



## Who Are These Rules Serving?

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You might have heard a lot recently about the filibuster in Congress. It's a rule in the Senate that allows any Senator to hold up legislation, making it harder for legislation to pass because it requires a supermajority—60 votes—for passage through the Senate. Baked into the Senate rules of conduct is a slow and deliberative process that gives each Senator vast power over consideration of legislation. While the House of Representatives might churn out legislation, the Senate slows things down and takes a more contemplative approach, considering legislation with a sharp eye toward viability.

I used to have a kind of a romantic attachment to the filibuster. Blame it on The West Wing or Mr. Smith Goes to Washington and the idea of someone taking a principled stand on something they care about.

But if you examine [data about the filibuster](#)—unromantically—it's clear: these rules aren't working. Instead, they've created a logjam allowing a very tiny handful of people to hold up legislation that could have a positive impact for millions around the country. Everything from voting rights protections to the “build back better” agenda hinges on the capricious whims of a few.

The rules of the Senate always have been living documents, allowing for changes in time, temperament, and the national climate. This is one of the times when those rules need to be living and malleable again, when we've got to pull out all the stops and enact what some may feel is a radical change to get legislation passed. The rules need to encourage a vibrant, active, and pragmatic Congress, where people disagree but compromise and where silly stunts are considered beneath the dignity of Congress rather than their bread and butter. Isn't that what Congress can and should be? A body of elected legislators who come together to tackle the hard problems, who find ways to order our common life for the common good?

I've (naively) hoped at times that the gravity of what governing means could

elevate the discourse in Congress. In the absence of that, it's time for us to take a critical and creative look at the rules that dictate how the Senate (and Congress) work, asking at each time: who are these rules serving? Elected officials and their egos, powerful corporations and their agenda of exploitation, special interests focused on the bottom line?

If the answer isn't "the people," then the rules need to change.

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## ABOUT THE AUTHOR

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