

# What is the Filibuster?

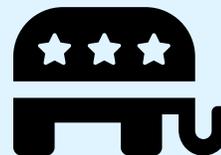
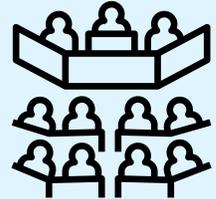


And why is it important to preserve it when it comes to legislation in the U.S. Senate?

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## Basic Senate Procedure

Ordinarily, when considering legislation, the Senate's cloture rule requires 60 votes (a three-fifth majority) to finish debate on the legislation and move to a vote. So, even when one party has a majority (51+) to pass legislation, they are likely to need bipartisan support to gain cloture before they can end debate and have a final vote.



## Practically Speaking

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1. The filibuster then is that tool the minority has to prevent legislation from moving forward by denying cloture (which requires a 3/5 majority— 60 votes, instead of a simple majority— or 51 votes), forcing the debate to continue indeterminately.
  2. If cloture fails, Senate leadership can move on to other business (as they continue to "debate" the legislation indefinitely) or they could force senators to continue to debate by talking endlessly on the floor of the Senate, à la *Mr. Smith Goes to Washington*, the 1939 political movie classic.
  3. Protection of the filibuster is not a partisan issue. In 2005, President Joe Biden gave "one of the most important speeches ... I will have given in the 32 years since I have been in the Senate." He said the push to get rid of the filibuster "upsets the constitutional design, and it disservices the country."
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## Bridging the Divide

Though it is a senate rule and not a constitutional mandate, the filibuster functions as a check against the sort of power concentration the Constitution seeks to limit. It encourages much-needed bipartisanship by forcing the majority to engage the concerns of the minority on any given legislation, instead of railroading them when one party controls the House, Senate, and the Presidency, which would dismiss the concerns of millions of Americans.

"If Men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and the next place, oblige it to control itself."

~ James Madison