

Supplementary Material

Chapter 8: The New Deal and Great Society Era – Powers of the National Government

Senate Hearings on the Filibuster (1947)¹

The practice of the filibuster in the U.S. Senate allows one or a small group of senators to delay a vote by engaging in unlimited debate. The filibuster is an artifact of the rules of the Senate, which allows debate to continue unless a cloture vote is successful. In the nineteenth century, there was no cloture rule and any individual senator could continue debate indefinitely. Under the leadership of Alabama senator Oscar Underwood, the Senate adopted its first cloture rule in 1917 to allow two thirds of the senators to end debate, overcoming the obstruction of a group of anti-war senators. The two-thirds requirement was familiar in the Senate from a variety of constitutional provisions, including the number needed to ratify treaties or override vetoes. In 1946, a Southern filibuster defeated a fair employment bill. William Knowland, a freshman senator and civil rights advocate, was one of several senators who responded by proposing a change in the Senate rules. Knowland's proposal would have allowed a cloture vote to end debate with the support of a majority of all senators. Other proposals would go further and end debate with a majority of those voting. None of the reforms to ease cloture was adopted.

Is it important that the filibuster involves debate and discussion? Would the merits of the cloture rule be the same if it simply set the number of legislators needed to pass particular measures? As of 1947, there had been few formal filibusters that required a cloture vote. Does the number of filibusters actually launched in the Senate affect the attractiveness of the rule? Is the filibuster more or less justifiable than the presidential veto? Is the filibuster a valuable defense against narrow partisan majorities?

SENATOR WILLIAM KNOWLAND (Republican, California)

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The filibuster is the negation of the legislative process. It places in the hand of one man or a small group of men the power to strangle the operations of the Senate of the United States. That is too much power for any responsible man to want and it is far too much power for any irresponsible man to have.

We are now living in the atomic age. All over the world men are questioning the ability of representative constitutional government to meet and solve the problems of our generation. Most of the world has abandoned our way of life, economic and political.

I firmly believe that representative government can better meet the problems we face than any other form yet devised by man. But we must not undermine our legislative process or destroy the public's confidence in it by the use of the filibuster.

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I have been pleased to note the considerable number of newspapers in the South that recognize the evil of the filibuster. . . .

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It is my sincere belief that there is no threat to legitimate debate and discussion under the amendment I propose. In the first place, Senators will not be inclined to sign a cloture petition until debate has gone on for some time and has crossed the line from informative discussion to obstructionist

¹Excerpt taken from *Amending Senate Rule Relating to Cloture: Hearings before the Committee on Rules and Administration*, U.S. Senate, 80th Cong., 1st Sess. (1947).

time-consuming talk. Secondly, it will take a majority of the whole membership of the Senate, or 49 affirmative votes, to adopt it. . . .

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Section 8 of [Article I of the U.S. Constitution] states the powers that Congress shall have. It is inconceivable to me that it was ever contemplated by the founders of the Republic that any single Senator or small group of Senators, by the use of the filibuster, should exercise a veto over the ability of the Senate to perform its joint responsibility in the exercise of congressional powers. The use of the filibuster or the threat to use it can be as effective in blocking Senate action as is the Russian use of the veto in the Security Council.

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SENATOR TOM CONNALLY (Democrat, Texas)

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. . . . The United States Senate is the only place in this Government . . . it is the only place in the whole civilized world, where there is freedom of debate and discussion.

In this modern time now, with the radio going every night and these columnists preaching stuff to the people, unless the people can hear the debates and hear the discussion and get the reaction from the floor of the United States Senate, their minds can become misinformed and poisoned by all of this propaganda and this agitation, much to their injury and their disadvantages.

I don't believe that the history, if somebody will hunt it down over the whole period—I don't believe that the history of the so-called filibusters in the United States will result in anything except a verdict that most of the bills, maybe not all of them but a majority of the bills, the great majority of the bills against which the so-called filibusters were aimed, were essentially bad bills and should never have been passed. If they were good bills, the more debate there is on them and the more agitation there is about them, the more people of the country will find out about them and centralize their support behind them, and ultimately they will be enacted. You can't filibuster against a thing for your whole lifetime. You may filibuster against it once or twice successfully, but in the end, if it is a really meritorious measure the more debate and discussion is had on it, the greater the probability is that it will finally pass.

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But my chief difficulty in the matter is keep a free debate. We talk about free press. Free press is all right, but what is free press as compared to the freedom of the people's representatives, elected by the people to perform the highest functions known to civilized man; if he can't debate and can't express his views for his constituents and his State and his people, what is the use of free press or free anything else?

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[T]he reason for all these two-thirds rules in the Constitution is to prevent a majority from deciding the issue, which these resolutions are seeking to impose on us. We are not going to let a bare, naked majority of one vote in a partisan body, and it is always partisan, it is always either Republican or Democratic . . . and I am not drawing the distinction against either one of them.

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