



How I Learned to Stop Worrying and Love the Filibuster

By Gordon Smith | Friday, January 27, 2023

The 118th Congress is underway, but the upper chamber remains as narrowly divided as ever. Democrats (plus the independents who caucus with them) effectively control the Senate by a razor-thin margin of 51-49. As a result, the drumbeat to abolish the legislative filibuster—which would empower the Senate to pass bills with a simple majority—will only grow louder in the coming year.

Too often, people's feelings about the filibuster depend on which party is in power. But they shouldn't.

To make my case, I will draw from my own experience in Congress. I'm a Republican from a blue state. For 12 years I represented the people of Oregon in the United States Senate. Winning 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.

The model for success was no different when I got to the Senate. Indeed, most of my proudest achievements 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 all came from working 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. Although we disagreed on 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.

That brings me back to the filibuster.

These days, everyone seems to hate the filibuster. It slows things down. It forces you to negotiate with people you don't want 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 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, in my view—see the filibuster through this sort of situational lens. That is the wrong way to think about it.

The 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 the filibuster doesn't lead to better outcomes. It can, and it does.

Making this case is an ambitious [report](#) on the filibuster and its history from the Orrin G. Hatch Foundation. As the report's author, Martin Gold, observes, "Senators of both parties have conducted filibusters on the broadest range of social and economic issues, questions of foreign policy and national security, and energy and environmental policy, among numerous others."

Historic proposals forged and refined in the fires of the filibuster process include the Atomic Energy Act, the creation of the Department of Homeland Security, and the Every Student Succeeds Act, just to name a few. In these and so many other instances, both Democrats and Republicans leveraged the filibuster to encourage greater bipartisanship, moderation, and yes, compromise. In these and so many other instances, the filibuster played a critical role in *improving* legislation, not just stopping it.

Although the filibuster came into being after 1787, its spirit aligns with the vision the Founders had when they created our Constitution. The Founders wanted Congress to work together to achieve the common good—and the filibuster encourages lawmakers to do exactly that. It necessitates bipartisanship by requiring both parties to collaborate to pass almost any legislation. It ensures that the minority has a powerful voice in any deliberation. And by doing so, it improves policy outcomes.

In years past, both Republicans and Democrats have recognized the inherent value of the legislative filibuster. It's just hard (and often politically inconvenient) to recognize it when your party is in power.

But where you sit shouldn't determine where you stand. The filibuster is more important than any short-term political agenda. And if we lose it, we lose a bulwark protecting the Senate from even greater polarization. That's why we must remember the words of

President Abraham Lincoln: "We are not enemies, but friends." In that spirit, both Republicans and Democrats should unite in preserving the legislative filibuster.

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