



# **The Donor's Guide To Filibuster Reform**

ADVANCING POLICY CHANGE AND  
PROTECTING OUR DEMOCRACY

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**giving**COMPASS™

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# Twenty-four hours and 18 minutes.

That's the record for the longest filibuster held by Sen. Strom Thurmond, who worked vigorously to delay the passage of the Civil Rights Act of 1957. Thurmond's speech was unique for its length but not for its purpose, which was to thwart the civil rights of Black Americans.

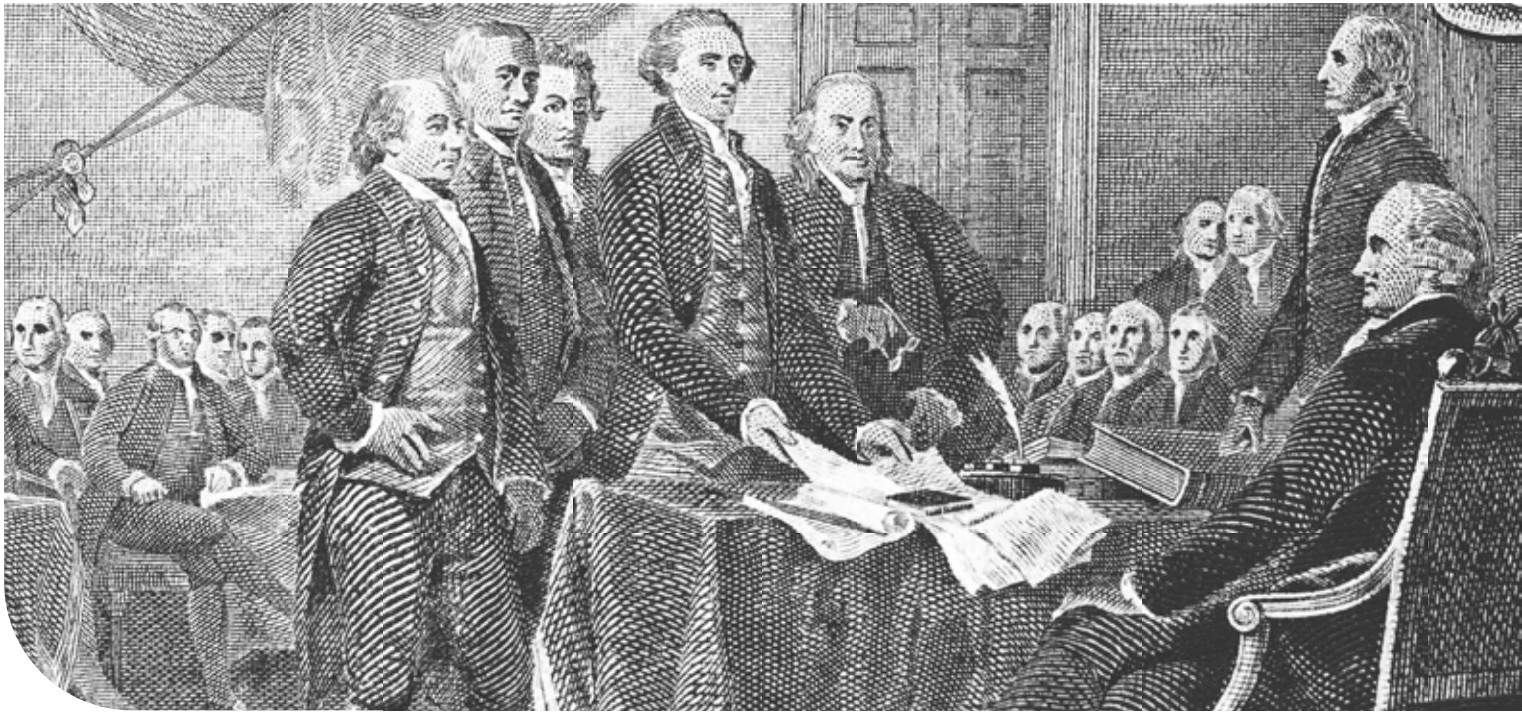
In the end, his extended debate didn't work. There were already enough votes to pass the Act. Still, the filibuster has long been used as a tool to maintain white supremacy. According to one [study](#), of the 30 measures that were blocked by the filibuster between 1917 and 1994, half of them involved civil rights. For example, filibusters derailed anti-lynching bills in 1922 and 1935 and "[legislation](#) that would have prohibited poll taxes and outlawed discrimination in employment, housing, and voting."

While proponents of the filibuster say it promotes compromise and puts constraints on raw majority power, the rule is still used today to impede the advancement of Black Americans. It also prevents policy change on issues that a majority of Americans care about, including [climate change](#), [gun control](#), [wage and wealth gaps](#), and [voting rights](#).

# What Is the Filibuster?

The filibuster is a Senate rule that allows any senator to engage in extended debate to prevent a vote on a bill, resolution, amendment, or other debatable question.

In order to overcome a filibuster, a supermajority (60 senators) has to agree. This is known as [cloture](#). In today's highly partisan Senate, getting a supermajority of senators to agree is difficult and the mere threat of a filibuster impedes progress. Due to the filibuster, the de facto rule is that it takes 60 votes to pass any legislation in the Senate.



## Filibuster Facts

### The Talking Filibuster

A senator doesn't even have to go to the floor and engage in a long speech, called a "talking filibuster," to block legislation. They can simply indicate that they will raise an objection to the motion to move forward, triggering the need for 60 votes.

In the 1970s, the Senate adopted the "[two-track](#)" system, which functionally ended the talking filibuster. It allowed the [Senate](#) to consider multiple pieces of legislation at a time, tabling a filibustered bill until it had the 60 votes necessary to pass. Prior to the two-track system, at

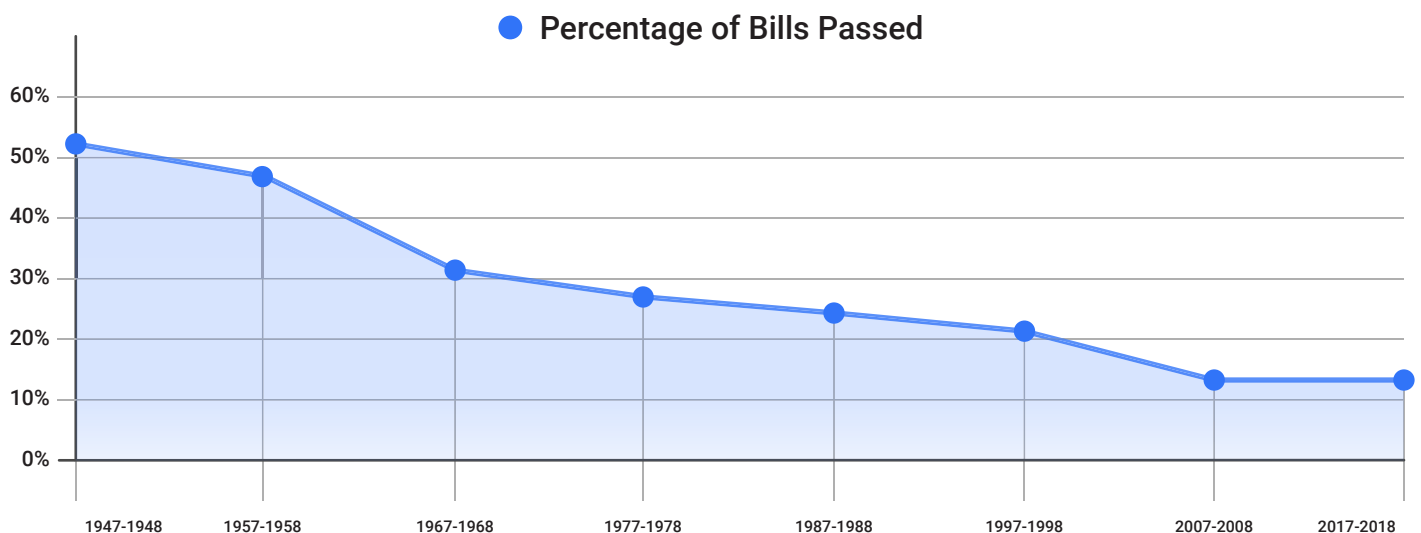
# A senator doesn't even have to go to the floor and engage in a long speech, called a "talking filibuster," to block legislation.

least one senator in the minority party was required to physically remain on the Senate floor and speak, bearing the political consequences of halting all other Senate business.

Sen. [Jeff Merkley](#) (D-Ore.) is proposing a change that would require at least 41 members of the minority party, rather than just one, to be present on the Senate floor, to stall legislation. By requiring the entirety of the minority to be present for a filibuster, Merkley argues that the majority will either pull the bill, or the number of Senators will fall under 41, "allowing the majority to advance the bill with a three-fifths majority."

## By The Numbers

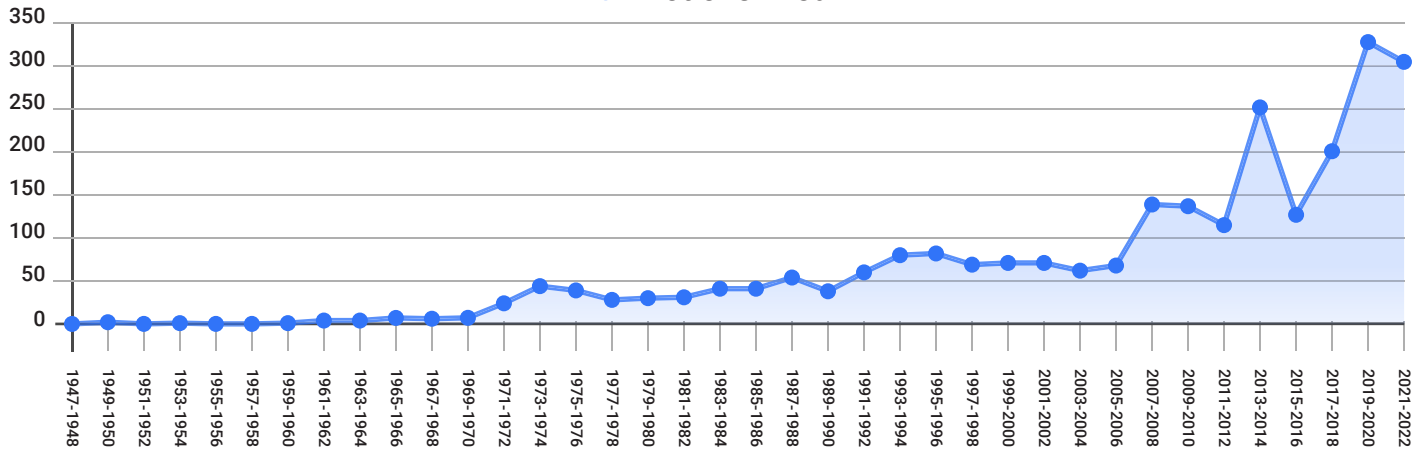
### Bills Passed by the Senate by Percentage of Bills Introduced



*"In 2020, out of more than 15,000 bills, only 1% were enacted into law, as hundreds of bills sat in the majority leader's control without ever being called for a vote."*

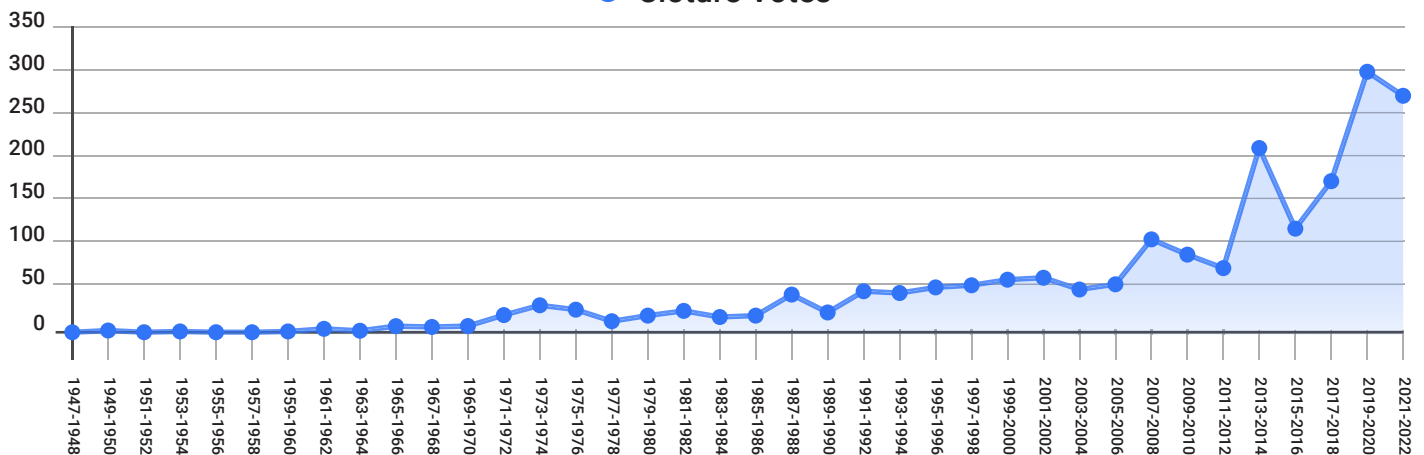
## Senate Cloture Motions

● Motions Filed



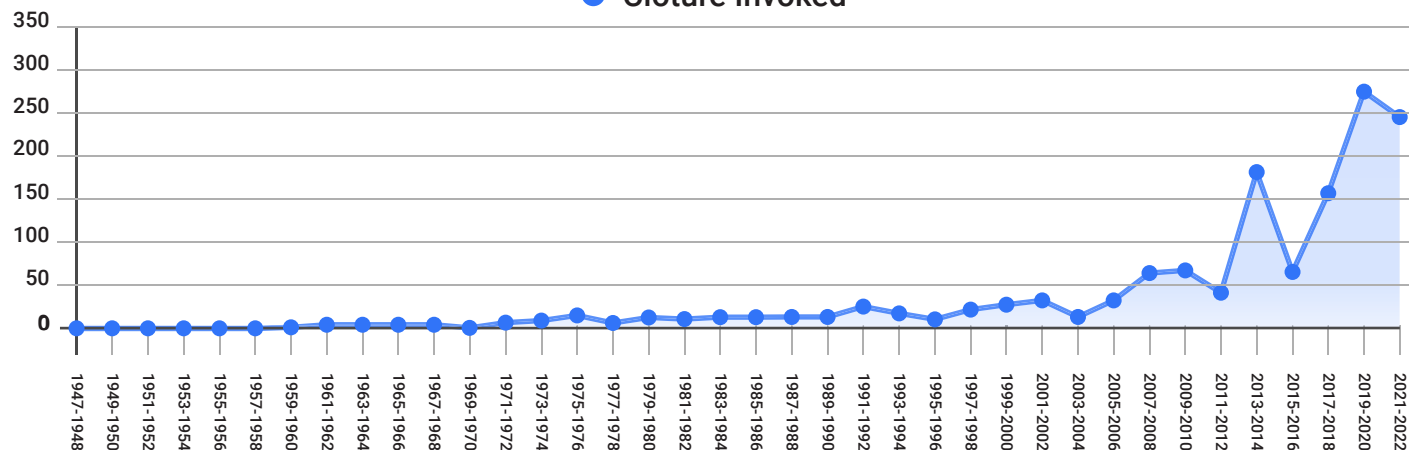
## Senate Cloture Votes

● Cloture Votes



## Senate Cloture Invoked

● Cloture Invoked

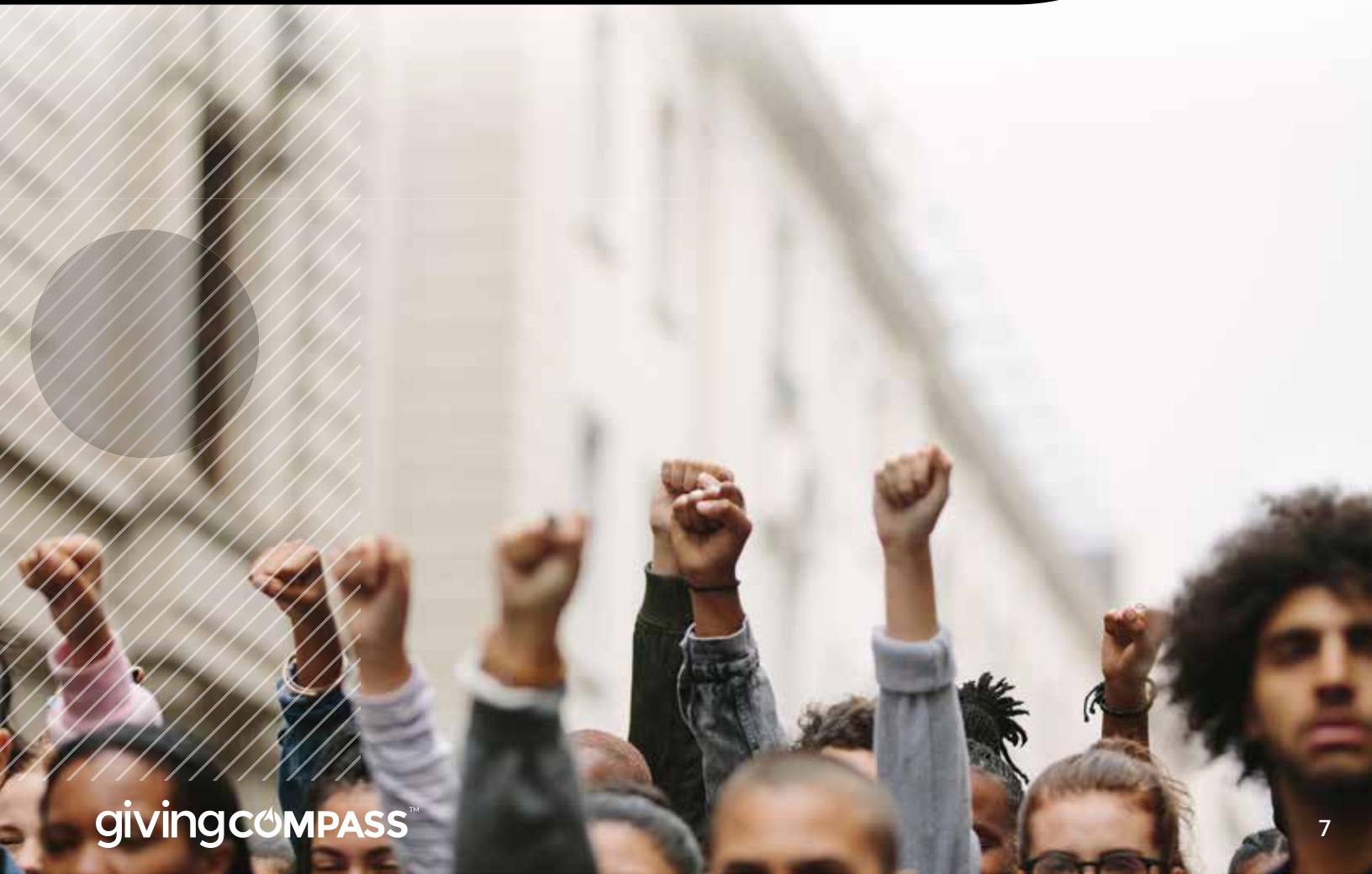


In the 117th Congress (2021-2022), **more than 300 motions for cloture** were filed in the Senate. This is more than all of the cloture votes filed from 1917-1985.

# The Filibuster's Effect on Social Change

The use of the filibuster and lack of legislation in the Senate harms all of us because it prevents the passage of vital policies that can strengthen our society. And it's also important to note that the use of the tool has historically [harmed communities of color](#).

**How has the filibuster affected the issues you care about most?**



# Climate Change

While the Inflation Reduction Act includes investments to address climate change, the filibuster has been used in the past to stall progress.

“The last time Congress attempted to pass sweeping climate legislation was 11 years ago. Democrats held the presidency and both houses of Congress, and were poised to take action to spark a transition to clean energy and get us off the path toward catastrophic climate change. But they were stymied by an obsolete piece of Senate procedure — the filibuster. Had the filibuster not stood in the way, we'd be so much further along in addressing the climate crisis.”

—[The Sierra Club](#), May 2021

NONPROFITS TO KNOW

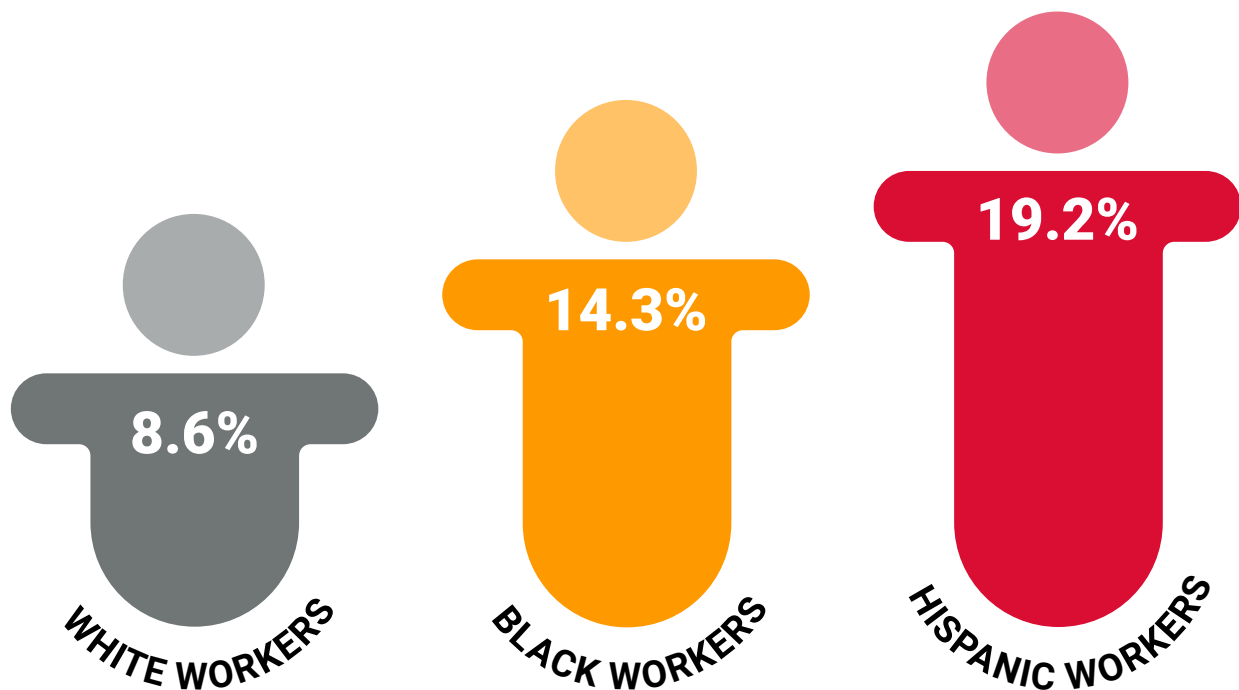


# Economic Justice

Policies to close racial and gender wage gaps have also been stalled by Senate filibusters. For example, the [federal minimum wage](#) has been stuck at \$7.25 per hour since 2009, which disproportionately affects Black and Brown workers.

## Populations Paid Poverty Wages, 2017, by Race

**Poverty wages are hourly wages that would leave people “below the federal poverty guideline for their family size if they are the sole earner in the family, even if they work full-time, year-round.”**



Source: [Economic Policy Institute](#)

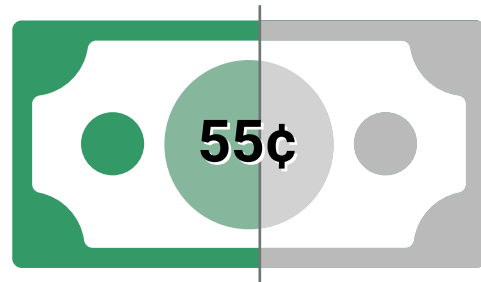
The Senate also filibustered the [Paycheck Fairness Act](#), which would have ensured equal pay for equal work. It's [well-documented](#) that Black women, Native American women, and Latinas make significantly less than white men for the same jobs.

## Gender & Racial Pay Gap

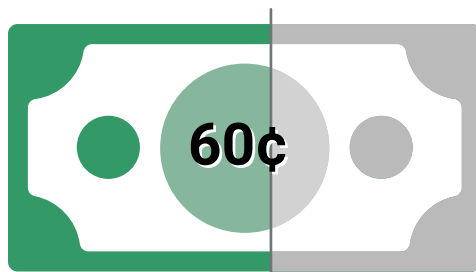
(Compared to non-Hispanic white men)



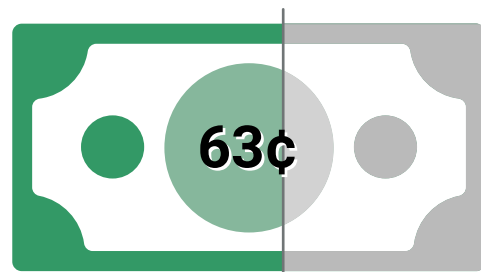
# CENTS ON THE DOLLAR



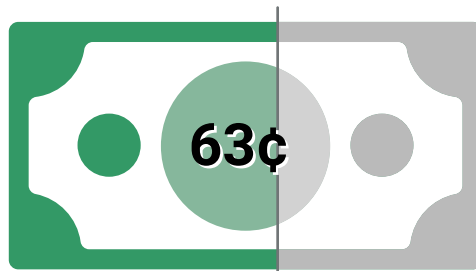
Latinas



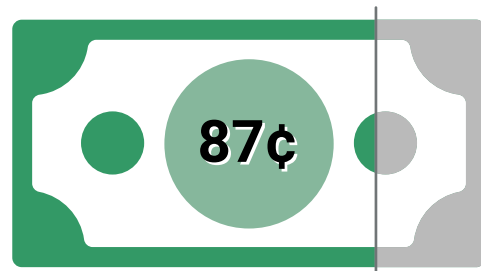
American Indian or Alaska Native women



Native Hawaiian or other Pacific Islander women



Black women



Asian women

Source: [AAUW](#)



# Gun Control

The filibuster has profoundly impacted our ability to advance gun control and make Americans safer even though a majority of the population, including many gun owners, [support sensible gun control](#).

The [Manchin-Toomey Bill](#), which was proposed by Sen. Joe Manchin (D-WV) and Sen. Pat Toomey (R-PA) in response to the massacre of 20 children and six adults at Sandy Hook Elementary School, was filibustered even though it had [broad support from a majority of Americans](#). More recently, the [Protecting Our Kids Act](#), which was introduced after the murders of 19 children and two teachers at Robb Elementary School in Uvalde, Texas, is supported by a majority of Americans. The Act, which passed in the House, would raise the lawful age for buying assault rifles from 18 to 21 years old and ban the manufacture, sale, or possession of bump stocks for civilian use. It is [expected to falter](#) in the Senate.

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# Immigrant Rights

The DREAM Act, which would provide a path to citizenship for two to three million undocumented young people, has been [filibustered twice](#) even though [research shows that](#) “74% of Americans favor a law that would provide permanent legal status to immigrants who came to the U.S. illegally as children.”

This refusal to protect undocumented immigrants is especially frustrating because [studies show](#) DACA (Deferred Action for Childhood Arrivals) initiatives have a direct and positive impact on immigrants and our economy. Many [DACA recipients](#) are pursuing educational opportunities previously unavailable to them and experienced an increase in their average hourly wages by more than 40%.

*“Passing the Dream Act, and placing all of the potentially immediately eligible workers on a path to legal status, would add a total of \$22.7 billion annually to the U.S. gross domestic product (GDP). Because the gains from legalization grow each year, the cumulative increase in GDP over 10 years would be \$281 billion.”*

—[The Center for American Progress](#)

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# Police and Criminal Justice Reform

According [to polling](#), “Americans, regardless of race, strongly support policies including body cameras, holding police accountable for excessive force, racially biased policing, and misconduct by their peers, creating criteria for the use of force, requiring racial bias training, and establishing civilian review boards.”

Despite public consensus on the need for criminal justice reform and the murders of Black Americans by law enforcement, the [George Floyd Justice in Policing Act](#) was not enacted due to the threat of a Senate filibuster (it passed by a wide majority in the House).

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# Voting Rights

In 2021, the Senate was unable to garner 60 votes to end the filibuster of the [John Lewis Voting Rights Advancement Act](#), which would restore voting rights protections at the state level for Black and other Americans. [Research](#) from the Brennan Center shows that, “as of May 4 [2022], at least 34 bills with restrictive provisions are moving through 11 state legislatures. Overall, lawmakers in 39 states have considered at least 393 restrictive bills for the 2022 legislative session. Since the beginning of 2021, 18 states have passed 34 restrictive voting laws, which can [disproportionately affect voters of color.](#)”

For more on the impact of the filibuster in blocking critical priorities, read [The Impact of the Filibuster on Federal Policy Making](#) by the Center for American Progress.

NONPROFITS TO KNOW



# The Filibuster - Undemocratic?

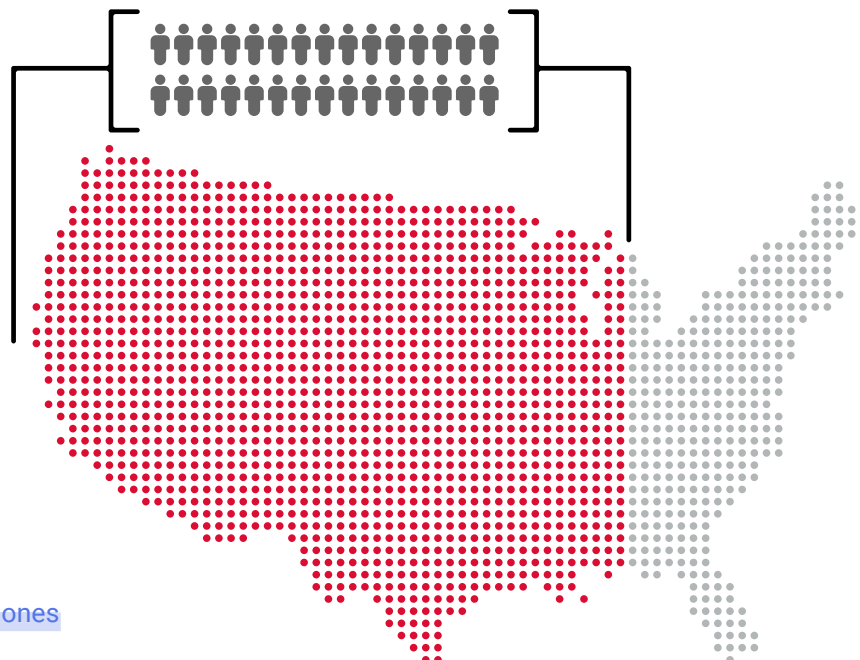
Our representation in the House of Representatives is informed by the population of each state, i.e., the bigger your state, the more representatives you get.

Not so with representation in the Senate. Regardless of where you live or how many folks you call your neighbor, in the Senate, each state gets two representatives. This means that 39 million Californians get the same representation as 580,000 Wyomingites. And the 700,000 folks living in the District of Columbia get no representation — a subject for another day.

We now know that a minority, or 41 senators, can effectively block legislation by the mere threat of a filibuster. If you couple that fact with the realization that these 41 senators represent a minority of the population of the U.S., you can see there's a problem.

Minority rule in the Senate means that our country is being controlled by a smaller and smaller group of Americans. And it's predicted that unequal representation in the Senate will only get worse.

**By 2040, roughly 70%, or more than 230 million Americans, will be represented by only 30 senators.**



Source: [Mother Jones](#)

We the People

## Filibuster Facts

# The Filibuster is NOT in the Constitution

The Constitution gives the Senate and House of Representatives the authority to “determine the rules of its proceedings.” Both the filibuster and the supermajority requirement for cloture can change at the Senate’s **discretion**. Not only is there no explicit mention of the filibuster in the Constitution, but modern uses of the filibuster are contradictory to the framers’ intent. In the **Federalist papers**, James Madison argued against any supermajority requirement for legislation noting that the “...the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: The power would be transferred to the minority.”

# How You Can Take Action

## Learn More About Filibuster Reform

There are several proposals in play to reform the Senate filibuster and ensure that our policy priorities aren't dictated by a minority of senators.

**Elimination:** [Many Americans and nonprofits are advocating for eliminating the filibuster.](#) Ironically, it only takes a simple majority, or 51 senators, to do that.

**Filibuster exceptions or carve-outs:** A simple majority of senators could determine that there are some issues, like [voting rights](#), that would be exempt from the filibuster.

**Talking Filibuster:** Proponents suggest that if senators had to engage in debate about legislation, it would raise the ante for engaging in a filibuster, create more transparency in government, and increase the incentive for compromise.

**Lower the cloture vote threshold:** It's happened before: In 1975, after Watergate, the Senate reduced the number of votes needed to end debate from 67 to 60.

## Identify How the Filibuster Affects the Issues You Care About

Connect the dots between your favorite issues and how policies are legislated. A good starting point is to work with intermediaries like [Movement Voter Project](#), [Borealis Philanthropy](#), and [Tides Foundation](#). These organizations have the expertise to help you get quickly up to speed and the capacity to help you quickly deploy your dollars.



# Prioritize Civic Education

The state of civic education in the U.S. is woefully inadequate and part of the reason that we have policies we don't want. Consider that [one in four Americans](#) are only able to name the three branches of government. In a [recent Monmouth survey](#), “just one in five (19%) Americans say they are very familiar with how the Senate filibuster works while another 40% are somewhat familiar. Slightly over one in 10 are not too (10%) or not at all (2%) familiar with it and another 29% have not heard of the filibuster at all.”

Join and support groups like [iCivics](#), [Texas Freedom Network](#), and [Indivisible Civics](#) to strengthen your own knowledge and ensure that more Americans get the information they need to thoughtfully engage in our democracy.

**“Just one in five (19%) Americans say they are very familiar with how the Senate filibuster works while another 40% are somewhat familiar. Slightly over one in 10 are not too (10%) or not at all (2%) familiar with it and another 29% have not heard of the filibuster at all.”**

## Get Political

As a donor, you can use your voice to influence change and advance equity. Check out this cheat sheet from the [National Center for Family Philanthropy](#) for suggestions on advocacy work you can support as a donor.

# Donate

Ultimately, our ability to eliminate the filibuster or create any reforms in Congress, depends on who we elect to represent us. And that is dependent on our ability to fight voter suppression and make it easier for all Americans to vote. The following grassroots organizations are doing year-round organizing to elect candidates who are responsive to and representative of the diverse communities they serve.



Works to build political and economic power in Black communities and institutions in North Carolina.  
501(c)(4)



Works to lift up the Black citizens, leaders, and businesses in Milwaukee and Kenosha through coordinated political action and civic engagement.



Focused on year-round civic engagement to build power for Black and Brown working-class communities in Michigan.



Led by changemakers fighting for social, racial, and economic change in Arizona.  
501(c)(4)



Works to unite the Latino community and its allies to promote social and economic justice through increased civic participation in Arizona, California, Colorado, Florida, Nevada, and Texas.



Works to build power and increase civic participation of Black, Latinx, AAPI, and young Georgians through non-partisan voter registration, organizing, and advocacy.



A grassroots political party that recruits, trains, and elects the next generation of progressive leaders to office.



A place for progressive donors who seek a strategic approach to political funding that wins elections, advances transformative policy, and builds lasting power in the states.

# References

[What Is the Senate Filibuster and What Would it Take to Eliminate It? \(Brookings\)](#)

[The Filibuster, Explained \(Brennan Center for Justice\)](#)

[Fixing the Senate Filibuster \(Brennan Center for Justice\)](#)

[The Racist Filibuster We Can't Afford to Forget \(New York Public Radio\)](#)

[Confronting the Anti-civil Rights Filibuster \(Facing South\)](#)

[Pirates of the Senate \(NPR\)](#)

[Heritage Explainer: The Role of the Filibuster \(The Heritage Foundation\)](#)

[WashU Expert: Filibuster Carve-out Protects Majority Rule \(Washington University in St. Louis\)](#)

[The Filibuster Protects Minority Rights, That Does Not Make it Racist \(National Review\)](#)

[Opinion | Angus King: What Happens to the Filibuster Depends on How Republicans Play Their Hand \(Washington Post\)](#)

[Complexities of the Filibuster: The Accidental Rule that Is Interrupting the Democracy We All Deserve \(League of Women Voters\)](#)