

Filibuster Topic Limitation - Evidence Card 2

Tag Line

Topic restrictions would undermine the Senate's constitutional role as a deliberative body designed for careful, extended consideration of legislation

Verbal Citation

Professor Dan T. Coenen of the University of Georgia School of Law, in his Boston College Law Review article "The Filibuster and the Framing," argues that the Constitution was designed to ensure "more nuanced approaches that carry forward [the Senate's] tradition of extended deliberation and careful attentiveness to the views of minority blocs," emphasizing that limiting the scope of debate would fundamentally undermine this constitutional design.

What the evidence says in context

Coenen explains that the Framers specifically designed the Senate to be a deliberative body where extended debate and careful consideration of legislation would be protected. Topic restrictions during filibusters would contradict this fundamental purpose by limiting senators' ability to raise relevant concerns and considerations, even if not directly related to the specific bill being debated.

Impact

This evidence shows that topic limitations would fundamentally alter the Senate's constitutional character as a deliberative institution, potentially reducing the quality of legislation and undermining the careful consideration that the Framers believed essential to good governance.

Webpage or Book Title

Boston College Law Review

URL or page number

<https://bclawreview.bc.edu/articles/618>

Article Title if Applicable

The Filibuster and the Framing: Why the Cloture Rule is Unconstitutional and What to do About it

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