

What's a Filibuster and Why Does It Matter?

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The election isn't quite over yet. The Minnesota, Alaska, and Georgia Senate races are still undecided because the vote totals are so close. Minnesota officials will recount the votes by hand, and the state doesn't expect results until mid-December. The Georgia race will go to a runoff on December 2. At this writing, they're still counting the votes in Alaska and haven't determined the winner yet. Many news commentators chatter relentlessly about the Democrats' needing all three of those seats to get a "filibuster-proof majority" in the Senate. That's not accurate.

A filibuster is an obstructionist tactic used when some senators want to prevent a vote on a bill. Senate tradition permits unlimited debate on the bills it considers. Any senator can begin a filibuster on any topic at any time, although they are usually planned. The filibustering senators will take turns speaking endlessly on the bill before them and on every other topic, whether it's relevant or not. They're trying to change their colleagues' minds on the subject, or annoy them to the point where they decide to drop the bill altogether. You may be familiar with Jimmy Stewart's acting filibuster in the film "Mr. Smith Goes to Washington".

The term originally referred to pirates at sea. It first appeared in politics in the 1850s when senators began to hold the Senate floor in debate to prevent a vote on a bill.

In 1917, the Senate changed its rules to allow "cloture", which is the term for ending a filibuster and voting on the bill at hand. At that time, they required 67 votes (2/3) to pass a cloture motion. They changed the rule to 60 votes in 1975. Having 60 votes will help the Democrats to pass legislation, but it's not a guarantee. Members of Congress are never required to vote with their parties. Most usually do; that's why they chose their parties in the first place. However depending on the issue, there are always a few who cross party lines in each direction. So the "majority" changes on any given topic. House of Representatives rules do not permit filibusters.

In the past, senators have used filibusters to prevent votes on the Treaty of Versailles (which ended World War I) and some economic and social legislation during the Depression. The late Sen. Strom Thurmond, D-SC, holds the record for a solo filibuster of 24 hours and 18 minutes. He unsuccessfully tried to block passage of the Civil Rights Act of 1957. Southern senators staged a 57-day filibuster against the Civil Rights Act of 1964. They lost that one, too. Senate liberals used a filibuster to resist passage of the capital gains tax cut in 1991.

In 1993, Illinois Democratic Senator Carol Moseley Braun made headlines when she threatened to filibuster "... until this room freezes over . . ." if the Senate Judiciary Committee approved a resolution approving an extension of the design patent for the United Daughters of the Confederacy. She objected to the design because it contained the confederate flag. Many other senators joined her objections, and the patent was denied.

Cloture motions usually fail because it's difficult to get the 60 votes necessary to approve them. Generally, the filibustering senators stop voluntarily when they reach a deal with the majority to amend the bill or they get promises of some other consideration in the future.

The incoming Obama administration plans to introduce many important bills to make significant changes in social and economic policy. We can expect senate Republicans to hold at least a few filibusters. We'll see whether the Democrats have enough votes to invoke cloture.

For more information, go to www.senate.gov and www.infoplease.com.

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