



Fix the Senate: End the McConnell Veto

America faces a number of crises:

- A devastating pandemic crisis and economic recession;
- Monied corrosion of the basic tenets of our democracy, leaving government in the clutches of powerful corporations and wealthy elites;
- An economy that no longer creates opportunity or upward mobility for most, with surging costs and raging income inequality;
- An epidemic of gun violence;
- A runaway climate crisis;
- A crippling lack of investment in basic infrastructure; and,
- Criminal justice, economic, and immigration policies built on rotten foundations of racism.

In 2020, voters gave Democrats a governing majority and blue trifecta. Now in the minority, Senator Mitch McConnell will try to usurp that governing power by using the filibuster to block bills that can solve challenges from COVID, civil rights, immigration, climate and democracy reform from being voted on.

With 2022 looming, and the opposition already working to rollback hard-won 2020 voting expansions like Vote By Mail, the transformative policy change our communities demand is dependent on the Senate being able to govern. The Senate majority has a number of tools they can use to take away McConnell's veto and they should aggressively deploy them to deliver on the mandate voters gave them in the 2020 elections.

The [2020 elections cost a record-setting \\$14 billion](#) - much of it from wealthy donors and corporate interests that oppose progress on these issues. Democrats, now back in charge of the Senate, face a system of outdated, undemocratic, and rigged rules that let a small group of Senators, representing as few as 11% of the American people, block votes and bury virtually any bill or amendment, except those favored by the privileged elite—like tax cuts for the rich.

Wealthy and powerful corporations promote and benefit from this selective paralysis. And we know with certainty that it will continue unless the rules are changed. Mitch McConnell has spent more than a decade breaking the Senate to get to this point.

**Today's Senate Governs for the Privileged and Powerful,
Not for the People**

In 2008 President Obama was swept into office on a wave of enthusiasm for government that would work for the people. With majorities in both the House and Senate, there were high hopes for progress on a range of kitchen table issues. During a brief four-month window when Democrats had a 60-vote supermajority, they

were able to pass Obamacare, which subsequently came within one vote of being repealed by a McConnell-led simple majority in 2017.

McConnell's transformation of the filibuster during the Obama administration included blocking 79 Obama nominees during 2009-2013, a far cry from the norm in which only 68 presidential nominees had been blocked ever in the entire history of the U.S. Senate. That abuse of power spurred progressive advocates, led by the Democracy Initiative (DI), to call for Senate rules reform that ultimately paved the way for confirmation of 400 executive branch nominees and more than 100 federal judges appointed by Obama.

While those changes made a difference, they did not go far enough, and McConnell has continued to break all Senate norms and rules. In 2016, he led an unprecedented blockade of Obama Supreme Court nominee Merrick Garland, who waited 293 days and never even got a hearing. Then, in 2017, McConnell changed the rules to lower the voting threshold for nominations to the Supreme Court to a simple majority, paving the way for the confirmation of Neil Gorsuch and Brett Kavanaugh. Republicans also drastically cut the time allowed for debate on lower court nominations and eliminated backroom "blue slips" that allow a single Senator to block nominees from their home state, allowing record numbers of Trump's conservative judges to be confirmed. Tax cuts were once subject to the same 60-vote threshold as other issues. Then, with a party-line vote in the late '90s, Republicans changed Budget Reconciliation rules originally intended for deficit-reduction to allow tax cuts to pass with a simple majority. Since then, Republicans have used reconciliation to pass major tax cuts for the rich with a simple majority in 2001, 2003 and twice in 2017. Today's Senate is built so that the **privileged and powerful win and everyone else loses**.

Whether he has been Majority Leader or Minority Leader in the Senate, Mitch McConnell has used Senate rules to obstruct action on broadly supported priorities while pushing through an activist agenda of tax cuts for the rich and conservative judges.

Given McConnell's track record and his own words, we know with certainty that this obstruction will continue unless the rules are changed.

The Key to Progress: Senate Governance Reform

Our progressive, cross-sector coalition has a slew of bold policy ideas to pressing 21st century economic, environmental and social crises. To meet the challenges we face, and to break the cycle of voter disappointment and cynicism bred by legislative paralysis and broken promises, the Senate must be able to govern. That means Senate Democrats must use the 51-vote majority voters gave them. They have multiple tools available to get bills to the floor and pass them with a simple majority including:

- **Abolish the Legislative Filibuster:** Require a simple majority to invoke cloture on legislative items.
- **Institute a Talking Filibuster:** Instead of eliminating the filibuster entirely, this option would require Senators who wish to filibuster to actually speak on the floor to maintain a filibuster. This puts the onus on the minority to continue to block progress and gives the public a chance to weigh in, raising the bar for blocking legislative action.
- **Expand Reconciliation:** Expand consideration of items through reconciliation to include items without a direct budgetary impact.

The Senate has been Locked Up and the Old Keys are Gone

Some long for when the Senate was a more deliberative body with moderating, bipartisan coalitions. The fact is, government never worked for *all* people. Restoring a culture of collegiality and bipartisanship to the Senate is worthy of longer-term discussion, but the current rules requiring 60 votes to pass most policy initiatives are crippling, especially with our government facing a growing crisis of legitimacy.

No Path to 60 Votes

In the current political climate, there is no realistic path to garnering 60 votes for priorities like climate change, infrastructure, income inequality, gun control, democracy, and voting rights. Getting to 60 would require at least 10 Republican votes. Garnering 60 votes for progressive legislation that takes on Wall Street, oil and gas, or big Pharma is all the more difficult when you consider that it can cost more than \$50 million to win a U.S. Senate seat, favoring the election of wealthy, self-financed candidates and those who are most successful at rubbing shoulders with and raising money from the privileged elite.

Senate Rules Make Partisan Gridlock Worse

Some have asserted that the filibuster fosters bipartisanship, and while that may have once been true, today it actually hardens partisan lines and discourages cooperation by making it easier for a minority of senators to block whatever the other side wants. Both sides have learned well that blame for the failure to govern never falls on the minority. Once, the threat of a filibuster may have been used to make sure the minority could shape legislation, but now it is used almost exclusively to block legislation and even discussion of major issues altogether.

Current Rules Do Not Protect Progressive Values from a Republican Majority

As McConnell has shown repeatedly, he will change norms and rules as he sees necessary to advance Republican power and the agenda of his wealthy patrons. He has not yet addressed the legislative filibuster because Republicans already changed the rules to advance their two primary priorities. If in the future he feels it is in Republican interests to end Democrats' ability to filibuster, he has proven time and again that he will do it.

America's Future Hangs in the Balance

Inaction and gridlock breed voter cynicism and contempt toward government. People grow apathetic and don't believe their votes matter. They have heard too many promises and experienced too few results. There is strong public support for our values of inclusion and justice and opportunity for all. Policies built on those values can meet the challenges we face. **We must ensure that the Senate can vote on those policies so America can rise to this moment.**

January 2021