the debate became about protecting the structure of the Senate, the framework of our

democracy, and minority rights. Rather than protectors, the Republicans became the ones to be protected against. Lost were the Republican notions of protecting faith and values in public life. The Republicans became cast into one of the pathologies of the Strict Father model—excessive discipline, "when punishment is excessive and results in harm" ("Metaphor, Morality, and Politics"). The extremely destructive connotations of "nuclear" within the metaphor made it easy for what Lakoff calls "pathological stereotyping," where "a nurturant parent stereotypes the strict parent as abusive, suggesting falsely that abuse is characteristic of the central Strict Father model" (Moral Politics 315). Thus, on a conceptual level, Republicans were not seen as legitimate authority figures exercising power for the larger good; instead, they became identified more as a tyrant or dictator exercising an abuse of power. Several key licensing stories served to cast Republicans in the role of tyrant, especially the Iraq War, the American Revolution, Hitler, and the Terry Shiavo case.

Most significantly, Republicans lost the "metaphor war" over its implications. As Rayner mentions, "The prize is the capture of a core of accepted implications which will support further metaphorical elaboration" (549). What determined which implications were held to be significant within the "metaphoric field of interpretation" was ideology. Republican ideology placed highest priority on <God> and <religion> and saw the most important implications to be the inclusion of their moral and values within politics. <Politics> and <Democracy> and its institutions were secondary in pursuit of these goals. What the Republicans discounted was the significance within the American consciousness of <Democracy> in relation to <Tyranny>. The "nuclear option" clearly would destructively change our democracy, particularly in the area of checks and balances and the protection of the minority. The "nuclear option" became a convincing argument about the destruction of <Democracy> at the hands of a "tyranny of the majority. The Republican's proposed rules change became associated with frightening implications for American <Democracy>.

As a last aside, we might ask why the Republicans were not successful in shifting the

dominant metaphor used from "nuclear option" to "Constitutional option." The answer lies within the ironic character of how Republicans used the term "constitutional." Republicans attempted to ground the legitimacy of their actions within the Constitutional requirement of "advice and consent" on judicial nominees. The problem with their position was that the "nuclear option" has painted their actions as destructive toward key elements of our government as defined by the Constitution: the system of checks and balances and the protection of the minority. Thus, the Republican use of "Constitutional" became an instance of Orwellian "double-speak." On the one hand they championed the Constitution and how they would return our democracy to its Constitutional roots, while on the other they would be making fundamental changes to our system of government. The dominance of the use of "nuclear option" metaphor despite efforts to shift to the "Constitutional option" metaphor communicated the argument that these changes were negative and destructive.

Conclusion

High stakes surround political metaphors, as is demonstrated by the way opposing sides can have conflicting meanings for the same terms. This analysis of the metaphor the "nuclear option" in the controversy over judicial nominations has revealed an illustrative example of how a single metaphor can have opposite meanings. Hellsten claims that the process of image construction is especially significant for the politics of metaphor: "The acceptance of metaphors takes place in the social domain of negotiating the selection of certain metaphors instead of others, and then formulating these metaphors to support certain views of the world instead of others" (Hellsten 50). The enthymetic analysis of metaphors asserts that metaphors as propositional statements present rhetorical arguments, and the rhetorical effectiveness of these arguments can be analyzed by uncovering the premises which serve to "support certain views of the world instead of others." This essay has shown how the Republican use of the "nuclear option" became rhetorically hijacked by

competing interpretations of the premises warranting the metaphor's meaning, and thus it became a rhetorical liability in their effort to prevent filibusters. This analysis has shown how an analysis of the situational, narrative, conceptual, and ideological premises forming metaphoric meaning can serve as an effective way to evaluate the rhetorical effectiveness of political metaphor as argument.

Works Cited

- "A Shortsighted Maneuver." Editorial. The Buffalo News. 23 April 2005: A6.
- Bai, Matt. "The Framing Wars." The New York Times Magazine. 17 July 2005: 38-45.
- Burkholder, Thomas R. and David Henry. "Criticism of Metaphor." The Art of Criticism. Ed. Jim A. Kuypers. Pearson, 2005: 107-130.
- "Courting Nukes." The Bangor Daily News. 10 June 2003: A:8. LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 20 July 2005.
- Cohen, Adam. "For Partisan Gain, Republicans Decide Rules Were Meant to Be Broken." The New York Times. 27 May 2003, late ed., sec. A:1. LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 23 July 2005.
- Eubanks, Phillip. "The Story of Conceptual Metaphor: What Motivates Metaphoric Mappings?" Poetics Today 20.2 (1999): 419-442. <http://muse.jhu.edu/journals/poetics_today/v020/20.3eubanks.html> 19 July 2005.
- Farrell, Kathleen and Marilyn J. Young. "The Situational Perspective." The Art of Criticism. Ed. Jim A. Kuypers. Pearson, 2005: 33-55.
- "Frist Raises Possibility of 'Nuclear Option' On Filibusters." Congressional Daily. 15 November 2004. Academic Search Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 26 June 2005.
- Hammond, Michael. "Should Senators End Filibuster of Nominees?" Human Events. 61.6 14 February 2005: 7. Academic Search Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 26 June 2005.
- Hellsten, Iina. The Politics of Metaphor: Biotechnology and Biodiversity in the Media. Tampere: Tampere University Press, 2002. <<http://acta.uta.fi/pdf/951-44-5380-8.pdf>> 9 July 2005.
- Hulse, Carl. "G.O.P. Pushes Easier Rule on Filibusters." 25 June 2003, late ed., sec. A: 1.

- LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 20 July 2005.
- Lakoff, George. "Metaphor, Morality, and Politics, Or, Why Conservatives Have Left Liberals in the Dust." 1995.<<http://www.wgcd.org/issues/Lakoff.html>> 9 July 2005.
- Lakoff, George. Moral Politics. Chicago: University of Chicago Press,1996.
- Lee, Ronald. "Ideographic Criticism." The Art of Criticism. Ed. Jim A. Kuypers. Pearson, 2005:305-344.
- Lampman, Jane. "Bringing the case against judges." The Christian Science Monitor. 13 April 2005. LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 27 July 2005.
- "Media adopts false claim that 'nuclear option' is a Democratic term." Media Matters for America. 26 April 2005. <<http://mediamatters.org/items/200504260001>> 23 July 2005.
- "Nuclear Tyranny in the Senate." Editorial. The Minnesota Daily. 28 March 2005. <<http://www.mndaily.com/articles/2005/03/28/63845>> 27 July 2005.
- Nyden, Paul. "Byrd warns Senate against 'tyranny' of majority." Charleston Gazette. 11 March 2005: A3. LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 27 July 2005.
- Ornstein, Norman. "Filibuster Redux: Reform is Needed, But Tread Carefully." Roll Call. 21 May 2003. LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 27 July 2005.
- Panagia, Davide. "The Predictive function in ideology: on the political uses of analogical reasoning in contemporary political thought." Journal of Political Ideologies 6.1 (2001): 55-74. Academic Search Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 9 July 2005.
- Palmer, Betsy. "Changing Senate Rules: The 'Constitutional' or 'Nuclear' Option. Congressional Research Service Report for Congress. Library of Congress. 5 April 2005.
- Rayner, Jeremy. "Between Meaning and Event: An Historical Approach to Political Metaphors." Political Studies XXII (1984): 537-550. Academic Search Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 9 July 2005.

Reynolds, Maura. "Senate Primed for Filibuster Showdown." Los Angeles Times. 4 April 2005:

A14. LexisNexis(TM) Academic. San Antonio College Lib., San Antonio, TX. 27 July 2005.

Rosenberg, Debra et.al. "The War on Judges." Newsweek. 25 April 2005:22. Academic Search

Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 7 July 2005.

Rowland, Robert. "The Narrative Perspective." The Art of Criticism. Ed. Jim A. Kuypers. Pearson,

2005: 131-162.

"Showdown in the Senate." Editorial. The San Francisco Chronicle. 17 May 2005: B6.

Toobin, Jeffrey. "Blowing Up The Senate." The New Yorker. 7 March 2005. Academic Search

Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 23 July 2005.

"Trent Lott coined Nuclear Option, tell the lying liars THAT." Clark Community Network. 25 April

2005. <<http://www.forclark.com/story/2005/4/25/101616/513>> 23 July 2005.

Voss, James F. and Joel Kennet, et. al. "Experts at Debate: The Use of Metaphor in the U.S. Senate

Debate on the Gulf Crisis." Metaphor and Symbolic Activity 7.3&4 (1992): 197-214.

Academic Search Premier. EBSCOhost. San Antonio College Lib., San Antonio, TX. 9 July

2005.

Wallsten, Peter. "Faith 'War' Rages in US, Judge Says." The Los Angeles Times. 26 April 2005.

<<http://truthout.org/cgi-bin/artman/exec/view.cgi/38/10636/printer>> 23 July 2005.

Notes Page

1. The three "options" Republicans proposed for ending judicial filibusters:

- 1) propose a change to Senate Rule XXII, the cloture rule, for judicial nominees. Currently, the rule says that debate can be cut off with 60 votes. Such a rules change would need 67 votes to pass.²
- 2) during the opening day of Congress before the regular rules of the Senate were in effect, new rules regarding cloture would be introduced and passed on majority votes.³
- 3) during a filibuster, the president of the Senate would rule the filibuster as unconstitutional (dilatatory and out of order). His ruling would be sustained by majority vote.⁴

2. Senator Frist, in fact, did propose a rules change regarding debate on presidential nominees: "His resolution (S. Res. 138) would have changed Rule XXII, by imposing an ever-decreasing threshold for successive votes to invoke cloture on a nomination, until it could be achieved by a majority vote of the full Senate" (CRS-2). The difficulty Republicans faced with this option was that although any change to the Standing Orders of the Senate only needs a majority vote, it takes a supermajority vote to close debate if any Senators opposes this rules change (that means a 2/3rds vote or 67 Senators). Frist's proposed rules change did not have the support to reach a vote.

3. The second option to change Senate rules is called the "Opening Day Scenario." The Senate precedent has been to consider the Senate as a "continuing body," so that rules apply from one Congress to the next. However, some believe that the Senate needs to reconstitute itself at the beginning of each Congress and adopt new rules. The first day of Congress, then, could be used to amend Senate rules:

Under this scenario, a Senator would move the adoption of a new rule or set of rules, which could contain changes to Rule XXII—or any other rule the Senate wanted to change. Debate on the new rule or rules could be limited, subject to majority vote, supporters argue, because the mechanics of cloture as set in Rule XXII would not yet apply and the Senate would be operating under general parliamentary law. (CRS-3)

With the rules changed for the new Congress, Senate Republicans could then vote to close debate on judicial nominees with a simple majority, effectively eliminating the judicial filibuster. To use this option, the Senate would have to go against two clear precedents against overturning rules in this way (CRS-4-5). Senator Frist, in fact, contemplated using this opening day scenario in January 2005 at the opening of the 109th Congress; however, he did not move to change the Senate rules. I will argue that the rhetoric surrounding this possible action did not sanction this use of his power.

4. The third option considered by the Republican majority in the Senate has two possible scenarios. Each involves a ruling from the presiding officer of the Senate, in this case Vice-President Cheney (or the President pro tempore) that filibusters of judicial nominees was unconstitutional. The scenario would go this way. Senate Republicans would bring a nominee to the floor for debate before calling for a vote. Democrats would filibuster the nominee, and when a vote for cloture did not pass, a motion could be made to declare rule XXII as unconstitutional for judicial nominees. The president (Chair) of the Senate would then rule XXII's requirement of 60 votes for cloture as unconstitutional. Appeals to the ruling could be tabled upon majority vote, thus upholding the Chair's ruling. As the CRS report explains, this action would go against Senate precedents: "the 'constitutional option' would require the chair to overturn previous precedents, either by ruling on a question that by precedent has been submitted to the Senate, or by ruling non-debatable a question

that by precedent has been treated as debatable" (CRS-7). Such a ruling from the chair could be accomplished in ten minutes, and would change the votes needed for cloture to a simple majority (51 votes). The direct effect of each of these options would be that the current Senate, comprised a 55-44 Republican majority, could close debate and pass judicial nominees with no possible opposition from Democrats.

5. Tyrant--Saddam Hussein is a dangerous tyrant that must be stopped just as the judiciary and Democratic filibusters are tyrannical and must be stopped.

Obstructionist--Just as Saddam Hussein obstructed international inspectors and resisted International demands, so the Democrats are being obstructionist in the Senate. In each case, the obstructionism must be stopped.

Extreme Action--Extreme action such as invasion or destroying important rules in the Senate are justified based upon the extreme nature of the threat and the obstruction of the Republican agenda.

Agenda/Authority--We have the right to act based upon both the importance of our agenda and our own Authority. For Iraq, Americans saw their agenda as the spread of freedom in the Middle East (and perhaps to secure more oil fields), and its authority lay in its role of defender of freedom in the world. In the judicial nomination controversy, Republicans saw their mission as the spread of socially conservative morality into politics and ultimately the securing of enough seats on the Supreme Court to push this moral agenda.

6. Republican rhetoric sometime in the Fall of 2004 attempted to shift the dominant source metaphor used to describe the proposed Republican rules change to the "Constitutional option." Two examples of media interviews with Republicans show this attempt to shift the metaphor used. Senator Frist in an interview on Fox News Sunday on November 14, 2004 (just days after the 2004 election) answered questions about whether he would do anything to stop Democratic filibusters of judicial nominees,

"Yes, I've got three or you could say four different options, and I'm not about to say right now what I'm going to do," he said, adding that the so-called nuclear option: "It's really a constitutional option. What that means is that the Constitution says you, as a Senate, give advice and consent, and that is a majority vote. And then you vote on that, and that takes 50 votes to pass." (qtd. in "Frist Raises Possibilities")

A similar correction of the metaphor used can be seen in this April 17, 2005 exchange between Senator Trent Lott and Senator Charles Schumer seen on ABC's *This Week with George Stephanopoulos*. The interview got to the topic of the proposed rules change, and this exchange occurred:

Schumer: It goes against the checks and balances.

Lott: That's why I call it the constitutional option. I went back this very morning and re-read the constitution.

Schumer: You once called it the nuclear option.

Lott: Well, I am given credit for that.

Schumer: You are.

Lott: I'm not sure I want it. I prefer to call it the constitutional option. (qtd. in "Media adopts false claim")

By shifting the source domain to "Constitutional" from "nuclear," the Republicans were attempting to reframe the debate and highlight what they saw as the legitimacy of their action over its potential destructiveness. As the founding and guiding document for our government and all civic life, the Constitution has final authority. When Frist uses the phrase, "the Constitution says" he uses it in a sense that the Constitution is the law that must be followed. Whatever the Constitution says is what must be done. Constitutional action is valid and legitimate, while action that goes against the Constitution is illegitimate, radical, invalid and even illegal. Within the metaphor "the Constitutional option" is the idea that the Constitution as a guiding and legitimizing document trumps any Senate rules or precedents. Senate rules and precedents can be broken if this action follows the higher authority of the Constitution. What the Republicans point to is the Constitutional requirement that the Senate provide "advice and consent" on all presidential nominees. That advice and consent comes in the form of a vote on the Senate floor on the nominee. Democrats, by preventing a vote on a nominee brought before the Senate, impedes the Senate from performing its Constitutionally-required function. In a March 17, 2005 open letter from Senator Frist to Senate Minority Leader Harry Reid, Frist refers to the use of the Constitutional option "as a way to reform aspects of the judicial confirmation process" and goes on to say, "those filibusters denied the full Senate the right to vote. ... As you know, within the meaning of the Constitution, a cloture vote is not advice and consent; instead, it is delay and deny." Thus, the requirement to follow the Constitutional provision of advice and consent sanctions the use of power to "reform" the judicial nomination process.

7. I should acknowledge that not all 873 hits for the phrase "nuclear option" referred to the judicial filibuster issue. An extremely small number referred to nuclear issues related to Iran and North Korea, as well as to a controversy involving an athletic department where the metaphor "nuclear option" has spilled over into a new context. I did not do an exact count of these extraneous hits, but I feel confident that these numbers are close and the differential between hits for nuclear option and constitutional option is substantial.