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### “Note 5: Reforming the Filibuster” and Other Alternatives

The United States Senate is the house of deliberation and has the solemn duty to act as a bulwark against knee-jerk legislation from the House of Representatives, as well as the stewards of the interests of states at large. A key tool that helps the Senate to remain deliberate is the ability to debate with greater freedom than is available to representatives. Naturally born from this tool is the ability to debate a topic at length in order to stall what would otherwise be inevitable passage of bills that reflect nothing more than the pure will and essence of the majority. This ability is known as the filibuster, and it has played a pivotal role in preserving the spirit of the Senate - in addition to the integrity of the nation as a whole. The filibuster is a sacred and valuable procedural concept and should not be dismantled for short-sighted advancement of the majority's political agenda.

The current method of initiating a filibuster does not immediately make apparent that a filibuster is occurring. Instead, a senator may begin speaking at length about any mundane thing at any time in which debate is available. To cure a polarized minority from perpetually creating delays in the Senate schedule, an option of cloture is available. This provides filibuster-weary senators a method of limiting the amount of debate that can occur regarding a particular item. The catch, however, is that cloture requires a three-fifths (formerly two-thirds) majority to enact. The occasional difficulty of achieving this three-fifths majority, combined with the element of

quorum requirements, has led some to speculate about the true utility of the filibuster. Leading theories about procedural changes within the senate, according to Steve Smith's Notes on Congressional Politics, include such radical suggestions as reducing the number of votes to invoke cloture, and requiring the burden of continuing a debate to be placed on the shoulders of those who are filibustering. The senate minority, in this case, would be required to overcome a one-third vote, or, in accordance with another suggestion, be required to administer the entirety of their obstinance on the floor.

While these options may seem appealing to supportive laymen bearing loyal affiliation to the majority party, and, likewise, to committed political activists, the elimination of effective debate undermines the purpose and function of the Senate. Increasing the burden of maintaining extended debate is likewise a questionable measure. Starting at the top, the framers intended for the Senate to be the reasonable and measured home of debate. Significantly reducing (or removing) the ability of senators to debate legislation at length effectively reduces the role of the Senate to that of a rubber stamp of the majority. Additionally, proposal of amended rules in favor of a decimated filibuster raises questions that may have unsavory answers. When bearing in mind that the filibuster is not an official action (and is instead a form of extended deliberation), it becomes apparent that to end extended debate, a subjective parameter appears in the notion of what may be considered a "normal" amount of time to debate an item. Who would determine this value? How would it endure amongst a changing of the guard? Ultimately, while the true answers are obscured by the hypothetical nature of their existence, the likelihood is that whoever wields the majority in the Senate will enjoy a firm rubber stamp of friendly legislature. There will be no struggle or hardships among a simple majority, and the Senate will ever-more-closely resemble the House of Representatives.

Many of the issues surrounding the grander question of the filibuster may have an alternative solution. Currently, highly polarized candidates are voted into the Senate directly. This creates and nurtures an environment in which procedural warfare is likely to emerge for clout and party. If senators were approved into general candidacy by an advanced and extensive civil service exam and then selected at random by lottery, polarization could be dramatically lessened: the whims of the voters would be contained within the executive office of the Presidency and the congressional House of Representatives, creating an unburdened Senate. This solution also sidesteps the indecisiveness, corruption, and nepotism that helped end House nomination and selection of Senators in the previous system.

While the ability to filibuster creates problems with regard to the passage of various legislative items, it is ultimately a necessary hardship that must be endured by the mature leaders of our nation in the Senate. Extensive speculative measures have been proposed to contend with the ostensible procedural shortcomings of extended debate (most notably, eliminating it as a possibility): to see them through could well prove to be the proverbial cutting off of one's nose to spite one's face. In this case, it seems relatively clear that the solution for this problem lies outside of established Senate rules and is more a problem of polarized partisanship within the Senate. Until this particular issue is addressed, the nation needn't undertake any significant attempt to cure what is a mere symptom of a much larger illness.

Works Cited

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