

Response to a Comment

Michael Sean Winters | Nov. 8, 2012 Distinctly Catholic

I do not normally respond to comments. I write my piece, and the comment box belongs to readers.

However, someone called a particular comment on [my post Wednesday](#) [1] to my attention and asked if the person was correct. The comment, from Allison Maloney, stated: "The Democrats can't 'reform the filibuster' because -- well, the Republicans would filibuster any such move. Sometimes your comments amaze me." As this concerns a matter of fact, not opinion, and has already confused one reader, I thought I should respond. On the first day of each Congress, both houses adopt their rules. In the Senate, this means adopting the filibuster rule. The vote on the rules is a simple majority vote - it cannot be filibustered. In the past both parties have declined to change the filibuster because they know that, at some point in the future, they might be in the minority and wish to avail themselves of it. But, whereas the filibuster was once rarely used, it is now regularly used to frustrate the majority will, expressed via the elected members of the body. I do not think it should be eliminated. Perhaps it would be enough to go back to the old rule which required a Senator to actually hold the floor, not merely threaten a filibuster. Perhaps its use could be limited beyond the extant limits on certain budgetary issues which only require a majority vote.

I am hostile to anti-democratic ideas as a matter of principle, but recognize that much of our Constitutional apparatus was designed to specifically prevent any majoritarian tyranny. But, the filibuster is not in the Constitution, only in the Senate rules. It is time to amend its use or eliminate it. I hope this will help Ms. Maloney be less amazed.

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[1] <http://ncronline.org/blogs/distinctly-catholic/what-now>