

An Open Letter to the Senate

The undersigned have served as Chiefs of Staff in the United States Senate for, cumulatively, well over two hundred years. Our service was a great honor and privilege, and we revere the Senate as an institution. We write today to urge the Senate to repeal or reform a rule that is undermining the Senate's ability to meet the challenges of our time.

The filibuster rule was not designed or used by the Founding Fathers. The Senate passed legislation by majority rule for generations. When filibusters first arose, they merely reflected the fact that a Senator could not be forced to yield the floor, and so could delay action for as long as he could speak. Efforts to prevent that sort of delay led to cloture rules that unintentionally codified the ability of a minority to prevent the end of debate. For over a hundred years, this power was used sparingly, and most notably by Senators opposed to civil rights legislation.

However, over the course of the past twenty years, the filibuster rule has put a chokehold on the Senate. Legislation is now routinely filibustered, transforming the Senate from a place of meaningful debate and progress into a legislative graveyard. Worse, the mere threat of a filibuster hangs over the drafting and consideration of legislation.

We have thought carefully about the arguments in support of the filibuster. Indeed, many of us have made them in years past. But we think they ring hollow in light of today's political reality.

The filibuster does not foster bipartisanship. In our experience, bipartisanship occurs when Senators sense that they can enact legislation if they compromise. The potential to make policy is what makes the political risk worth the potential reward. Requiring 60 votes to pass legislation discourages bipartisanship by making compromises less likely to succeed.

Ending the filibuster will not make the Senate more partisan. The filibuster has been weaponized by an increasingly partisan Senate. Removing this weapon would be a step toward – not away from – comity. In particular, moderates and problem solvers of both will have more flexibility and authority in a Senate where legislation can be passed by 51-vote coalitions that are not built exclusively on party lines.

The filibuster does not improve policy outcomes. We have heard the concern that ending the filibuster will lead to drastic swings in federal policy making. However, such swings will occur only when the American people decide to elect a House, Senate and President that all agree on policy issues. When the people speak that authoritatively, policy *should* change.

Moreover, the policy failings of a Senate with a filibuster rule are all around us. The Senate has failed for decades to take adequate action on such critical issues as climate change and immigration. Much of that dysfunction results from the lack of majority rule in the Senate. There is no reason for 50 votes to be enough to enact massive tax cuts and to confirm lifetime appointments to Supreme Court Justices while requiring other federal policies to obtain 60 votes.

The filibuster does not protect minority rights. Protecting the rights of a minority of Senators to block legislation has come at a great cost to the rights of millions of actual minorities. The John Lewis Voting Rights Advancement Act and the For the People Act are only the latest examples of civil rights legislation imperiled by the filibuster rule, and they should be the last. The Senate should judge itself not by how well it treats other Senators, but how well it serves the American people.

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We have proudly supported our Senators in filibusters in the past. Like any tool, the filibuster may be used to good ends. We know that repealing or reforming the filibuster rule will someday lead to policy outcomes that we deeply dislike, and that might have been blocked under current Senate rules. But we believe in a Senate where the people's business can be done. The Senate is now faced with a choice between functioning and the filibuster. We urge the Senate to choose progress over a procedural rule that has outlived its usefulness.

Sincerely,

Paul Bock (Senator Kohl, 14 years)
Ted Bornstein (Senator Kohl, 4 years)
Jim Brown (Senator Casey, 9 years)
Tony Bullock (Senator Moynihan, 4 years)
Lucy Calautti (Senator Dorgan, 20 years)
Guy Cecil (Senator Bennet, 2 years)
Julie Dwyer (Senator McCaskill, 10 years)
Julia Frifield (Senator Mikulski, 10 years)
Dan Geldon (Senator Warren, 3 years)
Huck Gutman (Senator Sanders, 4 years)
Steve Haro (Senators Heinrich and Feinstein, 6 years)
Mary Irvine (Senator Feingold, 16 years)
Mark Kadash (Senator Feinstein, 7 years)
Phil Karsting (Senator Kohl, 6 years)
Maura Keefe (Senator Shaheen, 10 years)
Brady King (Senator Burr, 2 years)
Betsy Lin (Senator Hirono, 6 years)
Jennifer Luray (Senator Mikulski, 5 years)
David McCallum (Senator Reid, 15 years)
Eric Mogilnicki (Senators Kennedy and Kirk, 4 years)
Luis Navarro (Senator Biden, 1 year)
Bianca Ortiz-Wertheim (Senator Udall [NM], 5 years)
Susan Platt (Senator Biden, 2 years)
David Ramseur (Senator Begich, 6 years)
Amanda Renteria (Senator Stabenow, 5 years)
Drey Samuelson (Senator Johnson, 18 years)
Stephanie Schriock (Senator Tester, 3 years)
Daniel E. Smith (Senator Harkin, 4 years)

Michael Sozan (Senator Udall [CO], 6 years)
Andy Winer (Senator Schatz, 6 years)
Todd Webster (Senator Coons, 5 years)
Ivan Zapien (Senator Menendez, 5 years)