

Should the legislative filibuster rule be eliminated in the Senate?

TEACHER NOTE: to use this resource in your classroom - click 'file' and then click 'make a copy' to create your own Google Doc version to edit as needed and share with your students.

Introduction

The filibuster in the Senate is used to delay or block action on most legislation through unlimited debate. Because of this, the Senate currently requires a supermajority of 60 votes for most legislation to pass. In response to the increased use of filibusters and the elimination of filibusters for judicial nominations, there has been a call for the elimination of the filibuster when passing legislation. This deliberation has students learn about the history of the filibuster and how it has been used. Using this information, students will answer the question: **Should the legislative filibuster rule be eliminated in the Senate?**

Objectives and Outcomes

- Students will be able to define and explain the purposes of filibusters and cloture.
- Students will be able to discuss the benefits and drawbacks of simple majorities and supermajorities.
- Students will evaluate the benefits and drawbacks of eliminating the filibuster in the Senate in order to develop their own opinion on the issue.

Lesson Plans

Pick and choose from the following strategies to engage your students in the issue.

1. **Warm-Up Activity.** Choose from one of the following strategies to activate prior knowledge and engage your students.
 - a. **A/B writing.** Write the following three statements on the board. Instruct students to choose the statement with which they most agree and then free write for two minutes explaining why they support that statement. Allow several students, at least one for each statement, to share their thinking with the class.
 - The Senate should require a simple majority to pass laws.
 - The Senate should require more than a simple majority to pass laws.
 - b. **Think-Pair-Share.** Write the prompt on the board: “**Should the Senate require a simple majority to pass laws?**” Have students silently write down their thoughts and then discuss them with a partner. Give several pairs an opportunity to share their examples.
 - c. **Take a Stand.** Ask the students: “**The Senate should require more than a simple majority to pass laws.**” Have students line up on a continuum based

on their opinion from “Strongly Agree” to “Strongly Disagree.” Ask several students from different points on the line to share their reasoning and defend their position.

2. **Vocabulary Preview.** Before watching the videos, reading the background articles, and using the additional resources, have students define the terms on the [Vocabulary Preview Chart](#). This could be done as a jigsaw or individually, and depending on available time it may be completed for homework or in class.
3. **Background knowledge.** Have students read the [background articles](#), watch the [background videos](#), and complete the accompanying background questions and/or use the [note-taking chart](#). Depending on available time, this may be done in class or for homework. Additionally, students should look for references to the vocabulary terms, and write quotes of the terms being used on the Vocabulary Preview Chart.
4. **Deliberate.** Have students watch the videos calling for or against eliminating the filibuster. While watching the videos, students should complete the note-taking chart for each side’s argument. Then, choose one of the activities from the [Deliberations website](#) to engage your students.
5. **Assess.** In addition to engaging in the Deliberation activity above, you may choose to have students complete an independent assignment to assess their mastery of the topic.
 - a. Have students provide a written response to the following prompt:
 - i. *Should the legislative filibuster rule be eliminated in the Senate?*
 - b. Based on their research, have the students create a list arguments for and against eliminating the filibuster. Students should rank these arguments from strongest/most convincing to weakest/least convincing. For the strongest and weakest arguments, students should explain why they feel this way.
6. **Extension.**
 - a. **Filibuster Speech Examples-** Using [C-SPAN’s video library](#), find an example of when a Senate filibuster was used. Locate the video of the speech and provide the following:
 - Who participated in this filibuster
 - How long the filibuster lasted
 - What legislative action was being filibustered
 - What topics were discussed during the filibuster
 - Clip a segment of the speech that summarizes the purpose of the filibuster
 - b. **Supermajorities in the United States-** Using the [ThoughtCo.](#) reading, research the various types of Congressional actions that require a supermajority

in order to pass. Choose three of these requirements and provide the following information:

- Summary of the rule and when it is used
 - Why you think a supermajority is required in this situation
 - Your opinions on if this supermajority is necessary
- c. **Nuclear Option Research-** Using the videos of the three times that the “nuclear option” has been invoked, choose a senator who was present and spoke during all three debates. Summarize what they spoke about during each debate and describe if their opinions changed throughout the years. Explain why their opinions might have changed or stayed the same.
- **April 3, 2019-** [Senate Vote on Reducing Debate Time for Judicial and Executive Nominations](#)
 - **April 6, 2017-** [Senate Vote on Requiring Simple Majorities for Supreme Court Nominations](#)
 - **November 21, 2013-** [Senate Vote on Requiring Simple Majorities for Executive Office Appointments](#)
- d. **Comparative Government Research-** Using the [Library of Congress](#) website, identify one country that requires supermajorities in their legislature. Summarize how this is used and compare it to procedures in the United States. Evaluate if you feel it is necessary to require a supermajority for this type of action in this country.
- e. **Presidential/Congressional Candidates-** Research how current or recent presidential or congressional candidates view the filibuster. Summarize their views on the elimination of the filibuster. In addition to summarizing their views, explain why you think they might hold this opinion based on factors such as their political party, background and ideology.
- f. **Additional Prompts:**
- Using examples from the articles and videos, do you think the legislative filibuster rule will exist in the next 10 years?
 - Do individual senators have too much power compared to members of the House of Representatives?
 - Do you think the framers of the Constitution envisioned the use of the filibuster as it currently exists?