

Filibuster Topic Limitation - Evidence Card 1

Tag Line

The Speech or Debate Clause protects broad legislative speech, making topic restrictions during filibusters constitutionally questionable

Verbal Citation

Michael L. Shenkman, in his Yale Law & Policy Review article "Talking About Speech or Debate: Revisiting Legislative Immunity," explains that the Speech or Debate Clause was designed to provide "broad legislative immunity" and anticipates "comprehensive protection for legislative acts," including speech on the Senate floor that is central to the deliberative process.

What the evidence says in context

Shenkman analyzes the historical origins and purpose of the Speech or Debate Clause, showing that the Framers intended it to protect legislators from external interference with their core legislative functions, including debate and deliberation. Restricting what topics senators can discuss during filibusters would potentially violate this constitutional protection by limiting the scope of legitimate legislative discourse.

Impact

This evidence demonstrates that topic limitations during filibusters would face serious constitutional challenges under the Speech or Debate Clause, potentially invalidating any such restrictions and creating legal uncertainty around Senate procedures.

Webpage or Book Title

Yale Law & Policy Review

URL or page number

<https://openyls.law.yale.edu/server/api/core/bits>

Article Title if Applicable

Talking About Speech or Debate: Revisiting Legislative Immunity

Author or Publisher

Michael L. Shenkman, Fellow of the Center for Law and Politics, Columbia Law School

Date first published

N/A

Date updated

N/A

Date accessed

November 8, 2025