

Letter to the NYT Editor re: “How Joe Manchin Can Fix The Filibuster,” by Ross Douthat

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June 18, 2021

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To the Editor:

Re “How Joe Manchin Can Fix The Filibuster,” by Ross Douthat
(Opinion essay, June 12):

We write today to express our profound disagreement with a recent argument by opinion columnist Ross Douthat that the Senate should reduce its voting threshold for the legislative filibuster from 60 to 55.

Douthat’s argument fundamentally misunderstands the role of the filibuster and the nature of the Senate. While the filibuster is frequently cast as a purely obstructive measure, it is inherently one designed to compel consensus and the inclusion of minority voices.

Ending a filibuster – that is, getting to 60 votes in the Senate – requires consensus. It forces the parties to work together, to engage in negotiation, and to perform the give-and-take of legislating. This deliberation is what distinguishes the Senate from the House, where the majority has the full authority to crush the minority, and frequently does.

As Sen. Joe Manchin (D-WV) has correctly pointed out, “The U.S. Senate is the most deliberative body in the world. It was made so that we work together in a bipartisan way. If you get rid of the filibuster, there’s no reason to have a Senate.”

The filibuster gives individual senators, and the causes that lack support of the majority, a voice they otherwise wouldn’t have. Because overcoming a filibuster requires a large consensus, causes cannot simply be steamrolled.

The concerns of individual senators, or groups of senators, must be given both credence and credibility. Voices and causes that would otherwise be ignored in a majoritarian body like the House receive consideration in the Senate – but only because the filibuster, or threat thereof, makes them matter.

The filibuster, in other words, amplifies otherwise voiceless causes and makes certain that they are taken seriously. For conservatives, as well as the far left of the Democratic Party, who are generally always in the minority even when their party is in the majority, the filibuster is a powerful tool.

Douthat suggests that reducing the threshold for the filibuster could “work against polarization and toward consensus” and offer opportunities “to actually govern once again.” The opposite would in fact occur.

Absent the filibuster, polarization will only increase. The filibuster exists to ensure minority voices are heard. Without it, the voices don’t magically disappear, they just turn toward other opportunities for leverage. The process of unanimous consent, which greases the wheels of the Senate’s day-to-day function, will disappear. As has happened in the absence of the judicial and nominations filibuster, cloture votes will be required for every single debatable measure the Senate wants to pass, turning a weeks-long process into one of months. Rather than free the Senate, a filibuster-less Senate will become even more degraded.

We echo Douthat’s concern that the modern Senate is often trapped in the gridlock of partisan politics. But allowing more participants in the process, rather than fewer, is the way to solve that problem. Senate leaders of both parties should allow for robust consideration of amendments and procedural maneuvers designed to bring the concerns of American voters to the floor of the Senate. This is what our politics are for: to litigate, consider, deliberate, and ultimately, to vote, on matters of consequence.

In the Senates of years past, leaders that have allowed for robust debate and ample consideration of amendments have found themselves facing far fewer filibusters. Senators, just like the rest of us, respond favorably – and far less obstructively – when their voices are heard and considered in the legislative process.

For this reason, we hear Mr. Douthat’s opinion, and respectfully dissent.

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