



# The Filibuster

With the Senate currently split 50 Democrats and 50 Republicans, debate has resurfaced over the filibusters used as a tool of the minority party to affect legislative outcomes. Through its use, the minority party can halt the advancement of legislation with which they disagree. Advancing legislation would require 60 senators to vote to end the filibuster. But what is this concept of the filibuster?

In simple terms, the filibuster is a way for the minority party to have a say in legislation by extending debate. In Congress, only the Senate uses the filibuster, and it has been used quite often to stall or deny votes on controversial legislation. In many cases, the filibuster is exercised by senators seeking to draw attention to an issue they are concerned about, 'pirating' parliamentary procedure by deviating from the traditional rules and process. It is no coincidence that 'filibuster' is actually derived from a Dutch term meaning 'freebooter', a type of pirate!

In 1917, at the urging of President Woodrow Wilson, the Senate adopted a new rule that could actually limit debate if two-thirds of the Senate agreed. This rule is known as 'cloture'. The cloture rule was changed by the Senate in 1975 to make it easier to end debate. Instead of needing 66 (2/3 of the Senate) senators to agree to end debate, the rule change required 60 just senators (3/5 of the Senate) to agree to end debate.

Filibusters do not actually have to involve continuing a debate. Rather, any senator may prevent a vote on legislation by simply refusing to 'yield the floor'. [Senator Huey P. Long](#), in the 1930's, used to recite Shakespeare and share recipes for hours to prevent votes on bills he believed favored the rich over the poor.

It should be noted that the filibuster has been used over time to delay or prevent the passage of important and serious legislation. Indeed, the longest record individual filibuster was intended to delay passage of the [Civil Rights Act of 1957](#). Then-Democratic Senator Strom Thurmond of South Carolina spoke for more than 24 hours on the Senate floor--that's [88 pages](#) of talking about nothing and everything in order to prevent a bill on civil rights from getting a vote. Later, Southern senators led a 60 day filibuster to delay passage of the [Civil Rights Act of 1964](#).

While the traditional filibuster required that a senator be recognized and then continue to speak until yielding the floor or a cloture vote could be taken, the modern filibuster no longer has any such requirement. Just the threat of a filibuster now triggers a cloture vote.

### The Process of a Modern Filibuster

1. During debate on a bill, a senator triggers a filibuster by standing up on the Senate floor and announcing 'I object', blocking the ability to close debate and move to a vote.
2. The senator would then speak for as long as possible to delay the vote. (Since the 1970's, it is no longer required to speak at length although speaking at length remains an option)
3. The Senate must then take a cloture vote, with 60 'yes' votes required to end the threatened filibuster.
4. Successful cloture limits the remaining debate to 30 hours, followed by a vote on the actual bill.
5. If the cloture vote fails, the bill fails, and the Senate moves on.



Senator Rand Paul filibusters the confirmation of John Brennan as director of the CIA in 2013



Senator Huey Long following a 5 hour filibuster in 1935

Unlike the U.S. Senate, the U.S. House of Representatives has no filibuster rule, since the [Constitution allows](#) each house of Congress to set its own rules and procedures. Rather, a [simple majority](#) is all it takes to end debate in the House. Some have suggested that essentially requiring 60 votes, well more than a majority, for any legislation to pass the Senate after it has already passed the House is a problem. The Senate, however, views the filibuster as an important distinction between itself and the House of Representatives, and as a means to allow the minority party to influence legislative outcomes. The threat of a filibuster is further aggravated when the party makeup of the Senate suggests challenge and division.

**To Think and To Do:** Since the filibuster allows the party in the minority to exert influence over legislation, can the filibuster encourage bipartisanship in the Senate? Explain your thinking.

**Learn MORE** about the filibuster. Free registration may be required.

- [5 Myths About the Filibuster](#), from the Washington Post
- [The History of the Filibuster](#), from the Brookings Institution
- [Supporting Cloture in the Civil Rights Bill of 1964](#), from Senator Everett Dirksen
- [Is Aaron Burr the Father of the Filibuster](#), from the National Constitution Center

