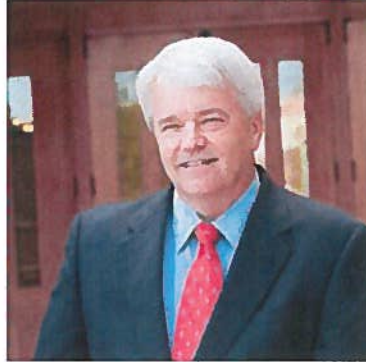


HUMANITIES & SOCIETY

## Lots of filibustering ahead

By [Gerry Everding](#) • November 9, 2016

With Donald Trump in the White House and Republican majorities in both the House and Senate, Democrats will be looking to use the filibuster and other procedural options to exert as much influence as possible over Supreme Court nominations and other issues on the Trump-Republican agenda, suggests Steven S. Smith, a nationally recognized expert on congressional politics at Washington University in St. Louis.



Smith

“We can expect the Democrats to fully exploit their procedural options to oppose the Republican legislative agenda,” said Smith, the Kate M. Gregg Distinguished Professor of Social Sciences in Arts & Sciences and director of the [Weidenbaum Center on the Economy, Government, and Public Policy](#) at Washington University. “The Republicans will respond by using reconciliation procedures to circumvent filibusters on their legislative agenda. They may go that route to gut Obamacare and eliminate government agencies.”

Given that many Democrats recently expressed outrage over Republican inaction on President Obama’s Supreme Court nominee, it will be difficult for some to use similar tactics to fight a Trump nominee. “Democrats will be conflicted and divided about responding with filibusters, but I would expect at least some Democrats to oppose action on Trump nominees,” Smith said.

Smith also weighed in on related topics:

- **Resisting filibustering:** Republicans may respond to Democratic opposition by extending the “Reid precedent” to Supreme Court nominations, Smith said, referring to a rare parliamentary move used by Senate Minority Leader Harry Reid in 2013 to eliminate the use of filibusters for most nominations by presidents. Democrats employed the tactic to change Senate rules so that federal judicial nominees and executive office appointments can advance to confirmation votes by a simple majority of senators, rather than the 60-vote supermajority that was the standard for decades.

“On legislation, such as on appropriations bills, Republicans in and out of the Senate will become frustrated with Democratic obstructionism,” Smith said. “Senate Republicans will come under serious pressure to do away with the filibuster on legislation, but they will struggle with a response to that pressure. Small ‘c’ conservatives want to preserve supermajority cloture, but the demand for acting on their agenda while they control Congress and the White House will be difficult to resist.”

- **‘Over-reaction’ to polling:** Smith, who directs [The American Panel Survey](#) (TAPS) monthly poll of national economic and political attitudes at the Weidenbaum Center, said the surprising election results will lead to considerable review of the gap between election outcomes and those predicted in the last polls.

“There may be over-reaction. After all, the difference between the popular vote outcome (a tie) and the three-point Clinton lead in the polls is about the same that we saw in three of the last five presidential elections,” Smith said.

- **Several reasons for askew poll numbers:** Smith said the gap between polling prediction and reality is likely caused by the additive effects of several factors, including “a large number of undecided voters who broke for Trump in the last few days, a number of ‘unanticipated’ voters who were not accounted for by likely voter models, and perhaps some undercounts of Trump support due to social desirability bias and differential response. The fact that nearly all polls made about the same error and in so many states in the same direction suggests that trends in the last week — a response to the FBI letter among the large number of undecided voters — is likely to be an important factor.”

*Editor’s note: Members of the media interested in interviewing Smith can reach him by email at [smith@wustl.edu](mailto:smith@wustl.edu) or by phone at 314-935-5630.*

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