

#1411 Our Democracy is Filibusted, Time to Kill the Filibuster

JAY TOMLINSON - HOST, BEST OF THE LEFT: [00:00:00] Welcome to this episode of the award-winning Best of Left podcast in which we shall learn about the one element of our government that above all others has contributed to the absolute dysfunction of our democracy. For a quick overview, the filibuster was never intended by the founders, always anti-democratic, often used for racist ends and is now being abused at a rate never before seen. Clips today are from Last Week Tonight with John Oliver, Democracy Now, The Majority Report, the Medhi Hassan Show, Zerlina on MSNBC, Breaking the Sound Barrier with Amy Goodman, the Rachel Maddow Show and our old friend Nevada Senator Harry Reid.

Filibuster - Last Week Tonight - Air Date 9-9-19

JOHN OLIVER - HOST, LAST WEEK TONIGHT: [00:00:43] The modern filibuster is nothing like the Jimmy Stewart version. It's become an overused tool of obstruction, and in practical terms, it essentially means that a simple majority of 51 votes isn't nearly enough to pass legislation. If you don't get 60 votes for a bill, it's dead. Which means theoretically senators from the 21 least populated states, representing just 11% of Americans, could overrule everyone else, which seems pretty extreme. So to quote everyone who's ever sat in a bathroom stall with a three inch gap in the door, "why on earth was it designed this way?" people often claim that it goes back to the founding of the country. It's an argument that runs like this.

UNKNOWN REPORTER: [00:01:24] You may wonder why the Senate has this 60 vote rule when it's a straight majority rule in the House? Well, the answer is that the founders meant it that way. The Senate was designed to be the cooling saucer where the two parties were forced to work together, and hence that 60 vote threshold.

JOHN OLIVER - HOST, LAST WEEK TONIGHT: [00:01:45] Okay. So there's a few things to know about that. And the first thing is that it is not true. There is nothing about a 60 vote threshold for legislation in the Constitution. Nothing about it in the Federalist papers, nothing in Jefferson's private letters and nothing skillfully rapped by Alexander Hamilton to the delight of everyone within ear shot. In fact, Some historians say the filibuster was created by mistake, and even then the first one didn't take place until 1837.

So it was categorically not part of the founder's original vision. It's like claiming the day Alexander Graham Bell invented the telephone he also sent the first dick pic. No! No he didn't, that development came much later -- two weeks later.

But she is actually right about that whole cooling saucer idea. That's the story that comes up constantly and it goes like this.

UNKNOWN REPORTER: [00:02:32] The Senate was created to be a cooling saucer to the hot legislation that comes from the house.

SENATOR CHUCK SCHUMER: [00:02:37] It is the cooling saucer, we all know the story.

SENATOR EVAN BAYH: [00:02:40] The old metaphor of George Washington used was the House is the cup of coffee, where the coffee is very hot. The Senate is the saucer that you pour the coffee into so it can cool the passions of the House.

JOHN OLIVER - HOST, LAST WEEK TONIGHT: [00:02:50] First, never say coool like that ever again, ever. But setting aside the argument that the Senate should be more deliberative than the house, you might be wondering why on earth would someone pour coffee into a saucer. Well, in the 18th century people apparently did exactly that. They would pour coffee out of their cup, into a saucer to let it cool and then drink it directly from that. Which is clearly ridiculous, and it's honestly something I wish I'd never learned because Thomas Jefferson seems like a towering historical figure until you imagine him sipping out of a saucer like a fucking cat!

But it is true that the founders wanted the Senate to be a counterweight to the House. They achieved that though by having fewer members who serve longer terms, six years not two, and until 1913, not having them directly elected by the people. So if keeping the filibuster is not following the founder's wishes. Why do we still have it? Well, some argue that it preserved the Senate's ability to be a bastion of debate as this Senator explained in 1952.

SENATOR ROBERT KERR: [00:03:55] Senate of the United States into the last open forum in the world where the rights of all minorities can be fully and freely and completely debated. And while I would never and have never taken part in the filibuster, neither would I take part in an effort which would result in depriving any minority group in this country from having their calls fully discussed and fully debated on the floor of the United States Senate.

JOHN OLIVER - HOST, LAST WEEK TONIGHT: [00:04:22] Okay. So first the Senate's reputation as a haven of gentlemanly debate is that best overblown. In the 1800s Senators pulled pistols on each other, and at one point a Congressman used a metal topped cane to beat Senator Charles Sumner, nearly to death. So feeling nostalgic for the golden age of the Senate is like feeling nostalgic for nineties indie films than actually watching *Chasing Amy*. Because set aside the notion that any lesbian can be magically turned straight if the right guy comes along, what's extra offensive in hindsight is the idea that that guy would be Ben Affleck.

But that guy also touched on another major argument for the filibuster there, that it protects minority rights. Although it is worth noting that the minority whose rights have historically been protected by the filibuster are the political minority who have often used it to restrict the rights of racial minorities. The Senate's own website called the filibuster particularly useful the southern Senators who sought to block civil rights legislation. And it was used most notably by Senator Strom Thurmond. Just watch him announce his plans to try and kill the Civil Rights Act of 1964 by subjecting it to endless debate.

SENATOR STROM THURMOND: [00:05:31] It will be the aim of our small band of southern Senators to make certain that every facet of this legislation is discussed, considered, and expanded at great length. Even indefinitely, if necessary.

JOHN OLIVER - HOST, LAST WEEK TONIGHT: [00:05:47] Exactly! He just gave the game away there. He wanted to debate it indefinitely. His goal wasn't to consider every aspect of the bill, his goal was to kill it. He's like a five-year-old saying, "I shall pull the legs off this bug so that every facet of it may be discussed and considered a great length." no, that little psycho just wants to watch a bug die. And Thurmond knew just how obstructive and filibuster could be.

In 1957, he stalled another civil rights bill by speaking for a still record, 24 hours and 18 minutes straight while, according to some accounts, he had his aid wait in the cloakroom with a pail so he could relieve himself while still keeping a foot on the Senate floor.

And it's almost impressive to take a morally disgusting act and somehow make it physically disgusting too. It's like if Hitler had delivered all his speeches while publicly clipping his toenails. Now, modern filibusters actually no longer contain the David Blaine-esque feat of endurance element. And that is because in the seventies, in the interest of efficiency, Senators agreed to no longer require talking filibusters in the style of Mr. Smith goes to Washington or Mr. Thurmond goes to the bathroom in a bucket. Instead, now, if you just signal your intent to filibuster and have 41 votes on your side, a bill is doomed.

End the Filibuster: Calls Grow to Retire Relic of Slavery & Jim Crow to Make Senate More Democratic - Democracy Now! Air Date 1-25-21 New

ADAM JENTLESON: [00:07:04] The Senate was created to provide a counterbalance to the House which was supposed to be — the House was supposed to be -- the direct body that represented the people. And the Senate was always designed to provide sort of an elite counterweight. And it was designed to be a little bit anti-democratic in its inception. In the House, apportionment is determined by population. So, every district is about the same size, and every state has about the same number of House members proportional to their population. So, the bigger states have a lot more representatives. California has many more representatives in the House than, say, Wyoming, which has one representative.

In the Senate, every state gets equal representation. Wyoming has two senators, and California has two senators. California's population is about 39 million people. Wyoming's population is about 600,000 people. By that proportionate representation, it actually creates a disproportionate voting power. Every citizen in Wyoming has many more times the voting power than a citizen in California.

This was something that the framers were aware of when they created it, but some of them decried it at the time and said this is a big problem. Madison, who's often cited as the chief framer and constructor of the Senate, actually strongly opposed this kind of equal representation. And when I say "equal," I mean the same number of senators; the way it plays out is actually, dramatically unequal representation for the actual voters. Madison, at the time, said that it would be a great source of — he used the word "injustice"-- to give states equal representation. At the time that he called this an injustice, the biggest state was Virginia, and it was about 10 times as big as the smallest state, Delaware. Madison was right that it creates an injustice, but that injustice is several orders of magnitude bigger now than at the time. Virginia was 10 times the size of Delaware in 1789. Today, California is about 70 times the size of Wyoming. It is an unequal body. The way this —

AMY GOODMAN: [00:09:09] Seventy times the size. And for people who listen to this globally, each of them, because they're each a state, have two senators, have equal representation in the Senate.

ADAM JENTLESON: [00:09:20] That's right. And because a lot of . . . and, the way this plays out is that what that translates to is not just disproportionate representation geographically, but disproportionate representation in terms of racial, ethnic, minority voting power. California, obviously, is an incredibly diverse state. Wyoming is an incredibly monolithic state, demographically. But Wyoming has equal voting power to California. And this continues throughout if you go down the chamber, because the general pattern is that the more rural states, the lower-population states, tend to be overwhelmingly White. And what that translates to in our modern era is a dramatically disproportionate amount of voting power to White conservatives in America.

AMY GOODMAN: [00:10:03] Take this to the history of the filibuster. I want to play just a clip of President Obama speaking about the filibuster at the funeral of the late Georgia Congressman John Lewis.

PRESIDENT BARACK OBAMA: [00:10:15] 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.

AMY GOODMAN: [00:10:28] "Another Jim Crow relic," says Obama. You take this back, Adam, to slavery.

ADAM JENTLESON: [00:10:36] That's right. And Obama is 100% right. He's been consistent on the filibuster. He's always wanted to get rid of it. In his new memoir, he says he wishes he had started his first administration by rallying Democrats to get rid of it so that he could have passed more and bigger things. But, yes, he's absolutely right about the history.

The history, it's important to understand that the framers, for all their own racism and slaveholding status, even they did not want the filibuster to exist. When they created the Senate, it was an institution that had no filibuster power. It was designed to be a majority-rule body. It was designed to discourage obstruction. They were very clear about this; this wasn't just a coincidence or sort of a gray area. The reason they were clear about it was that they created the *Constitution* in the shadows of the *Articles of Confederation*, and the widespread view at the time was that the reason the *Articles of Confederation* failed was that its Congress required a supermajority threshold to pass most major legislation. And the framers saw that had been a disaster, and they created a Senate that was majority rule and they wrote very clearly in the *Federalist Papers*, in their own correspondence and other sources that they believed that a minority, a numerical minority, in the Senate should not be given the power to obstruct what the majority wanted to do. By all means, the Senate was supposed to be deliberative. It was supposed to be thoughtful. It was supposed to take things a little slower than the House. But there was a certain point at which debate was considered to have run its course. And at that point, a majority was allowed to end debate, bring the bill up for a vote and pass or fail it on a majority vote.

What happened was, over the course of several decades, after all the framers had passed away, other senators did use some obstructive tactics over the early decades, but it was very rare. John C. Calhoun came along, the "Great Nullifier" senator from South Carolina, a grandfather of the Confederacy, and he innovated some of the tactics that became known as the modern filibuster. And he did it for the express purpose of increasing the power of the slaveholding class. What he saw at this time — this was around the 1830s and 1840s — was that slaveholders and slave states were becoming steadily outpowered in Congress. And he

knew that if majority rule was allowed to continue, slavery was going to end. And they needed to — he felt a very compelling desire, from his perspective -- to increase their power in the Senate.

And what he did was innovate what we would describe as the modern talking filibuster, the sort of Jimmy Stewart-style holding the floor, joining with allies, to delay a bill that he opposed, and, at the same time, doing it all in the service of this lofty principle of minority rights. And what he . . . the minority that he sought to protect was not a vulnerable population, by any means. It was the planter class, the slaveholders. And that was the origin of this essential principle of minority rights being tied to the filibuster. It was a desire to protect not a vulnerable minority but the minority of the planter class against the march of progress that Calhoun thought would progress under a majority-rule system.

AMY GOODMAN: [00:13:53] Take that to today and this battle over the filibuster in the Senate, the trajectory from slavery to Jim Crow to the new Biden Administration and the Democratic majority, and what they're trying to do.

ADAM JENTLESON: [00:14:07] Sure.

AMY GOODMAN: [00:14:07] — whether we're talking about COVID relief or talking, for example, about impeachment.

ADAM JENTLESON: [00:14:15] Sure. The key development in the history of the filibuster, from the time of Calhoun to now, is the transition from this talking filibuster, the Jimmy Stewart-style holding the floor, into a supermajority threshold that can be applied to block any bill. And just to underscore, for the first 200 years of its existence or so, the Senate was majority rule. Even as the filibuster started to develop in Calhoun's time, all that senators could do was delay a bill. They had to talk on the floor, and eventually they had to give up. There was no ability to impose a supermajority threshold.

That didn't arise until after 1917, when the Senate put a rule on the books that, ironically, was designed to end filibusters. It implemented a supermajority threshold under the principle that after debate had gone for long enough, two-thirds of the body would be able to come together and say, "You know what? This is enough. Let's cut this off. Let's move to a final debate — a final vote on the bill."

It took a long time for this to happen, but Southern senators in the Jim Crow era — and this gets back to what President Obama was talking about — started to reverse the purpose of that rule, and instead of using it to end debate, as it had been designed to do, started using it as a higher threshold for civil rights bills to have to clear. And it's important to underscore how transformative the power of racism was in this evolution.

AMY GOODMAN: [00:15:41] Adam Jentleson, if you could end by talking about what this means for the COVID relief bill, who gets helped, and who doesn't.

ADAM JENTLESON: [00:15:49] Sure. What Sanders has done is accurately identify a process called budget reconciliation, that is an end run around this supermajority threshold that I was describing. That threshold has gone, from the Jim Crow era, from being only applied to civil rights bills, to today being applied to every bill. And this is the primary source of gridlock in the Senate.

As the budget chair, Sanders can use reconciliation to go around it. That can be used for the COVID relief bill. He's absolutely right about that. That may be where we go. It will enable us to pass COVID relief over the objections of Republicans and not have to clear a 60-vote threshold.

Long term, though, the filibuster will rear its head, because anything involving civil rights, democracy reforms or those types of reforms cannot go through reconciliation. Reconciliation is a restrictive process that has tight rules. They have to be budgetary items to conform with its rules. Ultimately, we're going to have to face this question of the filibuster if we want to do things like D.C. statehood, Puerto Rico statehood, any kind of civil rights expansions, automatic voter registration. All of that stuff can't go through reconciliation. If we don't reform the filibuster, it will die by the filibuster. That's where this issue will really come to a head for Democrats.

Count How Many Lies Mitch McConnell Spews In This 1 Minute Clip - The Majority Report - Air Date 3-24-21

SAM SEDER - HOST, THE MAJORITY REPORT: [00:16:53] We mentioned early upfront here that gun control has moved to the forefront, again, of the national conversation. The reason why it is unlikely to pass, or at one of them, but the, probably one of the biggest ones, at least before you can even have a conversation, is because of the filibuster. And yesterday Mitch McConnell reiterated his threat to Democrats if they, and we should make it clear, the filibuster is gone for judicial nominees, both supreme court and federal judicial, those are two different steps, the filibuster is gone for nominees of cabinet secretary of Senate, of positions in the administration requiring Senate confirmation, that's gone.

All of those things have been rolled back by Democrats and Republicans over the past 10 or so years, essentially because Republicans were so relentless in obstruction. And now Mitch McConnell, you'll remember Mitch McConnell's the one who prevented a supreme court nominee from getting a hearing because it was only a year out from an election, is claiming that if the Democrats get rid of the filibuster for legislation, he's going to go "scorched earth".

I think there's a strategy of why he came out and said this blatantly false assertion about the filibuster yesterday. This is Mitch McConnell on Capitol Hill.

UNKNOWN REPORTER: [00:18:27] On the Senate floor you argue the filibuster is not rooted in racism. Historians differ on this. Are you concerned about the perception if it is used against advancing voting rights? Certainly the public perception is that Republicans are going to use this tool to make it harder for Black people to vote.

SENATOR MITCH MCCONNELL: [00:18:45] Actually historians do not agree. It has no racial history at all. None. So there's no dispute among historians about that. I make no apologies for opposing this bill. You've heard Senator Blunt outline the various flaws involved in it. This is all about a power grab. If it were related to civil rights why were the Democrats using the tool last year and the year before that? And the last six years? Why is it all of a sudden, a civil rights issue when it wasn't for them as recently as last year?

Honestly, with all due respect, that is nonsense. This is the power grab. It's all about trying to take over the American election systems. It has all kinds of flaws and under Senator Blunt leadership we're going to begin to point them out in great detail, starting tomorrow in the rules committee.

SAM SEDER - HOST, THE MAJORITY REPORT: [00:19:43] Now they're talking about HR1, or now introduced in the Senate as S1, this is a voting rights bill. It also has anti-corruption measures in terms of our elections and in terms of transparency for donations, but it is just simply a fact that the filibuster, particularly -- it has changed over the past 20 years because McConnell started to deploy it in every circumstance possible, imaginable.

But for the first, I don't know, 50, 60 years in the existence of the filibuster, it was deployed primarily to stop the expansion of, or I should say the expansion of rights for Black people and voting rights for people in this country but really just the creation of parity of rights to some degree.

EMMA VIGELAND: [00:20:29] And it was deployed so sparsely and only really specifically for the purpose of blocking civil rights legislation that northern Democrats at the time, or northern liberals, just allowed the southern racists to use it because they wanted to throw them a bone for other legislative priorities, like the new deal back in the day, to get through.

There's a quote Adam Jentleson took from Senator Richard Russell in 1949 where he basically admitted that this was really about blocking civil rights legislation. So there's no real differing historical data on this. The proof is in the pudding. This was how things worked back when the filibuster was being utilized decades before. He's trying to muddy the waters, McConnell now, and frankly, I actually think it's one of the best strategies he's deployed since he's now become the minority leader. Because now the conversation is about racism and regular people who aren't paying attention to the historical context might go "Wait. Yeah, they were using it back during when the Republicans were in power. How are they turning around and calling the Republicans racist?" When obviously there have been many Democrats, even when the Republicans were in power, who were saying once we are in the majority we need to do filibuster reform.

SAM SEDER - HOST, THE MAJORITY REPORT: [00:21:51] I agree and even would add to that that it muddies the water about the racist quality, but it also -- look, during the years of Trump and Obama, all of our politics got highly racialized, on both sides. And by making this about the notion that Democrats are ostensibly calling them racist because of the the filibuster, as opposed to the fact that we know their voter suppression techniques focus primarily on communities of color, particularly Black people because they know the relationship between being Black and being Democratic is 9 to 10, essentially, maybe a little bit more. They will target minority districts, Black districts, and they know if they can suppress the votes there, they are going to help themselves.

So, yes, I agree. It's a way of racializing this issue, which it is a racial, but it's a way for them to use a Clarion call and get their folks in supportive of not getting rid of the filibuster. Frankly, I don't think it's going to work. People don't care about the filibuster. Period. End of story. They care about legislation that's passed and none of them want to own a lot of these things that they vote for or particularly against.

Will Democrats Finally Kill the Filibuster Once and for All - The Mehdi Hasan Show - Air Date 1-21-21

MEHDI HASAN - HOST, THE MEHDI HASAN SHOW: [00:23:05] Mitch McConnell's spoke in the Senate this afternoon. Have a listen to what he said.

SENATOR MITCH MCCONNELL: [00:23:11] Twenty years ago, there was no talk, none whatsoever, of tearing down long-standing minority rights on legislation. The legislative filibuster is a crucial part of the Senate. Leading Democrats, like President Biden himself, have long defended it.

MEHDI HASAN - HOST, THE MEHDI HASAN SHOW: [00:23:32] And like Nostradamus, just yesterday in the *New York Times*, you wrote McConnell will run the same playbook on Mr. Biden that he ran on President Barack Obama, come up with excuses not to work with the President that will sound lofty and politically valid. This morning, you tweeted out of that column saying the framers didn't come up with the filibuster because they saw McConnell coming. Unpack that a bit for us.

ADAM JENTLESON: [00:23:54] What the founders were concerned with, the framers were concerned with, was allowing a minority -- they described it as a pertinacious minority in one of the *Federalist Papers* -- to block the will of the majority. They were preoccupied with this because they had just seen what happened when you allow a minority to block a majority. As we're taught in school, the founders were writing the *Constitution* after the failure of the *Articles of Confederation*. And the reason the *Articles of Confederation* failed was because it required the Continental Congress to have a supermajority threshold for most major legislation. And so the framers had direct firsthand experience with what a government looks like when you require a supermajority threshold.

Alexander Hamilton in *Federalist No. 22* wrote that what might seem like a . . . the quote's escaping me now, but, what might seem like a remedy is in reality a poison. There's this intuitive sense that a supermajority threshold will facilitate bipartisan cooperation. What it really does -- and what the framers saw in their own time -- was that what it really does is allow the minority to throw a monkey wrench into the system for political gain and block the majority from doing anything and make them look bad. It took nearly 200 years for the Senate to evolve. It didn't have the filibuster when it was first invented. It took 200 years for it to grow into this tool that we see today where it can be used against nearly any bill that comes to the floor and require a supermajority threshold. But that's what's happened. And then, you know what, the result of that. It's exactly what the framers predicted which is that a pertinacious minority led by Mitch McConnell can block and embarrass the administration and do it for narrow political gains, not for the interest of bipartisanship or getting things done.

Is Filibuster Reform Mitch McConnell's 'Kryptonite?' - Zerlina. - Air Date 3-16-21

ZERLINA MAXWELL - HOST, ZERLINA.: [00:25:36] It used to be Senators actually had to stand up and speak on the floor and speak if they wanted to hold up legislation. That meant setting

up cots in their offices for long nights of debate. There you see Mitch McConnell doing just that during a filibuster against campaign spending reform back in 1988, when I was seven. It worked for McConnell back then. And it is back on the table now for Senate Democrats who have a lot they want to get done.

In recent weeks the House has passed really important pieces of legislation, on everything from policing to gun reform to voting rights, but with the filibuster in place, all of that seems doomed in the Senate. So yesterday the second highest ranking Democrat in the Senate, Dick Durbin, came out in support of bringing back the talking filibuster.

SENATOR DICK DURBIN: [00:26:29] The filibuster is still making a mockery of American democracy. The filibuster is still being misused by some senators to block legislation urgently needed and supported by a strong majority of the American people. This is what hitting legislative rock bottom looks like. If a Senator insists in blocking the will of the Senate, he should at least pay the minimum price of being present. No more phoning it in. If the Senate retains the filibuster, we must change the rules so that any Senator who wants to bring the government to a standstill endures at least some discomfort in the process.

ZERLINA MAXWELL - HOST, ZERLINA.: [00:27:07] And yes, that discomfort might include rolling out a cot in your Senate office. But it might also be the best way forward for Democrats in Congress now.

Joining me now is Democratic Congressman John Yarmuth of Kentucky. He is the chair of the House Budget Committee. Thank you so much for being here tonight. Congressman all of this talk about reforming or eliminating the filibuster seems to have gotten the attention of your home state Senator Mr. Mitch McConnell. Here's what he had to say on the Senate floor today.

SENATOR MITCH MCCONNELL: [00:27:39] Nobody serving in his chamber can even begin, can even begin to imagine what a completely scorched earth Senate would look like. Everything that Democrat Senates did to President Bush and Trump, everything the Republican Senate did to President Obama would be child's play compared to the disaster the Democrats would create for their own priorities if, if, they break the Senate.

ZERLINA MAXWELL - HOST, ZERLINA.: [00:28:17] That sounds like a threat. what's your reaction to that statement from Senator McConnell today?

REPRESENTATIVE JOHN YARMUTH: [00:28:24] All right, I've known Mitch a long time, many years, and Mitch is a man of few words. And when he speaks like that you know one thing, he is scared to death. Ending the filibuster would be like his kryptonite. This is his Achilles heel. This is what he lives for, is to wield the power of a minority. And nobody ever intended, when the filibuster was created, nobody ever intended it to be, to mean the rule of the minority, but that's what it's come to be.

And as Mitch said, both sides have used it. Unfortunately, the history of the filibuster's pretty sorted because it's been used far more often to either uphold slavery back in the old days or prevent civil rights legislation from advancing. In modern days it's basically been used as a partisan tool to stop the other side from getting victories.

Again, the more Mitch screams, the more -- we think he protests too much -- he is scared to death that we're going to do that because if we were to in some way in the filibuster or alter the filibuster, what we would do is pass legislation that would probably prevent Republicans, first of all, from ever having any control in Congress, and secondly, we would pass legislation that was so popular that the Republicans wouldn't know how to respond.

ZERLINA MAXWELL - HOST, ZERLINA.: [00:29:45] Well, one of the things that's interesting is that, to think about in this moment, is that the Republicans did not have a platform at their convention in 2020. They held their convention partly at the White House, starring Donald Trump and his family, and they had absolutely no policy platform. So in terms of what Mitch McConnell is afraid of, is it in part that if they have to stand up there and say, filibuster the voting rights bill, HR1, that they're going to have to come up with valid reasons to do that, and it will become very obvious that there really isn't anybody behind the curtain.

REPRESENTATIVE JOHN YARMUTH: [00:30:22] I think that's exactly right. Zerlina. The Republicans don't stand for anything right now. The only thing they want to do is keep taxes low and then keep the regulations minimal, and that's not something that has anything to do, really, with the filibuster. Can you imagine if we were to pass the Voting Rights Act, HR1, and then the John Lewis Act, HR4, and the background checks on gun purchases, and the other things that are on the table right now, and then say the Republicans take control of the entire Congress, you think they're going to try to repeal that, those things that would be amazingly popular throughout the country? Of course they won't.

So his threats are really empty, totally empty. If I actually thought that the Republicans had an agenda that they wanted to advance, that would roll back civil rights, would make our economy less equitable, then I might worry if the precedent were set that we eliminated the filibuster, but that's really not realistic right now.

The reality is that the filibuster, which some people justify by saying it promotes bi-partisan compromise, everybody knows that's not true. It has not done that. It basically been a tool for the minority to veto legislation.

ZERLINA MAXWELL - HOST, ZERLINA.: [00:31:40] So, going forward, do you think that moderate senators like Joe Manchin and Kyrsten Sinema, do you think that they're persuadable? I mean, they sound, in recent reports, open to the idea of modifications to the filibuster, or maybe making it the talking filibuster again, specifically on legislation that deals with civil and voting rights. Do you agree that that should be done on those bills specifically, or are you in favor of the talking filibuster for all pieces of legislation that come in front of the Senate?

REPRESENTATIVE JOHN YARMUTH: [00:32:10] I'm totally in favor of abolishing the filibuster, but that's not going to happen. I think there probably aren't enough Democratic votes to do that, but anything that puts the onus on the minority to sustain the opposition rather than to just automatically say, "well, we have 41 votes and 41 votes prevail," so the discussion goes nowhere, the bill goes nowhere. That should not be the operating principle.

So I think Senator Durbin was absolutely right. I think those who say if you want to protect the principle of extended debate, which I think is legitimate, and that's the way the filibuster started, it was the idea that you wanted to guarantee the minority the opportunity to make their case, we ought to preserve that provision. But put the burden on the minority to do

that and not just let them say you don't have 60 votes, therefore the minority prevails and that's where we are right now.

What Is Manchin's Real Agenda w/ David Sirota - The Majority Report - Air Date 4-11-21

SAM SEDER - HOST, THE MAJORITY REPORT: [00:33:14] Let's talk about what's going on with Joe Manchin. And I think your point that it's more like Veep than House of Cards, I think people really have to understand this. Even in the White House and maybe even particularly in the White House, and particularly with Joe Biden.

And I want to get to a broader conversation about this with you. They're just reacting. Every day is just a series of reactions. What do you make of the op-ed that Joe Manchin published two days ago? Because it seems to me that he's just done a 180 on his talking filibuster.

Give me your sense of that and why he might've done it.

DAVID SIROTA: [00:33:48] I just think he -- I think he doesn't -- this is a nice way of putting it, but I think he either doesn't know where he actually stands, he's actually almost thinking out loud and doesn't actually have a set principle at play. And so that's a nice way of putting it. A less charitable way of putting it is that he enjoys being at the center of controversy. He's a narcissist. He's John McCain. And I don't want to stomp on his grave or whatever, but like John McCain was the same kind of way in the Senate. John McCain enjoyed the circus revolving around John McCain. You could argue that John McCain had relatively a few clear principles. And the principle was that John McCain had to be at the center of the controversy. And so I think Joe Manchin is leaning into being the guy that everything swirls around.

And now what's sad is that the only reason Joe Manchin is that guy is because he's a Senator on the Democratic side who's willing to play that role. Any individual Democratic Senator could play the same role, granted in a different way. But you can take that if in a 50-50 Senate you need all of the Democratic senators for to pass something, then any single Democratic Senator could play this kind of game.

Now it's true that most of the senators say, at least publicly, the Democratic senators, that they want to reform the filibuster. And so Joe Manchin is leveraging his situation to stay at the center of the controversy. And my guess is that part of that is he just likes being at the center of the controversy, right? Politicians enjoy attention. The political system self-selects for people who enjoy attention. And then the other question is like, what is he leveraging that for? What actual power is he leveraging that for? And, we at the Daily Poster, for instance, we reported on the tax bill related the situation, why is he suddenly saying he doesn't want the Biden-proposed 28% corporate tax rate? What does that really about? First, he originally said, I want an infrastructure bill and I'm for raising the corporate tax rate, but now 28% is apparently some problem for him. He wants it at 25%, which seems unbelievably arbitrary, like the difference between 25% and 28%. So what's that really about? And that's when we reported and we followed the money, that he's gotten a significant amount of campaign cash from a particular industry that bet big on the corporate tax rate. So this is a little convoluted, but hear me out.

The private equity industry, the Wall Street guys, the Gordon Gekkos of Wall Street, after Donald Trump's tax bill lowered the corporate tax rate from 35 to 21, a bunch of these big private equity firms bet big on the 21% corporate tax rate. They converted themselves to C corporations. That was a business bet on the 21% tax rate. They were betting their businesses on that tax rate. They had previously been partnerships. That industry has given a lot of money to Joe Manchin. It's actually given a lot of money to the SuperPAC that also boosted Joe Manchin.

If Biden raises the corporate tax rate even to 28%, presumably it's not good news for those Wall Street giants that bet big and cannot, by the way, revert back. They're locked in. They can't go back to being what they were. They're locked in to a corporate structure that is reliant on this corporate tax rate.

Joe Manchin is essentially going to bat in a very big way for some of the biggest private equity firms in the world. And there's a kind of a sad irony, or maybe irony is not the right word, but like here's a Senator from one of the poorest states in the country, who is effectively going to bat for the billionaires, in a direct way. I'm not talking like billionaires, like metaphorically. I'm talking about like literally the moguls on Wall Street, right? The Gordon Gekkos on Wall Street. The senator of one of the poorest states in the country going to bat for these moguls. He's not like a New York senator or Connecticut senator representing some of these guys in Greenwich or living in Manhattan. He's going to bat for them to try to keep their tax rates low. And so I think with Manchin, again, I guess it's a long way of saying, he likes being at the center of attention and always follow the money, right? The guy's got to raise a lot of money to run for reelection in West Virginia.

SAM SEDER - HOST, THE MAJORITY REPORT: [00:38:02] That's fascinating. And I will say this, to be fair, it shouldn't come as a surprise to people that politicians want to be in the center of things. And look at what I'm doing for a living. I also, I'm just literally sitting here in the center of a set. So I can understand that desire, I guess, in some people it's greater than others. I used to work in show business, and it's not hard to find people who just that's their North Star, it's not even a conscious thing. It's just if there's an opportunity, that's where they gravitate towards that.

And the tax thing is really fascinating because it strikes me if Biden had said 31, Manchin would've said the real number is 28. The point that you're making here, I wonder if, because it feels like he reversed himself on the filibuster and the interesting thing about with the filibuster gone, if you're talking like his sole desire was to be that guy, that leverage point, getting rid of the filibuster would make him arguably -- and maybe Kristen Sinema, but I think Manchin because he's coming from a state where that's the difference between, let's say a Joe Lieberman and a Joe Manchin Joe Lieberman was coming from a blue state in Connecticut. And we spent a lot of time talking about it back in the day. Manchin comes from a state that voted overwhelmingly for Trump. So he at least has some built-in narrative that could justify on some level. But this guy could spend the next at least two years anyways, or a year and a half, to be whatever he wants, Joe Manchin could get from the Democratic caucus. But there are times where I think like there are some politicians, and maybe there's all the politicians, don't want to be that guy. They don't want to be in a position of making or breaking every piece of legislation that comes by because they're stuck between two different -- there may be some big donors and maybe one of the poorest states

in the country, how do you justify these votes and maybe he doesn't want to take those votes?

I think that's a good point. And I also think that we're circling around this idea that they're always trying to come up with ways to not be held responsible. The parliamentarian. Oh, it's not me, it's the parliamentarian. Oh, the filibuster. Is not me, it's the filibuster. And we have to preserve this institution because of -- by the way, the nonsensical argument that the filibuster must be preserved to preserve minority rights. The minority. We're not talking about people of color. We're talking about the minority of the population -- is so absurd on so many levels. Because here's the thing. And this is, let's just not in the conversation, which is to say that the Senate, by virtue of it being two senators per state, preserves significant power, disproportionate power, for the minority of the population in the country. Because even at 50 votes, there are 50 Senate votes that can represent a minority of the country that can still block anything in a filibuster-free Senate. So the filibuster actually takes an undemocratic institution, inherently undemocratic, and makes it like insanely undemocratic. But the idea, you hear this all the time, but we have to preserve the filibuster in order to make sure that the Senate remains this special place where minority rights are disproportionately represented. But that's a lot of crap. Because a simple majority vote with all of the smallest States can still stop anything at once in a 50-50 vote situation.

So you're right to ask the question, what is Manchin's real agenda? What does he get out of this? And by the way, and I'm not saying that there's a conspiracy here, but what does the Democratic caucus get out of pretending or saying that they want to end the filibuster, but having Joe Manchin but them being able to say look, Joe Manchin represents a Republican state. He wants to look like he's bipartisan. We can't get rid of the filibuster. Lots of people are actually benefiting from Joe Manchin trying to stop the end of the filibuster. Even the Democrats who are able to issue press releases, saying, I want to get rid of the filibuster, I'm for X, Y, and Z, preserving the filibuster still prevents them or makes it easier for them to say, look, I said I was for this and that good thing, but I just couldn't do it. That's how politics perpetuate status quo.

Activism: Support No Excuses PAC and W.V. Cant Wait - Best of the Left - 4-14-21

JAY TOMLINSON - HOST, BEST OF THE LEFT: [00:42:21] Now that you're informed that angry, here's what you can do about it. Today's activism is to support the No Excuses PAC and West Virginia Can't Wait. Senators Joe Manchin and Kristen Sinema seem to be wearing their anti-progressive stances as a badge of honor. They should not feel this bold. They need pressure from their voters to change their tune, and as of right now, they have proved they both need to go. That's why the political action organization No Excuses PAC is working on the grassroots level in Arizona and West Virginia to find primary candidates to challenge both senators with someone who will actually fight for progressive change and do what needs to be done to make that happen like ending in the filibuster.

No Excuses PAC was founded by former staffers of Representative Ocasio Cortez. They launched the organization in response to Manchin's objection to COVID relief checks, but they expanded their mission when Christian Sinema also rejected the \$15 minimum wage and an end to the filibuster.

Additionally, the organization West Virginia Can't Wait is working on the grassroots level in the state to build a people's movement. They have created a platform to rally around a new deal for West Virginia. The platform was developed after nearly 200 town halls and thousands of voter surveys, and it also includes ending mass incarceration and homelessness and forming a state bank and a worker's bill of rights. The organization hopes to inspire West Virginian voters to fight for the policies they want and to hold Manchin accountable. Both of these pressure campaigns can help reinforce to Manchin and Sinema that flexing their unearned power is not to their political advantage. In fact, it may prove to be the end of their careers if they don't change course. So visit noexcusespac.com and wvcantwait.com to get involved and support these efforts.

Now Is the Time to End the Filibuster - Breaking the Sound Barrier by Amy Goodman - Air Date 3-18-21

AMY GOODMAN - HOST, BREAKING THE SOUND BARRIER: [00:44:13] This their first victory lap may turn out to be their last. The Republican minority in the U.S. Senate seems firmly committed to deploying the filibuster to block all forthcoming Democratic legislation. The filibuster is not enshrined in the Constitution; it could be altered or eliminated through a simple majority vote of the Senate. As Republicans nationally ramp up an unprecedented attack on democracy, with at least 253 laws in 43 states, at last count, aimed at restricting voting rights, primarily targeting voters of color, and with the certainty of extreme gerrymandering forthcoming as Republican-controlled state legislatures coordinate partisan redistricting, the need to eliminate the filibuster has never been more urgent.

The filibuster has long empowered white supremacists to protect and extend slavery, segregation, Jim Crow, and all their modern manifestations, from voter suppression to mass incarceration. When Congress was founded, both the House and the Senate required only a simple majority to pass a bill. In 1805, Vice President Aaron Burr, while facing murder charges for killing Alexander Hamilton in a duel, suggested that the Senate remove its "previous question" rule, as it was almost never used. That minor edit created a fatal loophole in Senate procedures, ultimately allowing the minority party to obstruct progress by endlessly extending debate through what was later dubbed the filibuster.

In 1841, South Carolina Senator John Calhoun, perhaps the fiercest defender of slavery in U.S. history, figured out that he could rally his fellow slave state senators, a minority in the Senate, to grind proceedings to a standstill with long speeches and other procedural obstacles.

ADAM JENTLESON: [00:46:15] "For the first 200 years of its existence, the Senate was majority rule,"

AMY GOODMAN - HOST, BREAKING THE SOUND BARRIER: [00:46:19] Adam Jentleson, author of "Kill Switch: The Rise of the Modern Senate and the Crippling of American Democracy," explained on the Democracy Now! news hour.

ADAM JENTLESON: [00:46:28] "Even as the filibuster started to develop in Calhoun's time, all that senators could do was delay a bill. They had to talk on the floor, and eventually they had to give up."

AMY GOODMAN - HOST, BREAKING THE SOUND BARRIER: [00:46:36] That changed after World War I. Southern senators targeted anti-lynching laws, managing to block 200 attempts over the years to formally designate lynching as a federal crime. Kentucky Senator Rand Paul single-handedly blocked passage of the Emmet Till Antilynching Law in June of 2020, even though the bill passed the House by a vote of 400 to 4.

Southern Democratic “Dixiecrats,” led by South Carolina Senator Strom Thurmond, also filibustered major civil rights legislation. Thurmond holds the record for filibustering, delaying passage of the 1957 Civil Rights Act by speaking for 24 hours and 18 minutes. The 1964 Civil Rights Act was filibustered for close to 75 days before it finally passed.

The filibuster has been used more and more to block not just civil rights legislation but practically all progressive bills. As the filibuster is currently practiced, a Senator does not need to hold the floor to stop a bill, but needs only to place a phone call to the Senate staff. Thus, a single senator has the power to secretly kill legislation, even a bill with overwhelming public support.

Congressional Democrats hope to pass a slew of bills: The For the People Act and The John Lewis Voting Rights Act, to protect voting rights; the George Floyd Justice in Policing Act; bills to increase the minimum wage to \$15 an hour and major infrastructure bills that will include elements of a Green New Deal to combat catastrophic climate change. Democratic Congressmembers Pramila Jayapal and Debbie Dingell have just introduced a Medicare for All bill, which, amidst the ongoing COVID-19 pandemic, has growing support.

None of these has a chance if the Senate filibuster stays in place. Democrats will need all 50 of their Senators to change it, and, currently, conservative Democrats Joe Manchin of West Virginia and Kirsten Sinema of Arizona have pledged to reject an outright ending of the filibuster. President Biden publicly supports a return to the “talking filibuster,” requiring senators intent on filibustering to actually hold the floor, speaking without interruption. Manchin says he is open to that, and, presumably, Sinema could be convinced as well.

Kentucky Republican Senate Minority Leader Mitch McConnell has pledged a “scorched earth” response to any change in the filibuster. McConnell, like slavery’s arch-defender John Calhoun 180 years ago, wields raw power with a ruthlessness almost unparalleled in U.S. Senate history.

The filibuster has been a tool of white supremacists for far too long. A fleeting opportunity to end it has arrived; for the growing, diverse majority in this country, it has become an intolerable impediment to progress, and must end now.

'What Are We Waiting For?': Why Filibuster Reform Should Happen Sooner Than Later - The Rachel Maddow Show - Air Date 3-19-21

RACHEL MADDOW - HOST, THE RACHEL MADDOW SHOW: [00:49:40] One of the things that we're also expecting is an infrastructure bill, and infrastructure is one of those things that in theory, Republicans and Democrats agree on. But in practice, what we will find is that Republicans are not going to vote for anything that starts on the Democratic side. And that

seems to advance a Biden initiative. That is something that they can do avoiding the filibuster, in some ways, using the budget reconciliation rules, the same rules they use to pass the COVID relief bill with just 50 Democratic votes. When that happens, is that going to actually delay progress or advance it because they are going to be able to get something done likely on infrastructure, which will be popular for the country and which will likely be expensive, using some sort of one last path around the filibuster without changing it.

ADAM JENTLESON: [00:50:26] Yeah, I have a few concerns about infrastructure and specifically doing it through reconciliation. One concern is what you mentioned of the fact that, if you get a lot done, maybe its sort of takes some of the steam out of reform. I do think that probably less is going to get done through infrastructure than we think it's going to be. I think if you look at the experience of minimum wage and seeing that get struck from the first reconciliation package, I think a lot of other priorities are going to go the way of infrastructure, and people are going to think they're going to get passed, but that they're not going to cause the parliamentarian is going to strike them.

But the other thing that's dangerous about infrastructure and doing it, shifting to it and doing it through reconciliation, is that you could end up delaying any serious discussion over the filibuster reform past the holidays. Infrastructure, once you engage in, it will probably take you through the summer, potentially past Labor Day, and you can quickly find yourself up against Thanksgiving before we're having a serious conversation about getting the filibuster reform so that we can pass things like voting rights. So, I think it would be wise for senators, as we go through these next few weeks -- infrastructure won't be ready to be moved through reconciliation for a few more weeks -- there's going to be a period here where things will be coming up on the floor. I think it would be wise for senators to start thinking very seriously about whether or not we should just go ahead and do the reform now because what are we waiting for? We don't need any further proof the Republicans are going to obstruct, assuming that they do obstruct these things, and you might as well just get it done and spend the next year and a half passing popular things that are good for America and that you can run on in 2022.

RACHEL MADDOW - HOST, THE RACHEL MADDOW SHOW: [00:51:46] And that would allow all sorts of people to vote without undue interference in the next election in 2022, if they can save voting rights that way.

Reid Calls for Filibuster Reform to End Gridlock - Nevada Senator Harry Reid - Air Date 11-22-13

SENATOR HARRY REID: [00:51:54] The American people believe Congress is broken. The American people believe the Senate is broken. And I believe the American people are right. During this Congress, the 113th Congress, United States has wasted at an unprecedented amount of time on procedural hurdles and partisan obstruction. As a result, work of this country goes undone. Congress should be passing legislation that strengthens our economy, protects American families. Instead we're burning wasted hours and wasted days between filibusters. I could say instead we're burning wasted days and wasted weeks between filibusters.

Even one of the Senate's most basic duties, confirmation of presidential nominees, has become completely unworkable. Mr. President, there has been unbelievable, unprecedented obstruction. For the first time in the history of our Republic, Republicans have routinely used the filibuster to prevent president Obama from appointing executive team or confirming judges. It's truly a troubling trend that Republicans are willing to block executive branch nominations, even when they have no objection to the qualifications of the nominee. Instead they block qualified executive branch nominees to circumvent the legislative process. They block qualified executive branch nominations to force wholesale changes to laws. They block qualified executive branch nominees to restructure entire executive branch departments. And they block qualified judicial nominees because they don't want president Obama to appoint any judges to certain courts.

The need for change is so, so very obvious. It's clearly visible. It's manifest we have to do something to change things. In the history of our country, some 230 plus years, there've been 168 filibusters of executive and judicial nominations. Half of them have occurred during the Obama administration. Mr. President, 230 plus years, 50%, four and a half years, 50%. Is there anything fair about that? These nominees deserve at least an up or down vote. Yes or no, but Republican filibusters deny them a fair vote, any vote, and denied the president his team.

Gridlock has consequences and they're terrible. It's not only bad for President Obama, bad for this body of the United States Senate, it's bad for our country. It's bad for our national security and bad for economic security. That's why it's time to get the Senate working again. Not for the good of the current Democratic Majority or some future Republican Majority, but for the good of the United States of America. It's time to change. It's time to change the Senate before this institution becomes obsolete.

Mr. President, at the beginning of this Congress the Republican leader pledged that, and I quote "this Congress should be more bi-partisan than last Congress." As President, we're told in scripture, let's take, for example, old Testament, book of numbers, "promises, pledges a vow, one must not break his word."

In January, Republicans promised to work with majority to process nominations in a timely manner by unanimous consent, except in extraordinary circumstances. Mr. President exactly three weeks later, Republicans mounted a first in history filibuster of a highly qualified nominee for Secretary of Defense. Despite being a former Republican Senator, a decorated war hero having saved his brother's life in Vietnam, Defense Secretary Chuck Hagle's nomination was pending in the Senate for the record 34 days. More than three times of previous average of a Secretary of Defense. Remember Mr. President, our country was at war.

Republicans have blocked executive nominees like Secretary Hagle, not because they object to their qualifications, but simply because they seek to undermine the very government in which they were elected to serve. Take the nomination of Richard Cordray to lead the Consumer Financial Protection Bureau. There was no doubt about his ability to do the job, but the Consumer Financial Protection Bureau, the brainchild of Elizabeth Warren, went for more than two years without a leader because Republicans refused to accept the law of the land. Because they wanted to roll back a law that protects consumers from the greed of Wall Street.

So I say to my Republican colleagues, you don't have to like the laws of the land, but you do have to respect those laws and acknowledge them and abide by them.

What Is Manchin's Real Agenda w/ David Sirota Part 2 - The Majority Report - Air Date 4-11-21

SAM SEDER - HOST, THE MAJORITY REPORT: [00:57:09] From your perspective of having worked in some of those Senate offices, in congressional offices, and frankly, governor offices as well if I remember correctly, how much of that plays into this, right? That notion of "I come from a blue state, there's an expectation that I would get rid of the filibuster," and I have nobody in mind here, maybe Chuck Schumer, but I have nobody in mind, " and I come from a blue state, there's so much pressure on me to come out for that. Joe's doing me a solid here, and down the road I'll do Joe a solid. And I like, I'm convinced that, I don't know how many of those votes against the \$15 minimum wage Sanders amendment which, incidentally, needed 60 votes to pass anyways. So all of those Democrats could have voted for the minimum wage amendment and it still wouldn't of been amended. But you end up getting eight when really, supposedly only two of them were on the fence about it. Chris Coons has some issue with restaurants or something to that effect.

How much of that was like, we're going to give cover to these guys because down the road, we're going to try and bring them in to something else? Or how conscious of that is that dynamic?

DAVID SIROTA: [00:58:18] My view is that a lot of it is what isn't done versus what is done. And by that, I mean that if Manchin is willing to go out there and singularly stop filibuster reform, there is in my view, there are certainly rank-and-file Democratic senators who may not be all that upset with that, even though they're issuing press releases saying I really want to get rid of the filibuster, and are subsequently not necessarily willing to use what power they have to make life uncomfortable for him. This is the part of the story that's really not discussed, which is that yes, Joe Manchin is doing the Democratic party a solid, if you will, by being a Democratic senator from a tough red- leaning state. Oh, we have to be careful about how much we pressure Joe Manchin because Joe Manchin represents a a purple state.

The executive branch, as an example, has lots of discretionary power to decide where federal spending happens, where it doesn't happen. The different chairpeople in the Senate committees have lots of discretionary power to decide whether Joe Manchin gets X, Y, or Z, that he's demanding. So mobilizing that power to make it uncomfortable for Joe Manchin to continue being a problem on the filibuster, that's the part of this situation that's hard to see in real time. But when we say, are people going and up to Joel Manchin and being like, Hey man, I'm really I'm putting out press releases saying I'm for the filibuster reform. But Hey, thanks for doing that. I think it's more like, Joe Manchin is going out there making filibuster reform impossible. And there's a bunch of Democrats who were like, maybe in their own minds they're like, look, I don't actually have a problem with what he's doing. And he's like doing me a solid here. And I'm chairman of some committee, the appropriations, but I'm not going to mess with his appropriation that he wants in West Virginia. I'm not going to bring pressure to bear on him to actually move. And that goes all the way up to the White House. When we talked about the minimum wage situation, one of the things that we were writing about at the time was that any Democratic senator or any group of House members in a

narrowly divided House could have said, listen, we're not supporting the American Rescue Plan unless it has a \$15 minimum wage in here. We're going to be an anti Manchin. And the reason to do that is not to take down the bill, because it was a must-pass bill. I don't believe it would of been taken down. The reason to do that is to actually mobilize the White House to use its power to create a deal, to bring pressure on the other side of the party, that you need to actually mobilize the tools of pressure. Joe Biden, as an example, I'm sure was thrilled that he didn't have to actually really get off the sidelines on the \$15 minimum wage, really get into the muck of okay, I got the progressives over here going to take down my bill, but as 15 Manchin's saying he's going to mess with the bill if it has any minimum wage increase, I got to actually mobilize the tools of the White House to create an actual deal that puts something in here. I'm sure Biden was like, This is sweet. Like the progressives aren't threatening to take down the bill. I can just deal with Joe over here. I don't have to get into the mess of this. And that's the way it's going to be until there is actually a need for the White House to actually mobilize those powers to actually push Joe Manchin.

Now we'll have a hundred percent success? Will it definitely move? Because you hear all the, Oh, even if the White House tried, this whole idea of the president's powerless now. We hear for four years of Donald Trump's most powerful person in the world. Now, Joe Biden has no power. He can't do anything. He can't move, he can't move it. That's a lot of garbage. Will it be successful 100% of the time? No. Would it be successful sometimes? Yes.

Summary

JAY TOMLINSON - HOST, BEST OF THE LEFT: [01:01:57] We've just heard clips today, starting with John Oliver on *Last Week Tonight* laying out the history of the filibuster. *Democracy Now!* also looked at the history and examined at the talking filibuster reform proposal. *The Majority Report* discussed Mitch McConnell's threat in response to the idea of killing the filibuster. *The Medhi Hassan Show* compared to the failed Articles of Confederation to the Senate under minority rule. It was pointed out on *Zerlina* that killing the filibuster is an existential threat to the current GOP because the Democrats would pass such sweeping and popular legislation that Republicans would have a hard time recovering. *The Majority Report* spoke with David Serota about Joe Manchin's real motivations. And Amy Goodman on *Breaking the Sound Barrier* made the final case to end the filibuster.

That's what everyone heard, but members also heard bonus clips from the *Rachel Maddow Show*, which looked at the potential infrastructure legislation coming down the pike and its effects on the filibuster debate. There was a blast from the past with Nevada Senator Harry Reid from way back in 2013 calling for an into the filibuster. And *The Majority Report* followed up with more thoughts on Joe Manchin and other Democrats who benefit personally from the existence of the filibuster, even though they claim to be against it because it allows them to avoid many uncomfortable votes that may make their donors upset.

For non-members, those bonus clips are linked in the show notes and our part of the transcript for today's episode so you can still find them if you make the effort, but to hear that and all of our bonus content delivered to seamlessly into your podcast feed, sign up to support the show at bestoftheleft.com/support or request a financial hardship membership

because we don't make a lack of funds, a barrier to hearing more information. Every request is granted, no questions asked.

And now, we'll hear from you.

Wading into the discussion on the child tax credit - Dave from Olympia, WA

VOICEMAILER: DAVE FROM OLYMPIA: [01:03:50] Hi, Jay. It's Dave from Olympia. I am calling to wade into the conversation around population growth and the child tax credit. I'll just start out like, this is mostly my issue, but anytime someone brings up population, it gets my hackles up. It's not as bad as if someone tells me there's this great Ayn Rand quote that I need to read, but it's pretty bad. In my experience, population growth is usually a dog whistle to talk about those Brown people from those bad countries who are irresponsible and the cause of environmental degradation. And it's often, I don't want to say always but I struggle to find a counter example, used to not talk about consumption which is the other half -- and I would argue the other 75% -- of that equation around environmental degradation. I don't think Rich falls into that trap. I'm just saying that if you want to pick an argument, mention population. I'm probably going to argue with you.

Ultimately, I didn't find his points convincing. So, if the child tax credit is \$300 a month -- and it's not really -- but we'll use that number. We have to believe that there's this cohort of people who really want kids but they just can't afford it. But \$300 a month, that's going to make the difference and they're all going to have kids and we're going to see this boost in population growth. And if you believe that, an increase in the minimum wage from \$7.25, the current federal minimum, the \$15. So for one full-time laborer, that would be an increase of \$1,300 per month before taxes. if we believe there's all these people that want to have kids, but just a little bit of money is going to cause them to have kids, why are we increasing the minimum wage? It wasn't a coherent argument for me. But I thought your response was pretty comprehensive so I didn't call in. Rick called back in in episode 1608 and clarified some thoughts, and I appreciated what he said. Again, his point that the tax credit is discriminatory because it values parents over non-parents. And again, this is probably me, but this is a hot button because it parrots that new liberal propaganda that there's no such thing as society. If we were all truly individuals, and there weren't any network effects, like maybe there's a point there that this would be valuing parents over non-parents. But we do live in a society, right? There are real benefits for non-parents to have children be well cared-for. And it's not just the moral win of not damning children to poverty. Getting the next generation healthcare, proper nutrition, quality daycare is going to set them up for success. They're going to be more likely to live out their potential and they're going to be less likely to suffer poor health outcomes that are socially expensive.

And then the point about domestic preference: in both VoicedMails, Rich mentioned some sort of domestic consumption preference, that we should either make people buy things that are produced in America or somehow other policies that would end the trade deficit. And again, I understood -- and this has been argued to me from other people -- that running a trade deficit and allowing developing countries to develop their economies, and even better if you can throw in some empowerment for women, this is a great way to control population growth. In fact, that's the formula that all of the developed nations seem to have followed to

really decrease their rates of population growth. So I'm not sure what the domestic preference legislation, how that weighs in and I'm not sure how that relates to the child tax credit. And then, I totally agree with Rich. I don't like any of his arguments, but yeah, the child tax credit isn't good policy. I don't like it. I think a universal basic income or an increase in minimum wage or jobs guarantees, these would all be better policy choices.

And just in general, using the tax code to implement social policy is messy. It's imprecise, and it's inefficient. Now, it's not as bad as the mortgage interest deduction which is a whole different thing I could yell about, but it's a tax credit, so it's a credit against taxes. Oh, and it is refundable, but if you don't pay federal income taxes, you can't claim. So unless you're making at least \$57,000 a year, you can't claim the full \$300. So all of those families less than \$57,000 which is a third of the country, right? Third of the country, we're not really talking about, \$300 a month. We're talking about some smaller number. And if your kids are over six, it's \$250 a month per child. But it is a refundable credit. So I guess, partial points there. So if your income was only \$25,000 and you didn't pay any federal income taxes, you'd still be able to get \$116 a month in child tax credit payments. But everyone talks about the \$300. And if you do the math and then you get \$116, especially if I was in this mythical cohort where I needed \$300 to be able to afford a kid, I'm gonna have a kid, and then I get \$116 check. Oh no! And that dwindles down to nothing at an income of \$2,500. And if you don't have an income, obviously there's no tax credit whatsoever. And again, that's not an insignificant number of people, right? So less than 25,000, between 25 and 12, which are the folks that are going to get about \$116: that's 9% of the country. And less than \$12,000 of income: that's still 8% of the country are going to get proportionally less than \$116 down to nothing. So, this is a middle- to upper-class benefit, right? If you're making a \$100,000, \$200,000, this is just great. This is fantastic. But if we're talking about the people that need the help the most, the child tax credit just isn't that policy that's going to do that. Where a raise to the minimum wage, a universal basic income, a jobs guarantee, those all would directly target the blight of poverty. It would actually do something good about that. So boy, Rich, I totally understand. I agree with you. I think your reasons are a little screwy, but I'm on board. Let's not do the tax credit. Let's do something universal. Jay, Amanda, everyone. Stay awesome. Thank you.

Final comments on racism and population

JAY TOMLINSON - HOST, BEST OF THE LEFT: [01:11:26] Thanks to all of those who called into the voicemail line or wrote in their messages to be played as VoicedMails. If you'd like to leave a comment or question of your own to be played on the show, you can record a message at (202) 999-3991 or write me a message to jay@bestoftheleft.com.

Now, boy. Did anyone else have the experience of the emotional rollercoaster that I did during that voicemail? It is just not every day you hear a message that is essentially you sounded racist and illogical but I agree with you entirely. That is just not usually how things go so I want to appreciate that for what it was and the rare opportunity we had to hear that.

And Dave, he said so much, there's a lot that I could address, but I'm just going to let it mostly simmer as it is. What I do want to address though, is the racism, because if we know anything about White people, it's that they do not like being called racist. And I imagine that Rich is in that camp. So I just wanted to address that topic and make some clarifications.

I think that Dave is entirely justified in associating conversations about population concern with racism, because historically there is a massive link between those two. And people who talk about their concerns over population know that. Good, progressive, anti-racist people know that. They know that connection. And if they know what they're doing, they will take steps to studiously, avoid that subject.

However, even though just avoiding the subject isn't quite enough, it actually needs to be dealt with head-on, it's not entirely fair to hang the legacy of racism on the subject of population around the necks of modern day people who are concerned about population, but don't infuse their concerns with racism. Just as the Sierra Club was founded by anti-immigration racists who were against immigration for environmental reasons, they say, and Planned Parenthood was founded by eugenicists, we can support the modern environmental and reproductive justice movements without ourselves being accused of racism or eugenics or anything like that. Those organizations need to deal with the legacies that they have, but it is not the same to say that they are forever tainted by them.

Same goes with the discussion on population. If your concerns are genuine and global and not at all related to race, then there's nothing wrong with that. But the reality is if you hear someone, as Dave did, who is concerned with population, get your racism radar ready. Because there's a really decent chance that you're about to hear some racism. So get ready for it. Maybe you'll hear it. Maybe you won't. And if you yourself are concerned with population do as they did on Saturday Night Live when addressing the Aziz Ansari story a few years back. Careful.

KATE MCKINNON - CAST, SNL: [01:14:57] Well, it's come to this. I'll go first.

WILL FERRELL - CAST, SNL: [01:15:01] Are you sure you want to do this?

KATE MCKINNON - CAST, SNL: [01:15:02] Yes. Yes. I will speak on the topic of Aziz Ansari. I think...

WILL FERRELL - CAST, SNL: [01:15:11] Careful.

KATE MCKINNON - CAST, SNL: [01:15:14] I, I think that some women...

AIDY BRYANT - CAST, SNL: [01:15:18] Careful.

KATE MCKINNON - CAST, SNL: [01:15:20] Or ra..rather, um, some men have a proclivity...

KENAN THOMPSON - CAST, SNL: [01:15:26] Careful.

KATE MCKINNON - CAST, SNL: [01:15:29] Help me.

JAY TOMLINSON - HOST, BEST OF THE LEFT: [01:15:31] So for Rich and anyone else in that camp concerned with population growth, that's fine. Just know that you're handling radioactive material and you should use protective equipment. That's all we're saying.

As always keep the comments coming in at (202) 999-3991, or by emailing me to jay@bestoftheleft.com. That is going to be it for today. Thanks to everyone for listening. Thanks to Deon Clark and Erin Clayton for their research work for the show. Thanks to the Monosyllabic Transcriptionist Trio, Ben, Dan, and Ken for their volunteer work, helping put our transcripts together. Thanks to Amanda Hoffman for all of her work on our social media

outlets, activism segments, graphic design, web mastering, and occasional bonus show co-hosting. And thanks of course, to those who support the show by becoming a member or purchasing gift memberships at bestoftheleft.com/support as that is absolutely how the program survives.

And now everyone can earn rewards and support the show just by telling everyone you know about it using our Refer-o-Matic program at bestoftheleft.com/refer. For details on the show itself, including links to all of the sources and music used in this and every episode, all of that information can always be found in the show notes on the blog and likely right on the device you're using to listen.

So coming to from far outside the conventional wisdom of Washington, DC. my name is Jay!, and this has been the Best of the Left podcast coming to you twice weekly thanks entirely to the members and donors to the show from bestoftheleft.com.