

CWA Local 4250 RMC

Steve Tisza, President



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Senate Rules and Filibuster Aren't In The Constitution

Senate rules, and especially the rules about filibuster and debate, have changed a lot over our nation's history.

1789 The original rules of the Senate included a provision that would allow debate to be cut off by a simple majority vote. And from 1789-1806, this provision was only used four times in the U.S. Senate.

1917 A procedure to cut off debate, known as "cloture," was adopted. This rule required two-thirds (up to 67 votes) of the Senators present and voting to agree.

1949 This rule was changed to require that two-thirds (a full 67 votes) of the full Senate had to vote to cut off debate. This was the start of record-setting filibusters, including Strom Thurmond's marathon filibuster of the 1957 Civil Rights Act.

1959 The filibuster rule was changed back to require that two-thirds (up to 67 votes) of those senators voting and present was necessary to cut off debate.

1975 to present In 1975, the number of votes needed to cut off debate was changed to three-fifths of all senators, or 60 votes. This is the standard in place today.

As you can see, the current Senate rules haven't been changed for decades. They just don't work in today's super-charged political climate. In past years, our nation was able to move forward on landmark legislation that put in place workers' rights, civil rights, retirement security for seniors and so much more. Today, we only see outrageous obstruction, like this:

Senators Taking Hostages

Senator Richard Shelby (R-AL) recently placed a blanket hold on over 70 nominees from the Obama administration in an attempt to force the federal government to award a \$35 billion defense contract to Northrop Grumman in Alabama.

One Senator Controlling the Entire Senate

Senator Jim DeMint (R-SC) refused to allow any legislation to move forward that his office had personally not cleared. Instead of voting against the legislation, Senator DeMint blocked any of his colleagues from being able to vote on legislation that did not receive his okay — effectively controlling the agenda for the entire Senate.

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Stalling Bipartisan Legislation

One senator stood in the way of a vote on a bipartisan food safety bill despite the recent salmonella outbreaks that have sickened thousands. Even though Senator Tom Coburn's (R-OK) Republican colleagues Senators Judd Gregg (R-NH), Mike Enzi (R-WY), and Richard Burr (R-NC) were co-sponsors of this important legislation, Coburn still objected to its receiving a vote. The House passed similar legislation in July of 2009.

Government Agencies Prevented From Doing Their Jobs

For months, the National Labor Relations Board had just two members, because of holds and threatened filibusters on nominees to fill the remaining three seats. This further delayed and denied justice for thousands of workers who were illegally fired or mistreated by employers.

In this session of Congress, the House of Representatives has passed more than 400 bills. None of these has been debated in the Senate. It's time to change these broken Senate rules, which have put special interests above the public interest.

Check out this list to see just how the Senate rules block a majority of senators from taking up important measures and getting the people's business done.

Unanimous consent All 100 senators must agree that the business of the Senate will go forward. One senator can stop bills, nominations, appointments, even ordinary actions like naming a post office.

Preventing discussion of a bill There are four ways a single senator can hold up discussion of a bill.

1. On the motion to consider.
2. On the actual motion or issue.
3. On the nomination of a conference committee
4. On the House-Senate conference report which must be approved by the full Senate.

To make matters worse, when a single senator sets out to hold up business, he or she can insist that the Senate conduct no other business for 30 hours, until another vote to move forward is held.

Holds on nominees A single senator can place a "secret" anonymous hold on a nominee or legislation.

Other holds The Democratic or Republican cloak rooms also can put a hold on a nominee.

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Requiring a supermajority on nearly everything A supermajority of all senators, or 60 votes, is needed just to allow discussion or a vote on a bill. In a democracy, a majority is the standard for elections and referenda, not a supermajority.

Committee delays All 100 senators must consent to holding a committee meeting on any day after the Senate has been in session for two hours, or after 2:00 p.m. when the Senate is in session. This enables just one senator to stop important committee business from happening, forcing work to a grinding halt.

How does anything ever get done? Lately, it doesn't.

Proving there's no end to the abuse of Senate rules, Alabama Republican Richard Shelby is refusing to lift his "hold" on recent Federal Reserve Board nominee Peter Diamond even though the acclaimed economist just won the 2010 Nobel Prize.

Shelby, the ranking Republican on the powerful Senate Banking Committee, claims that Diamond doesn't have sufficient experience and that there's no time for "board members who are learning on the job."

That's ridiculous, says the Washington Post's Ezra Klein, noting that none of the Board members had Federal Reserve experience before serving and that Board Chair Ben Bernanke was one of Diamond's students at MIT. "They all learned on the job," Klein wrote. "Shelby's argument against Diamond is cover for his actual objections ... simple partisan politics."

The New York Times said if Republicans continue to block Diamond they will "deprive the Fed of one of the best minds in economics." The Times noted critical knowledge Diamond would bring, as he and two fellow laureates "are being recognized precisely for their groundbreaking work into the ways in which joblessness, job vacancies and wages are affected by regulation and economic policy."

CWA President Larry Cohen said obstructing someone as qualified as Diamond is exactly why the Senate rules have to change, and why the Nov. 2 election is so critical. "Republicans are out there bragging about saying 'no' to everything," he said. "They don't care what it costs our country, our economy or our struggling families. If we let them get away with it, we all lose."

In Unity-Strength & Solidarity:

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