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Daines' Filibuster Proposal Bad for Senate, America and Montana

By Evan D. Barrett & Andrew Person

July 26, 2017

Congress is in crisis, and some members of the US Senate suggest fundamental changes that would forever alter the future of that esteemed body. In one dramatic proposal, Montana's own Senator Steve Daines has proposed getting rid of the historic Senate filibuster rule:

"These are archaic rules from the past that are creating, are going to create barriers for the Senate to act on behalf of the American people. It is time to blow up the filibuster. ... I was pleased to see the president tweet that out."

~~Senator Steve Daines, July 18, 2017~~

Since Daines' proposal to make it possible to pass any legislation in the Senate on a simple majority vote would hurt Montana in addition to harming America and doom any efforts to build a bipartisan consensus to solve any major national problem, we set pen to paper to articulate an opposing view.

In the midst of our drafting efforts, Arizona's 30-year Senator John McCain, genuine American hero who was diagnosed with a deadly form of brain cancer just days earlier, returned to the Senate and offered a stunning and passionate view that stands in stark contrast to the views of our very junior Senator. We trashed most of our draft opinion piece to make room for some excerpts from Senator McCain's remarks instead. If you agree with Senator McCain's views and feel that Montana's Congressional delegation should be working for more bipartisan cooperation, not more senseless, partisan, petty dysfunction, we encourage you to let Senator Daines know that.

Selected excerpts from Senator John McCain's remarks to the United States Senate, July 25, 2017:

"Our responsibilities are important, vitally important, to the continued success of our Republic. And our arcane rules and customs [which include the filibuster] are deliberately intended to require broad cooperation ... The most revered members of this institution accepted the necessity of compromise in order to make incremental progress on solving America's problems and to defend her from her adversaries..."

"Our deliberations today – not just our debates, but the exercise of all our responsibilities – authorizing government policies, appropriating the funds to implement them, exercising our advice and consent role – are often lively and interesting. They can be sincere and principled. But they are more partisan, more tribal more of the time than any other time I remember..."

"Incremental progress, compromises that each side criticizes but also accepts ... isn't glamorous or exciting. It doesn't feel like a political triumph. But it's usually the most

we can expect from our system of government, operating in a country as diverse and quarrelsome and free as ours...

"I hope we can again rely on humility, on our need to cooperate, on our dependence on each other to learn how to trust each other again and by so doing better serve the people who elected us..."

"This place is important. The work we do is important. Our strange rules and seemingly eccentric practices that slow our proceedings and insist on our cooperation are important. Our founders envisioned the Senate as the more deliberative, careful body that operates at a greater distance than the other body from the public passions of the hour..."

Daines' thought to get rid of the filibuster would help to fundamentally change the US Senate from the "world's most deliberative legislative body" to a vehicle for the rapid passage of whatever radical agenda might be emerging from the passions of the political arena. That, in fact, by design of our Founding Fathers, is the role of the House of Representatives, not the Senate.

Those with historical perspective understand that the Senate needs to be slower and more dispassionate – that smaller states, by right of state sovereignty acknowledged by the Founders, have a stronger voice in the Senate than in the population-driven House. They understand that the filibuster has been part of insuring the structure that not only empowers smaller states like Montana but also guarantees deliberativeness in the Senate. Senator Daines needs to look further back into history than his 2012 election and drop this crazy idea to get rid of the filibuster and make the US Senate less than Senator John McCain so compellingly advocates.

Evan Barrett of Butte recently retired after 47 years at the top level of Montana economic development, government, politics and education. Andrew Person of Missoula is an Iraq and Afghanistan veteran, former Montana State Representative, and former legislative assistant to Senator Max Baucus.

(692 words in the body)