

Famous Filibusters in Our Political History

The filibuster as a political delaying tactic has been a part of the American political process since the adoption of the U.S. Constitution. Though it was not used in the early years of the nation, the filibuster has been used hundreds of times since the 1840's. Here are a few of the famous filibusters from our political history.

The U.S. Constitution does not limit the length or nature of debate on the floors of the Senate or the House of Representatives. The House has since adopted rules which limit the length of debate since the House has a very large number of Representatives. But the smaller Senate has always upheld the right of a recognized Senator to debate an issue for as long as he or she wishes to hold the floor. Senate Rule 19 and Rule 22, the cloture rule adopted in 1917, create some guidelines for conducting a debate and for closing the debate when it becomes lengthy.

Senator Henry Clay

In 1841 Senator Henry Clay proposed a bank bill that was opposed by Senator John C. Calhoun who began a lengthy, seemingly unending, rebuttal. Calhoun basically created the modern filibuster. Clay threatened to change the Senate rules in order to close debate on the issue. Clay's colleague, Thomas Hart Benton, rebuked Clay and accused him of trying to stifle the Senate's right to unlimited debate.

Through the next few turbulent decades and into the 1960's the filibuster was used often by Southern Democrats to block civil rights legislation. The filibuster had been seen by the minority party as a tool to combat the potential "tyranny of the majority," but the frequent usage of the filibuster by the Southern Democrats became characterized as the "tyranny of the minority."

Senate Rule 22

President Woodrow Wilson suggested that some limits be placed on the unlimited debate concept. In 1917 the Senate adopted Senate Rule 22, now known as the "cloture" rule. The new Rule 22 provided the mechanism to close out debate on a legislative bill and bring the bill up for a vote if cloture was approved by 67% of the Senate. The 67% requirement remained in effect until 1975 when Rule 22 was amended to allow a 60% agreement to invoke cloture.

Cloture Rule 22 was tested in 1919 when the Senate was asked to ratify the Treaty of Versailles, which ended World War I. The treaty was debated and filibustered, but a 67% majority voted to end the filibuster and to bring the treaty to a vote.

Senator Huey Long

Senator Huey Long, the fiery and colorful senator from Louisiana, made the filibuster famous between 1932 and 1935 when he utilized it several times to stall legislation that he considered unfair to the poor. Long frustrated his opponents and entertained the Senate gallery by reading Shakespeare, reciting shrimp and oyster recipes and talking about "pot-likkers." An amendment to Senate Rule 19 later required that debate on legislation be germane to the issue being debated.

On June 12, 1935, Senator Long engaged in his most famous filibuster. A bill was before the Senate to eliminate the provision for the Senate to confirm senior National Recovery Act employees. Senator Long opposed the bill because he didn't want his political adversaries in Louisiana to obtain lucrative N.R.A. jobs. Senator Long spoke for 15 hours and 30 minutes running well into the evening and early morning hours with senators dozing at their desks. Long read and analyzed each section of the Constitution, a document which he claimed had become "ancient and forgotten lore" under President Roosevelt's New Deal.

After the reading of the Constitution Senator Long offered to give advice to the remaining senators on any subject of their choosing. No senator took Long up on his offer but the gallery patrons began sending notes to the floor for Senator Long to extemporize on. That kept Long going into the early hours of the morning. At 4 a.m. Long yielded the floor in order to use the restroom and his proposal was defeated.

James Stewart brought more fame to the filibuster when he played the role of Senator Jefferson Smith in the 1939 film, "Mr. Smith Goes to Washington." Stewart's character launched into a filibuster in response to an attempt to ridicule him.

Senator Wayne Morse

Senator Wayne Morse from Oregon was called "The Tiger of the Senate" and served in the Senate under 5 Presidents. In 1952 Senator Morse left the Republican Party, claiming independent status, when he objected to sections of the party platform and Dwight Eisenhower's choice of Richard Nixon as his vice presidential running mate. Senator Morse claimed that the Republican Party had left him.

On April 24, 1953, Senator Morse began to filibuster against Tidelands Oil legislation. He kept the floor for 22 hours and 26 minutes, breaking the filibuster record of 18 hours held by his mentor, Wisconsin Senator Robert La Follette.

Senator Morse is remembered through numerous colorful stories. For example, Clare Booth Luce, former U.S. Senator and Ambassador to Italy had to resign her appointment when she made the insulting but funny remark that her problems with Senator Morse began when he was kicked in the head by a horse.

Senator Strom Thurmond

About 9 p.m. on August 28, 1957, Senator Strom Thurmond rose before the Senate and announced, "Mr. President, I rise to speak against the so-called voting rights bill, H.R. 6127." His own staff had not been informed about Senator Thurmond's intentions to filibuster the bill, but they knew something was up when they saw Thurmond gathering considerable reading material.

Senator Thurmond had prepared himself for a long filibuster on the Senate floor. Earlier in the day he had spent time in the Senate steam room, dehydrating himself so that he would absorb all the water he drank without having to visit the restroom. His wife packed a steak sandwich lunch for him and she stayed in the family gallery throughout the night. Thurmond brought a quantity of malted milk tablets and throat lozenges from his office.

Senator Thurmond began his filibuster by reading each state's election statutes. He later read and discussed an opinion by Chief Justice Taft. He also read and discussed the Declaration of Independence, the Bill of Rights, and Washington's Farewell Address. His staff, concerned for Senator Thurmond's health, was finally successful in getting him to leave the floor.

After 24 hours and 18 minutes, a record that still stands, Senator Thurmond concluded his remarks with, "I expect to vote against the bill." The bill was defeated.

The Civil Rights Act of 1964

On June 10, 1964, Senator Robert Byrd of West Virginia finished his address begun on the previous day, slightly more than 14 hours earlier. He filibustered against the Civil Rights Act of 1964, an act which was debated by Byrd and others for 57 working days, including 6 Saturdays.

Senate President Hubert Humphrey from Minnesota needed 67 votes to be able to carry the motion for cloture. Minority Leader Senator Everett Dirksen, the always eloquent senator from Illinois procured the Republican votes necessary to pass the cloture motion. "Stronger than all the armies is an idea whose time has come," he said. "The time has come for equality of opportunity in sharing in government, in education, and in employment. It will not be stayed or denied. It is here!"

The final roll call vote on cloture resulted in 71 votes in favor and 29 votes opposed. It was the first time in history that cloture had been invoked on civil rights legislation. The 1964 Civil Rights Act was the most sweeping of its kind in our history.

Justice Abe Fortas

In June of 1968 Chief Justice Earl Warren notified President Lyndon Johnson that he would be retiring from the Supreme Court. This move gave President Johnson time to nominate a successor since he was not planning to seek re-election as President. Johnson nominated Associate Justice Abe Fortas to replace Warren. At the same time Johnson nominated Texas Appeals Court Justice Homer Thornberry to replace Fortas, a move that was designed to satisfy southern senators.

President Johnson counted on Senators Everett Dirksen and Richard Russell for their support of the nomination. When Abe Fortas testified at his own confirmation hearing, an unprecedented occurrence, it was revealed that Fortas worked uncomfortably closely with the White House staff and the President. Later it was learned that Fortas was being paid a large sum, privately, to teach an American University summer course. At this point Dirksen, Russell, and other senators withdrew their support.

Though the committee recommended confirmation of Justice Abe Fortas, a filibuster ensued on the Senate floor to block his confirmation, the first filibuster in Senate history on a Supreme Court nomination. On October 1, 1968, the Senate was unable to tally the 67 votes needed to invoke cloture and President Johnson withdrew the nomination.

The use of the filibuster has increased from 16 filibusters in the 19th century to 66 in the first half of the 20th century to 195 in the period from 1970 to 1995. It is likely that the filibuster will continue to play an important role in the American political process.

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