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“Why ending the filibuster would be a bad idea”

By Gordon Smith | Sunday, May 14, 2023

I’m a Republican from a blue state. For 12 years, I represented the people of Oregon in the United States Senate. Winning an election required reaching across the aisle. It required finding common ground with voters who held different views – Democrats and independents, moderates and liberals, as well as conservative Republicans.

But it was also the right thing to do. Our nation’s founders designed a government that requires broad buy-in to achieve lasting change. Power is divided between the federal and state governments, and then divided again among the three branches of government. Within each branch of the federal government there is then further division of power: House and Senate, president and cabinet agencies, Supreme Court and lower courts. The president and Supreme Court exercise a degree of control over their respective branches, while in Congress, the House and Senate are coequals.

The purpose of all these divisions and subdivisions is to ensure that no single group, or faction, is able to run roughshod over all the others. We have to work together if we want to achieve meaningful, lasting reform.

I took this lesson to heart as a member of the Senate. Most of my proudest achievements, in fact, were the result of working across the aisle. Laws to improve access to mental health care, facilitate cutting-edge medical research, and expand the availability of disability benefits were enacted because of my work with Democratic colleagues.

My most important legislative partner, in fact, was the Democrat who defeated me in my first race for the Senate, Ron Wyden. Ron and I worked tirelessly together on bills to help make life better for the people of Oregon, including – and in particular – rural Oregonians. Although we disagreed on many, many issues, we saw eye to eye on the fact that it was our responsibility as senators to work together for the people of our state, and our country.

These days, everyone seems to hate the legislative filibuster. It slows things down. It forces you to negotiate with people you don’t want to have to negotiate with. It requires you to trim your sails – to moderate, that is – to get your goals across the finish line.

Or rather, everyone seems to hate the legislative filibuster when they're in the majority. When you're in the minority, it's great. It lets you stop bad bills with fewer than 50 votes. It gives you influence even though your party didn't do so well in the last election.

Many people — too many people, in my view — see the legislative filibuster through this sort of situational lens. When it leads to outcomes you like, it's great. When it leads to outcomes you don't like, it's terrible.

This is the wrong way to think about the legislative filibuster. The legislative filibuster is about the process, not the particular outcome. It's about working together, about finding common ground. It's about that dreaded word that today's political class seems to hate so much but that most fair-minded people recognize is a good thing — compromise.

That's not to say that the legislative filibuster doesn't lead to better outcomes. It can, and it does. I have witnessed numerous times during consideration of bills that I or other colleagues were authoring — on the widest variety of topics ranging from mental health and prescription drugs, to war authorization and international treaties, energy and the environment and more — where the filibuster became the tool that moderated policy choices, compelled bipartisanship, and thereby produced durable statutes and better law.

Too often in politics we forget everything that happened more than five minutes ago. We decide whether we like something based on whether we think it's helping or hurting our immediate objectives.

The vision the founders had when they created our Constitution was one of working together to achieve the common good. They wanted us to be, in the words of Abraham Lincoln, not enemies but friends.

Former U.S. Sen. Gordon H. Smith is treasurer and board member of the [Orrin G. Hatch Foundation](#). This commentary was adapted from his forward for a foundation policy review paper by Martin Gold: "[The Legislative Filibuster: Essential to the United States Senate](#)."