

“No Dispute Among Historians”: The Filibuster and Voting Rights

The filibuster is a procedural tool of the Senate that delays or prevents a piece of legislation from being brought to a vote. It is a vestige of a deal made to appeal to segregationists and has historically been used to block passage of civil rights legislation. Today, it is often weaponized by a small group of senators to override the will of the majority and block progress across a variety of issue areas, including democracy reform and voting rights.

On March 23, 2021, Senate Minority Leader Mitch McConnell took to the press to dispute the notion of the filibuster as “racist,” insisting that it “has no racial history at all” and that “there’s no dispute among historians about that.”¹ The timing was no accident – calls to end the filibuster are becoming louder and more frequent as its racist history comes to light. Eliminating the filibuster would be McConnell’s worst nightmare: without the filibuster, he would lose his veto power over all forms of progress the Senate hopes to achieve, including expanding access to our democracy.

This report will explore the racist history of the filibuster and how it came to be used as it is today. It will outline this history specifically through the lens of voting and democracy reform, cataloging legislation that has been impeded by the use of the filibuster, obstructing progress across areas like voting discrimination and campaign finance. Finally, it will look toward the current political landscape and examine crucial legislation that has been or will soon be introduced to strengthen our democracy yet stands to be blocked by the filibuster, painting a grim picture of the future of voting rights and democracy reform if we don’t eliminate the filibuster. We’re already seeing anti-democracy bills flood state legislatures across the country. Not even a month into the Biden-Harris administration, state lawmakers had already introduced at least 253 bills with provisions that restrict access to the ballot box across 43 states.² On March 25, just two days after McConnell’s comments, Republicans in Georgia signed a sweeping anti-democracy bill into law that obstructs voting access in a variety of ways in the wake of Democratic wins in the Senate and presidential elections in the state. Attacks on our right to vote are escalating, and as long as the filibuster remains in place, they will succeed in chipping away at that right.

I. The filibuster – the legacy of a 19th century drafting error – is a racist tool of obstruction that impedes national progress, especially in the realm of democracy reform and voting rights. It enables the will of the minority to be prioritized over the passage of legislation to help the American people.

The origins of the filibuster

The filibuster is a tool used by senators to delay or block passage of a piece of legislation. Although a bill only requires a 51-vote simple majority to pass the Senate, the filibuster – which allows for endless debate of a bill – makes it such that, in order to reach the point where that vote can be taken, a 60-vote supermajority is required to “invoke cloture,” or end debate. Therefore, the filibuster establishes a de facto 60-vote threshold for a bill to pass the Senate.

The notion of a filibuster or anything like it cannot be found in the Constitution or any other founding document, nor was it part of the original Senate. Its origin can be traced back to an 1806 drafting error when, at the advice of Vice President Aaron Burr, a provision was removed from the Senate rules that had allowed a simple majority to force the Senate to vote on the bill being presented.³ It was a housekeeping matter; Burr thought it was redundant, as it was rarely used and its function was covered by other Senate operating

¹Clark, D. (2021, March 23). McConnell defends remarks on racial history of Senate filibuster. *NBC News*. <https://www.nbcnews.com/politics/politics-news/mcconnell-defends-remarks-racial-history-senate-filibuster-n1261873>

²State Voting Bills Tracker 2021. (2021, February 24). Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021>

³Reynolds, M. E. (2021, January 29). *What is the Senate filibuster, and what would it take to eliminate it?* Brookings Institution. <https://www.brookings.edu/policy2020/votervital/what-is-the-senate-filibuster-and-what-would-it-take-to-eliminate-it/>

procedures. Senators discovered this mistake and the absence of any mechanism to force a vote decades later, around the time of the Civil War, and used the inability to force a vote on a piece of legislation to occasionally block the passage of bills. Then in 1917, as the U.S. was preparing to enter World War I and the Senate was deadlocked over the particulars of how to do so, the first version of the cloture rule to end debate was adopted, giving two-thirds of senators the ability to vote to end debate and end a filibuster and proceed to a final vote on a piece of legislation. Details of the process have changed in the century since then, but the bottom line is the same: The filibuster exists only to obstruct legislation, and it has no basis in the Constitution.

In fact, the filibuster as it is used today is completely antithetical to the Framers' vision for the Senate, which was conceived to be a *majority-rule* institution with space for thoughtful – but limited – debate. Instead, in its current form, the filibuster allows the will of a small minority of senators to supersede that of the majority of the American people by artificially raising the bar to pass bills in the Senate. What came about as the result of a drafting error over 200 years ago has become a tool of obstruction, misused and abused to the detriment of our democracy and our citizens.

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Twentieth century usage

Since the early 20th century, the filibuster has been the primary weapon used by racist, segregationist politicians to delay and restrict progress – primarily in the form of civil rights. In the mid-1900s, strict party-line votes in the Senate were less common than they are now; senators often voted with members of the other party and varied groups of voting blocs were formed resulting in more bills passed.⁴ Because senators were more willing to cross party lines, the minority party was not always able to compel its members to maintain a filibuster and prevent the majority party from enacting popular legislation. However, one group was able to consistently organize to take advantage of this procedural weapon: southern segregationists.

Even with the abolition of slavery after the Civil War, the reality of racial violence continued to terrorize Black people for decades, and many politicians did little to stop it. Well into the 20th century, Black Americans were routinely lynched by racist white mobs across the country. Legislation was introduced in Congress to classify these heinous lynchings as federal crimes, and yet, every single one of the almost 200 anti-lynching bills introduced in Congress in the first half of the 20th century failed, many because of the filibuster.⁵ Racist politicians were able to effectively filibuster these bills and block their passage despite wide public support: In 1937, a Gallup poll found that 72 percent of Americans supported federal anti-lynching legislation.⁶ To this day – over a century after the first anti-lynching bill was introduced – Congress has yet to pass a single bill explicitly making lynching a federal crime. In addition to anti-lynching bills, legislation to eliminate poll taxes – a form of discrimination that prevented Black and poor white Americans from voting – was also routinely blocked by the filibuster, despite having similar high levels of support from the American public.⁷

Mitch McConnell's destructive manipulation of the filibuster

Under Senate Minority Leader Mitch McConnell, the filibuster has been used to block virtually all substantive legislation proposed by Democratic lawmakers. It continues to allow senators to avoid making their racist views known by ensuring that legislation to advance racial justice through expansion of voting and democracy reform will never even come to a vote on the Senate floor.

⁴ The Brookings Institution. (2021, February). *Vital Statistics on Congress* (Chapter 8: Political polarization in Congress and changing voting alignments). <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>

⁵ History, Art & Archives, U.S. House of Representatives. (2008). *Black Americans in Congress, 1870–2007: Anti-Lynching Legislation Renewed*. <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Anti-Lynching-Legislation/>

⁶ Gentleson, A. (2021). *Kill Switch: The Rise of the Modern Senate and the Crippling of American Democracy*. Liveright.

⁷ Gentleson, *Kill Switch*.

The act of filibustering a bill no longer involves substantial effort. Because of a tweak to the rule, filibusters no longer hold up all other Senate business: The “two-track” system established in 1970 means that filibustered bills can be set to the side while other Senate business continues.⁸ That system effectively ended the “talking filibuster,” which had required senators to actively hold the Senate floor to block any action. Simply by refusing to cede the microphone, they were able to delay or block passage of a bill. But with the two-track system, the “silent filibuster” was born. Now, as there is no need to hold the floor because Senate business continues as usual, a senator simply has to register *intent* to filibuster a bill with the Senate clerk, and the threshold for moving to a vote on a bill moves from 51 to 60 votes.

In practice, this gives a small, organized group of senators the power to grind proceedings on important bills to a halt whenever they want with no consequences and little fanfare, while other Senate business continues as usual. From 2008 to 2016, Leader Mitch McConnell used the filibuster to stonewall the Obama administration’s agenda at an unprecedented rate: Prior to Obama’s tenure, cloture – a common proxy for quantifying filibusters – had been invoked during a congressional session at most 61 times, during President George W. Bush’s final term. But in the eight years of Obama’s presidency, it was invoked 351 times – including 187 invocations during a single Congress, from 2013–2014.⁹ McConnell weaponized the filibuster under President Obama unabashedly, and will continue to obstruct necessary progress under the Biden-Harris administration as long as he has the tools to do so.¹⁰

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This ugly history and ongoing manifestation of the filibuster as a favored tool by racist politicians is why the NAACP has led the charge to eliminate the filibuster since 1948.¹¹ It is also why leading Black advocates like Dorian Warren, president of Community Change, often draws connections between the past racist history of the filibuster and the obstruction that occurs today, arguing that “the continual blockage of civil rights and labor law reforms by Southern Democrats led to the elevation of ‘filibuster reform’ as a legislative priority for both the civil rights and labor movements.”¹² It is also why President Obama invoked this past at the funeral for Rep. John Lewis, a civil rights icon, in July 2020. When reflecting on the Congressman’s lifelong fight for voting rights reform in his eulogy, Obama said, “and if all this takes eliminating the filibuster, another Jim Crow relic, in order to secure the God-given rights of every American, then that’s what we should do.”¹³

Eliminating the filibuster is not an escalation of partisan tactics. It is not a short-sighted move that begs political retribution the next time Democrats are in the minority. It is a recognition from those most involved in the fight for civil rights, past and present, that the filibuster is a bulwark against liberty. They knew then and know now that giving a superminority the ability to block legislation is a major impediment to progress for any oppressed people.

⁸ Strand, M., & Lang, T. (2017, September 25). *The U.S. Senate Filibuster: Options for Reform*. Congressional Institute. <https://www.congressionalinstitute.org/2017/09/25/the-u-s-senate-filibuster-options-for-reform/>

⁹ *Cloture Motions*. (n.d.). U.S. Senate. <https://www.senate.gov/legislative/cloture/clotureCounts.htm>

¹⁰ Green, J. (2011, January). *Strict Obstructionist*. The Atlantic. <https://www.theatlantic.com/magazine/archive/2011/01/strict-obstructionist/308344/>

¹¹ King, C. I. (2005, June 18). The Filibuster: A Tool for Good and Bad. *The Washington Post*. <https://www.washingtonpost.com/archive/opinions/2005/06/18/the-filibuster-a-tool-for-good-and-bad/>

¹² Warren, D. T. (2015, August 31). History Shows That Street Protests Can Make a Difference in Congress. *The New York Times*. <https://www.nytimes.com/roomfordebate/2013/12/18/the-history-and-lessons-of-congressional-crises/history-shows-that-street-protests-can-make-a-difference-in-congress>

¹³ Foran, C., & Barrett, T. (2020, July 30). *Obama calls filibuster “Jim Crow relic” that should be eliminated if necessary to enact voting rights legislation*. CNN. <https://edition.cnn.com/2020/07/30/politics/obama-filibuster-jim-crow-voting-rights/index.html>

II. The filibuster has been regularly used to block efforts to make our democracy stronger and more accessible.

There is a long and shameful history of segregationists and racists using the filibuster to block necessary progress on voting rights and democratizing our democracy. Much of the legislation passed during the Civil Rights Movement that is now considered foundational equal rights law was initially met with stark opposition, and faced numerous filibusters from senators who wanted to postpone or prevent that progress. Since then, the filibuster has been used to block voting rights in a slightly more discreet manner, thwarting bills that would abolish the Electoral College and strengthen campaign finance laws – both of which would make our democracy more representative by redistributing power and influence away from the wealthy and toward historically underrepresented groups.

Voting rights in the Civil Rights Era

Until 1964, civil rights bills were the only category of bills routinely blocked by the filibuster.¹⁴ Southern Democrats – today’s Republican party – regularly wielded the filibuster to stall the effort to turn activism into legislation and increase access to the ballot box.

CIVIL RIGHTS ACT OF 1957

The filibuster was used to delay the Civil Rights Act of 1957, which ultimately became the first piece of civil rights legislation passed by Congress in over 80 years.¹⁵ Among other things, the Civil Rights Act of 1957 aimed to affirm and enforce the right to vote – as established in the Fifteenth Amendment – by banning intimidation, coercion, or interference with the rights of voters. It also established the Commission on Civil Rights for two years, created a civil rights division within the Justice Department, and authorized the U.S. Attorney General to take actions to protect the voting rights of Black Americans. Southern Democrats strongly opposed this bill, including South Carolina Senator Strom Thurmond, who led the longest talking filibuster in Senate history – 24 hours and 18 minutes long – to delay the bill.¹⁶ The bill eventually passed, but throughout the process of filibustering and delaying, it was stripped of most of its enforcement mechanisms.

CIVIL RIGHTS ACT OF 1960

Three years later, a similar-minded group of senators used the filibuster to delay the Civil Rights Act of 1960.¹⁷ This bill was designed to address some of the shortcomings from the 1957 Act, specifically focusing on voting access and voter protections: It established regular federal inspection of local voter registration polls, introduced penalties for interfering with someone’s attempt to register to vote, and dealt with discriminatory laws and practices that had functionally blocked Black and Mexican Americans from voting for decades. It also extended the duration of the Commission on Civil Rights beyond the original two years to oversee voting practices in the states. This bill was again filibustered and weakened by Southern Democrats, who removed the bill’s enforcement mechanisms and held it up for 125 hours before it ultimately passed the Senate and was signed into law.¹⁸

CIVIL RIGHTS ACT OF 1964

Even the Civil Rights Act of 1964, one of the most important pieces of civil rights and democracy reform legislation in American history, was delayed by a filibuster for more than two months before enough Republicans crossed the aisle to break the minority party’s blockage.¹⁹ In addition to being the first national bill to explicitly prohibit discrimination on the basis of race, color, religion, sex or national

¹⁴ Fisk, C., & Chemerinsky, E. (1997). *The Filibuster*. *Stanford Law Review*, 49, 181–254. https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1682&context=faculty_scholarship

¹⁵ *The Civil Rights Act of 1957*. (n.d.). US House of Representatives: History, Art & Archives. <https://history.house.gov/Historical-Highlights/1951-2000/The-Civil-Rights-Act-of-1957/>

¹⁶ Hockenberry, J. (2016, August 29). *The Racist Filibuster We Can’t Afford to Forget*. WNYC Studios, The Takeaway. <https://www.wnycstudios.org/podcasts/takeaway/segments/racist-filibuster-we-cant-afford-to-forget>

¹⁷ Sturkey, W. (2018, February 8). *The Hidden History of the Civil Rights Act of 1960*. African American Intellectual Historical Society. <https://www.aaihs.org/the-hidden-history-of-the-civil-rights-act-of-1960/>

¹⁸ Sturkey. (2018). *The Hidden History of the Civil Rights Act of 1960*.

¹⁹ *Civil Rights Act of 1964*. (n.d.). U.S. Senate. https://www.senate.gov/artandhistory/history/civil_rights/cloture_finalpassage.htm

origin, the bill empowered the Justice Department to enforce desegregation and established the Equal Employment Opportunity Commission to address racial discrimination in the workplace. Once again, Southern Democratic senators wielded the filibuster, this time postponing the legislation for several months. However, thanks to the pressure and organizing of Black-led activist groups, progress-minded senators were able to break through the filibuster and pass the original bill through the Senate, sending it to President Johnson's desk for signature to become law.²⁰ Notably, this was the first time that cloture had ever been successfully invoked to allow a vote on civil rights legislation.²¹ Today, the Civil Rights Act of 1964 remains one of the most sweeping civil rights bills in our country's history, and is the backbone of federal equal rights protection laws.

VOTING RIGHTS ACT OF 1965

The Civil Rights Act of 1964 and other bills were hugely significant in the fight against discrimination, but injustices continued despite passage of the law, particularly around the right to vote. In March 1965, peaceful protestors marching for equal access to the ballot box were met with brutal violence from state troopers in an event that would come to be known as "Bloody Sunday." Following this tragic event, the Voting Rights Act, which explicitly prohibited racial discrimination in voting, provided for direct federal intervention to ensure that Black Americans could register and vote, and banned tactics commonly used to prevent them from doing so, was introduced into Congress.²² Discontented with the civil rights advancements of the previous few years, Southern Democrats filibustered the bill and attempted to weaken it. Although they succeeded in delaying its passage, the weaker bill was rejected by the rest of the Senate, and the original bill was signed into law in August 1965.²³ Five years later, in 1970, when certain provisions of the VRA were set to expire, Southern Democrats once again used the filibuster to try to weaken the provisions or delay their extensions.²⁴ The filibuster failed, and the extensions were granted in their original form.

Unsurprisingly, the pernicious attempts to use the filibuster to delay or block crucial legislation did not end with civil rights legislation.

The Electoral College

The filibuster has also been used to preserve the undemocratic nature of the Senate and the Electoral College. The Electoral College has its roots in the racist three-fifths compromise, which was the deal that our nation's founders struck to appease slaveholders: By counting Black enslaved people as three-fifths of a human, they could balance the population size between the North and the South and ensure that northern and southern states all had a say in federal elections.²⁵ To this day, we see the implications of this racist system in the resulting skew of the Electoral College toward whiter, more rural states: Today, the vote of a person in Wyoming – a state which is 84 percent non-Hispanic white – is worth almost four times as the vote of someone in California, a state which is just 37 percent non-Hispanic white.^{26,27} Black voters have overwhelmingly supported the Democratic candidate in modern elections, and 58 percent of this country's Black population lives in the South;²⁸ and yet, the electoral votes of the five states whose population is more than a quarter Black have been awarded to the Republican candidate in nearly every election for the past four decades.²⁹

²⁰ Baptiste, A., Spaulding, S. R., & Williamson, L. (2021, March). *End the Filibuster: How a Relic of Jim Crow Could Block our Progressive Agenda*. Demos. <https://www.demos.org/sites/default/files/2021-03/End%20the%20Filibuster.pdf>

²¹ *Landmark Legislation: The Civil Rights Act of 1964*. (n.d.). U.S. Senate. <https://www.senate.gov/artandhistory/history/common/generic/CivilRightsAct1964.htm>

²² *The Senate Passes the Voting Rights Act*. (n.d.). U.S. Senate. https://www.senate.gov/artandhistory/history/minute/Senate_Passes_Voting_Rights_Act.htm

²³ *The Senate Passes the Voting Rights Act*.

²⁴ Fisk & Chemerinsky. (1997). *The Filibuster*.

²⁵ Delaney, N. (2020, August 4). *The history of the Electoral College and our national conversation about race*. Harvard Kennedy School. <https://www.hks.harvard.edu/faculty-research/policy-topics/democracy-governance/history-electoral-college-and-our-national>

²⁶ *QuickFacts: Wyoming*. (2010–2019). [Dataset]. U.S. Census Bureau. <https://www.census.gov/quickfacts/fact/table/WY/>

²⁷ Lu, D. (2016, December 6). The electoral college misrepresents every state, but not as much as you may think. *The Washington Post*. <https://www.washingtonpost.com/graphics/politics/how-fair-is-the-electoral-college/>

²⁸ *Profile: Black/African Americans*. (n.d.). U.S. Department of Health and Human Services: Office of Minority Health. <https://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=3&lvlid=61>

²⁹ Rastogi, S., Johnson, T. D., Hoeffel, E. M., & Drewery, Jr., M. P. (2011, September). *The Black Population: 2010*. U.S. Census Bureau. <https://www.census.gov/prod/cen2010/briefs/c2010br-06.pdf>

A national popular vote would eliminate this discrepancy wherein white voters' voices are weighted more heavily than the votes of people of color.³⁰ It would be grounded in the principle of “one person, one vote” and give equal weight to a vote cast in a populous state as a vote cast in a less populous state. For decades, support for eliminating the Electoral College has consistently been high.³¹

PROPOSAL FOR A NATIONAL POPULAR VOTE

In 1969, a bill that would have effectively abolished the Electoral College and replaced it with a national popular vote overwhelmingly passed the House of Representatives.³² However, when the proposal finally came to the floor of the Senate in September 1970, it was met with a filibuster led by segregationists Sam Ervin and Strom Thurmond.³³ Two attempts to invoke cloture were made, but they fell six and five votes short, respectively.^{34,35} The proposal failed in large part due to efforts by white segregationists desperate to retain power. However, support remains high today: In 2020, 61 percent of Americans supported abolishing the Electoral College in favor of a national popular vote.³⁶

Campaign finance

The filibuster has also been used multiple times to block campaign finance reform. Because of weak campaign finance and donor disclosure laws, the wealthy and powerful have outsized influence over our elections and elected officials, which in turn means that the people elected are beholden to them – not everyday Americans – and legislate accordingly. Progress that serves everyday people – particularly those in minoritized communities – won't happen unless these laws are strengthened so that all voices, not just the wealthiest voices, count.

CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT

In 1994, Senate Democrats introduced the Campaign Spending Limit and Election Reform Act, which would have created a voluntary partial public-financing system for federal campaigns, making it easier for people with fewer resources to run for office, thereby making our democracy more representative.³⁷ The bill was filibustered, and the vote to end debate garnered 57 votes, just three shy of success.³⁸

LOBBYING DISCLOSURE ACT

During that same Congress, Senate Democrats introduced the Lobbying Disclosure Act (LDA), which tightened rules requiring lobbyists to register and disclose their clients and lobbying activity, increasing transparency within our electoral system. The bill failed due to a Republican-led filibuster.³⁹ Supporters of the LDA spent the next year campaigning and threatening to filibuster other bills, and in 1995, a slightly weaker version passed the Senate and was signed into law – one that, among other things, refrained from regulating grassroots lobbying in any form.

DISCLOSE ACT

In 2010, as a response to the 2010 Supreme Court decision in *Citizens United v. FEC*, Senate Democrats introduced the Democracy is Strengthened by Casting Light on Spending in Elections (“DISCLOSE”) Act

³⁰ Gelman, A., & Kremp, P. (2016, December 17). *The Electoral College magnifies the power of white voters*. Vox. <https://www.vox.com/the-big-idea/2016/11/22/13713148/electoral-college-democracy-race-white-voters>

³¹ Brennan, M. (2020, September 24). *61% of Americans Support Abolishing Electoral College*. Gallup. <https://news.gallup.com/poll/320744/americans-support-abolishing-electoral-college.aspx>

³² Proposing an Amendment to the Constitution Relating to the Election of the President and Vice President, H.J. Res. 681, 91st Cong. (As passed by House, September 18, 1969). Civic Impulse. <https://www.govtrack.us/congress/votes/91-1969/h83>

³³ Keyssar, A. (2020, August 3). *How Has the Electoral College Survived for This Long?* The New York Times. <https://www.nytimes.com/2020/08/03/opinion/electoral-college-racism-white-supremacy.html>

³⁴ Proposing an Amendment to the Constitution to Provide for the Direct Popular Election of the President and Vice-President of the U.S., S.J. Res.1, 91st Cong. (As failed to close debate by Senate, September 17, 1970). Civic Impulse. <https://www.govtrack.us/congress/votes/91-1970/s526>

³⁵ Proposing an Amendment to the Constitution to Provide for the Direct Popular Election of the President and Vice-President of the U.S., S.J. Res.7, 91st Cong. (As failed to close debate by Senate, September 29, 1970). Civic Impulse. <https://www.govtrack.us/congress/votes/91-1970/s553>

³⁶ Brennan. (2020). Gallup.

³⁷ Campaign Spending Limit and Election Reform Act of 1993, S.1, 103rd Cong. (1993). <https://www.congress.gov/bill/103rd-congress/senate-bill/3>

³⁸ Tausanovitch, A. & Berger, S. (2019, December 5). *The Impact of the Filibuster on Federal Policymaking*. Center for American Progress. <https://www.americanprogress.org/issues/democracy/reports/2019/12/05/478199/impact-filibuster-federal-policymaking/>

³⁹ Ross, M. (1994, October 7). Senate GOP Filibuster All but Kills Lobby Reform Bill. *Los Angeles Times*. <https://www.latimes.com/archives/la-xpm-1994-10-07-mn-47431-story.html>

to combat the use of dark money, or money whose donors can remain anonymous, in elections. The bill sought to significantly increase disclosure requirements for money spent to influence elections, including for election-related advertisements. It was successfully blocked by a filibuster twice in 2010, coming within a single vote of overcoming its second filibuster.⁴⁰ Although it has been introduced in Congress every session since then, it has yet to achieve the 60 votes it needs to advance to a vote on passage.

III. If we don't eliminate the filibuster, we are giving Mitch McConnell and Senate Republicans the ability to veto any and all attempts to strengthen our democracy and voting protections – reforms which were promised to voters when we delivered the Senate and the presidency.

Today, the filibuster frequently leaves our elected officials stuck in partisan gridlock, unable to deliver reforms that voters have demanded. The filibuster is not just a relic of our nation's racist past – it is also a present-day obstacle that will continue to block progress within the realms of democracy reform, voting rights, and many other areas.

For the People Act

H.R.1, the For the People Act of 2021, would institute some of the most sweeping democracy reforms in decades.⁴¹ It passed the House on March 3, 2021, and received a hearing in the Senate Rules Committee on March 24.⁴² However, despite popular support among *all* voters, Republican senators have made it clear that it will die in the Senate as long as 60 votes are needed to bring the bill to a vote.^{43, 44}

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The For the People Act would declare Congress's support of restoration of the Voting Rights Act, end partisan gerrymandering, modernize and increase access to voter registration, prohibit voter intimidation, restrict voter purging, and take other measures to protect individuals' rights at the ballot box. It would make findings in support of D.C. statehood, which is a crucial step toward equality for those who live in our nation's capital. It also includes the DISCLOSE Act, which would make elections more transparent. Furthermore, by introducing ethics reforms into the Supreme Court, the Executive Branch, and Congress, the For the People Act attempts to preserve the integrity and independence of these institutions. These provisions would take important steps in ensuring that everyday Americans' voices are heard in our elections.

The For the People Act of 2021 is the most sweeping democracy reform bill introduced in Congress since the Civil Rights Act of 1964. It's not only urgent and far-reaching – it's also extremely popular. Over 80 percent of the American people – including 84 percent of Independents – support democracy reforms included in the bill.⁴⁵ There's no excuse to let an arcane Senate rule continue to obstruct crucial, well-favored democracy reform.

Voting rights expansions

Other bills that face certain demise in the Senate unless we eliminate the filibuster include H.R.4 (the John Lewis Voting Rights Act) and H.R.51 (the Washington, D.C., Admissions Act). The John Lewis Voting Rights Act would honor the legacy of the late Congressman John Lewis by restoring and improving upon the 1965 Voting

⁴⁰ Tausanovitch & Berger. (2019). *The Impact of the Filibuster on Federal Policymaking*.

⁴¹ *Annotated Guide to the For the People Act of 2021*. (2021, March 18). Brennan Center for Justice. <https://www.brennancenter.org/our-work/policy-solutions/annotated-guide-people-act-2021>

⁴² The For the People Act of 2021, H.R.1, 117th Cong. (2021). <https://www.congress.gov/bill/117th-congress/house-bill/1/>

⁴³ Hutzler, A. (2021, February 25). *As GOP Opposes H.R. 1, Poll Finds Majority of Republicans Support Election Reform Bill*. Newsweek. <https://www.newsweek.com/gop-opposes-hr-1-poll-finds-majority-republicans-support-election-reform-bill-1572166>

⁴⁴ McConnell, M. (2019, January 17). Opinion: Behold the Democrat Politician Protection Act. *The Washington Post*. https://www.washingtonpost.com/opinions/call-hr-1-what-it-is-the-democrat-politician-protection-act/2019/01/17/dcc957be-19cb-11e9-9ebf-c5fed1b7a081_story.html

⁴⁵ Nilsen, E. (2019, January 3). *New polling: voters want Congress to pass an anti-corruption bill*. Vox. <https://www.vox.com/policy-and-politics/2019/1/3/18148633/hr1-voters-independents-anti-corruption-bill-poll>

Rights Act for which he risked his life. Already in 2021, over 253 bills have been introduced across 43 states that restrict access to voting.⁴⁶ Civil rights leaders of generations past and present have worked tirelessly to protect voting rights; the only way to fully honor the legacies of those like Congressman Lewis is to continue that fight by passing H.R.4.

Congressman Lewis was also an ardent supporter of D.C. statehood – like so many others, he recognized that the disenfranchisement of over 700,000 mostly Black and Brown Americans is no accident, and that statehood for D.C. is a crucial step in the path to ensuring that voting rights are extended to *all* Americans. H.R.1 and H.R.51 would restore the right to full and equal representation in Congress to the over 700,000 mostly Black and Brown people who live in our nation’s capital, a key step toward correcting this injustice of disenfranchisement.

For over a century, the filibuster has been used as a token and a tool of white supremacy and as a barrier to progress. From the Civil Rights Act of 1964 to the For the People Act of 2021, it has represented nefarious and unjust intentions within the process of legislating. As we enter the 117th Congress with a Democratic trifecta, it’s time to finally confront this unprecedented obstruction. Senate Minority Leader Mitch McConnell has twisted a procedural oddity – the filibuster – to grind the Senate to a halt, blocking progress on legislation that the majority of the country overwhelmingly supports. Democracy depends on a government that is responsive to the people, but despite the Democratic majority, the current Senate cannot respond to anything. The only plausible first step in taking advantage of this opportunity to make real progress in the name of democracy reform is to eliminate the filibuster.

**Senate Minority Leader
Mitch McConnell has twisted
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⁴⁶ *State Voting Bills Tracker 2021*. (2021). Brennan Center for Justice.