

Filibuster

By [David Swanson](#)

Region: [USA](#)

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There's a simple reason why the Democrats in Washington, D.C., can't end the wars or shrink the military or close Guantanamo or legalize union organizing or create a real health coverage system or repeal NAFTA or tax carbon or (fill in the blank).

But the simple reason keeps changing.

In 2005 and 2006 it was that they were in a minority in the House and Senate.

In 2007 and 2008 it was that they lacked the White House.

In 2009 and 2010 it was the filibuster.

In 2011 and 2012 it will be that they are a minority in the House.

The 2005-2006 reason was credible, even if Republicans seem to have no trouble passing tax bills in the minority.

The 2007-2010 reasons were not credible. Without passing a single bill, Congress could have stopped funding wars and/or impeached the top war criminals. And the filibuster was kept around by choice. It could have been eliminated in January 2009, or the credible threat to eliminate it in 2011 could have resulted in its elimination or reform at any time during the past two years, [as has been done before](#).

Throwing out the filibuster rule this coming January (next week) wouldn't eliminate the Republican majority in the House. A credible reason for not passing decent bills will have been restored just in time. But some of our courts might have judges confirmed to sit at them for a change. And horrible House legislation would not have to be made even worse to get it through the Senate — well, not as much worse anyway. And if, at some point in the future, a majority of senators — from whatever party or combination of parties — is willing to work with the House to pass decent laws, it would be able to do so.

The filibuster rule does not protect minority rights. The filibuster rule creates minority rule. In a democratic republic, every individual should have protected rights (remember when Americans had those?), but no minority should have the right to rule, certainly not 41 wealthy old white men elected in states containing 11 percent of the U.S. population.

The filibuster has roots in opposition to U.S. involvement in World War I. There's no reason a filibuster can't be used to block an injustice. When the whole Senate is bought and sold through corrupt elections, party control, corporate media, and lobbyist pressure, there is no reason to suppose that a majority of senators represents majority opinion in the country.

When Wyoming has as many senators as California, talk of majority representation in the Senate is outlandish to begin with. But the filibuster rule makes these problems worse. We are likely to always be better off on the whole with the rule of 51 senators than with the rule of 41.

Partial reforms, like ending senators' power to place "secret holds" on bills or removing delays in the process of confirming nominees, are all good. Such reforms limit the power of senators to block the work of the House and the will of the majority of the Senate. But the most needed reform is the elimination of the filibuster rule, a change from requiring three-fifths of senators to move a bill to a vote to requiring a simple majority. Such a change would not prevent Senator Bernie Sanders from making a long speech, as he did recently — an act widely mislabeled a "filibuster" despite the fact that he was not blocking any legislation. Such a change would simply end the power of 41 senators to block bills or nominations. A reform requiring any number between 41 and 51 would be an improvement as well.

Making the filibuster "real," that is, requiring that senators stand and speak to maintain a filibuster, is much less of a real reform. It might break some filibusters; it might not. It would certainly give a platform to a minority of senators to mouth off while the corporate media compares them to Jimmy Stewart and describes their late-night heroics as they prevent any other senate business from occurring.

There were no filibusters until the late 1830s. The Senate originally functioned under the same rule the House still functions under, requiring a simple majority to move a bill to a vote. Until we can eliminate the Senate, we should eliminate rules that have made it worse. You may have less than a week to call your senators and say: About the filibuster: end it, don't mend it.

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