

If you are familiar with the classic film *Mr. Smith Goes to Washington*, you're probably familiar with the filibuster. But what do they do, and why do they exist?

What do they do?

A filibuster is a Senate practice used to obstruct or delay action on a bill by holding the floor. This strategy allows for the minority opinion to be expressed prior to a vote. Though the time is intended to allow a senator to speak on behalf of the party's opinion, senators can hold the floor by any means necessary. Historically, tactics have ranged from reading a phone book to reciting Shakespeare. Thanks to the dual-track system of allowing multiple bills to be considered simultaneously, filibusters slow down Senate business.

How do they work?

Originally, filibusters were a strategy only utilized for the most important issues of the day. At the beginning of conception, senators left the act of ending a filibuster up to the senator speaking; therefore, the senator would speak until he/she felt heard. The Senate eventually adopted the cloture vote, a procedure used to end a filibuster and force a vote. Cloture is presented by the majority leader with the support of sixteen senators. With a vote of three-fifths of the Senate, debate would end, and the issue at hand would be brought under consideration.

Why do they exist?

Filibusters were not a part of the original design of the U.S. Senate—rather, a development of the mid-nineteenth century. Filibusters obstruct legislation that undoubtedly has the support of the majority. The 60-vote majority requirement is designed to encourage greater compromise on the most complex issues going through the Senate. Due to ever-growing strict partisanship, this 60-vote majority has become necessary for nearly *all* contentious legislation.

The filibuster has greatly evolved since its conception. Past reforms have included the creation of the cloture (as described above, a measure that ends debate and calls for a vote) and changing the thresholds to invoke cloture and end the filibuster (today it is 60 votes). Under former Majority Leader Harry Reid (D-NV) the Senate rules were changed, lowering the threshold to 51 for all executive branch nominees (including the Cabinet) and judicial nominees, except those nominated to the Supreme Court. In 2017, Majority Leader Mitch McConnell (R-KY) extended the 51-vote threshold to Supreme Court nominees.

Though the filibuster slows down the legislative process in the Senate, like [Democrats using it](#) to advocate for gun control or Republicans [using it](#) to slow down confirmation of President Obama's judicial nominees, elimination of the legislative filibuster would present its own set of concerns. Without the filibuster, it would be relatively easy for a simple majority to bring partisan solutions to fruition.

For example, the budget process allows for expedited consideration of certain measures that have budgetary impact and allows for passage with 51 votes. It was under this unique process

that the Obama Administration was able to enact the Affordable Care Act (ACA) and the Trump Administration enacted major tax reforms. Both measures have drawn ongoing criticism by the opposite political party and are subject to continued efforts to change or repeal because neither enjoys broader political consensus.