

FILIBUSTER SOLVED

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FEB. 26, 2010 -- The filibuster problem was solved in the Budget and Impoundment Act of 1974. Apparently, the House Rules Committee amended the requirement of sixty-seven Senators' votes to terminate debate and replaced it with twenty hours of debate.

Thirty-five years ago, House members then were tired of passing bills only to have them blocked in the Senate by a filibuster. Today House Members are more than frustrated, having passed two hundred seventy-one measures to the Senate with no Senate vote. Everyone is charging Congress with doing nothing. House Members are working their heads off while it is the Senate that is doing nothing. Today the measure of time to deliberate should be changed as in reconciliation to so-many hours.

Action in the Congress thirty-five years ago was overwhelmingly bi-partisan. On March 22, 1974, the Senate approved the reconciliation rule by a vote of 80-0. And the Conference Report was approved on June 21, 1974, by a vote of 75-0. And no amendment to the reconciliation rule has been suggested in thirty-five years.

Senator Robert Byrd (D-WVa) tells the story of Jefferson reporting to Washington at Mount Vernon one morning telling Washington that the Convention had decided on a bicameral system. Washington asked: "Why two Houses?" Jefferson replied: "In the House of Representatives the members are close to the people and are full of passion on the issues. As you are cooling your tea in that saucer, we need the Senate to cool the passions of the House, have

time to deliberate and decide." Thus, today's requirement of sixty votes to cut off debate. Extended debate or filibuster was never intended to block majority rule. The intention was to provide time for news to travel, authorities to be consulted, and the Senators to check his or her state's opinion. Today, news travels fast. Pros and cons of an issue are delivered in the home by the media and a public opinion poll is furnished by the end of the week. But with filibuster after filibuster or threats of a filibuster last year and this year, we have ended up with minority rule.

Our trouble is with the free press. It has become so partisan or fearful of being partisan that the public receives a distorted opinion of reconciliation. Democracy operates on a majority vote, which is guaranteed by the twenty hour reconciliation rule. But news coverage would have most people thinking that the use of reconciliation was a dirty trick. President George W. Bush used reconciliation for his devastating tax cuts, and there was no charge then that the measures were being "rammed down our throats." But this is the description of reconciliation today. One hundred individuals have become members of the Senate not by being rammed down anyone's throat, but by a majority vote. When Senators objected to the use of the reconciliation procedure to limit debate in 2005, Senator Judd Gregg (R-NH), Chairman of the Budget Committee, insisted that the twenty-hour reconciliation was a rule of the Senate to protect majority rule. The reconciliation twenty-hour limitation has been employed twenty-two times in thirty-five years -- sixteen by Republicans.

The United States Senate can regain the confidence and respect of the people by

changing the sixty-vote requirement to terminate debate and replace it with a twenty, thirty, or forty hour limitation.

Senator Hollings of South Carolina served 38 years in the United States Senate, and for many years was Chairman of the Commerce, Space, Science & Transportation Committee. He is the author of the recently published book, [Making Government Work](#) (University of South Carolina Press, 2008).

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