

Fix Or Nix The Filibuster



Campaign Toolkit

Senate Rules Reform is one of the democracy issues that brought the DI's cross-sector coalition together back in 2012 because Mitch McConnell's out-of-control obstructionism was blocking progress on the issues our partner organizations and their members care about.

The 2020 election cycle featured the highest, most diverse turnout of voters in our nation's history, and voters overwhelmingly demanded a new governing majority with a mandate for change. Our nation faces a number of extraordinary crises, and voters expect bold, transformative reform to meet the challenges of this moment.

The House has already passed important legislation this Congress, including the *For the People Act*, the *PRO Act*, the *Equality Act*, the *American Dream and Promise Act*, and the *George Floyd Justice in Policing Act*, and two important gun background check bills, among others. So long as the filibuster remains on the table, however, these bills risk being sent to McConnell's legislative graveyard.

Time is of the essence. Our communities are still reeling from a catastrophically mismanaged pandemic and an economy still finding its footing. With the 2022 election cycle already looming, state legislators have begun pushing reactionary voter

suppression laws across the country. The majority was elected to govern, and we must ensure it does so—the days of blaming the filibuster for inaction are over.

On Tuesday, September 14, the Democratic majority [introduced](#) the *Freedom to Vote Act*, a revised version of the *For the People Act* co-drafted and approved by Sen. Manchin. Senate Majority Leader Chuck Schumer is expected to bring it up for a vote next week, and we anticipate it will be met by a Republican filibuster. After that, the fight to push for filibuster reform *is on*. See *State of Play* below for more.

Table of Contents

1. [State of Play & Key Dates](#)
2. [ACTION: Democracy Action Blitz](#)
3. [ACTION: Sample Email to Members](#)
4. [ACTION: Sample Petition Language](#)
5. [ACTION: Host a Training](#)
6. [ACTION: Social Media Content](#)
7. [#FixOrNixTheFilibuster Social Graphics](#)
8. [Key Message Points](#)
9. [What is at stake](#)
 - a. [Democracy and Voting Rights](#)
 - b. [Worker's Rights](#)
 - c. [Climate](#)
 - d. [Immigration](#)
 - e. [Criminal Justice Reform](#)
 - f. [Gun Violence Prevention](#)
10. [Resources](#)
 - a. [DI Explainer](#)
 - b. [DI Talking Filibuster Explainer](#)
 - c. [DI Talking Points on the For the People Act](#)
 - d. [Fix Our Senate Talking Points and Q&A](#)
 - e. [Other Background Materials](#)

State of Play & Key Dates

On Tuesday, September 14, the Democratic majority [introduced](#) the *Freedom to Vote Act*, a revised version of the *For the People Act* co-drafted and approved by Sen. Manchin. Senate Majority Leader Chuck Schumer is expected to bring it up

for a vote next week, and we anticipate it will be met by a Republican filibuster. After that, the fight to push for filibuster reform *is on*.

S.1 has become a key test of how serious Senate Democrats are about using the governing mandate voters gave them and not allowing the filibuster to stand in the way. With 50 votes plus VP Harris, they can ensure that it doesn't, and there are several options to do so, ranging from eliminating to reforming it by requiring Senators who wish to filibuster to actually speak on the floor to maintain a filibuster. This [“talking filibuster”](#) is something that President Biden and Senators Manchin and Sinema have all indicated openness to. A “talking filibuster” 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.

When it comes to passing S.1, Senate Majority Leader Charles Schumer has stated: [“Failure is not an option.”](#)

The Democratic majority [can use Senate rules](#) to pass important policies like S. 1 and many more that will improve people's lives. Doing so will reverse decades of rising *abuse* of the rules, especially the filibuster, that has broken the US Senate to the point that it now primarily serves the elite and privileged few.

With the 2022 election cycle looming, state legislatures in key states including Georgia and Arizona are swiftly pushing new laws that create barriers to the right to vote, especially for Black, brown, and women voters. [More than 400 restrictive voting laws](#) were introduced over the past several months in 49 states, 30 new laws have passed in at least 18 states, including AZ, FL, GA, IA, IN, KY, TX, and WI.

Key Action Dates:

- **October 5: Fix or Nix the Filibuster Direct Action at the White House**
 - 10AM at Black Lives Matter Plaza in Washington, DC
 - [RSVP here](#)
 - [Sample email here](#)
- **October 19: Fix or Nix the Filibuster Direct Action at the White House**
- **November 3: Fix or Nix the Filibuster Direct Action at the White House**
- **Ongoing:**
 - **Democracy Action Blitz** (see below)

ACTION: Democracy Action Blitz

This year, the House has already passed a slew of bills addressing critical challenges faced by our communities: the *For the People Act*, the *PRO Act*, the *Equality Act*, the *American Dream*

and Promise Act, and the *George Floyd Justice in Policing Act*, and two important gun background check bills.

The Senate has not debated or voted on any of these bills because **Minority Leader Mitch McConnell can still use the filibuster to control the agenda**, even though voters took away his party's control of the Senate, the White House, and the House. He blocked the January 6 Commission with a filibuster, and he opposes the *For the People Act*, the John Lewis Voting Rights bill and countless other crucial policies our communities need. All of these bills will fall victim to a filibuster unless they get 10 Republican votes. That is not democracy.

A democracy showdown began in the Senate on June 22, after McConnell and each and every one of his Republican colleagues filibustered a motion to begin debate on the must-pass *For the People Act*. The voting rights and fair elections provisions in this bill are not just about democracy as an end in itself; they are necessary steps toward social and economic justice and ensuring people have a voice on issues that affect their lives that doesn't get completely drowned out by wealthy corporate interests.

Over the coming weeks, the Democracy Initiative is joining together with partners and allied coalitions for **a massive and sustained mobilization effort—a Democracy Action Blitz**—to support the *For the People Act* and stop Mitch McConnell from using the filibuster to kill it and other priorities such as the John Lewis Voting Rights bill, the Pro Act, gun violence prevention, police reform, climate justice, and immigration reform.

Now, and for as long as it takes, we are **asking partner organizations to sign up for one or more days of action alerts to activate your members to drive calls and/or emails to their Senators** urging them to fight for passage of the *For the People Act* and to eliminate or reform the filibuster to ensure that the *For the People Act*, the John Lewis Voting Rights Act, and (insert your issue priority here) get a full debate with up or down votes on the Senate floor.

Please fill out [this form](#) to sign up for a day (or days) for your members will call or email their Senators.

Here is sample call script for your members:

Hello, my name is **[NAME]**, and I'm a constituent of **[YOUR STATE]**, **[YOUR ZIP CODE]**. I am calling to strongly encourage **[YOUR SENATOR]** to fight for passage of the *For the People Act* and to Fix or Nix the Filibuster to ensure that the *For the People Act*, the John Lewis Voting Rights Act, and **[INSERT YOUR ISSUE PRIORITY HERE]** get a full debate with up or down votes on the Senate floor.

Thank you.

ACTION: Sample Email to Members

A sample email alert to your members; feel free to customize with specifics about your legislative or issue priorities.

Subject: Take A Minute to Tell Your Senator to Protect Voting Rights and Fix or Nix the Filibuster

Hi [[First_Name]],

The fight to Fix or Nix the broken Senate filibuster, which is currently being used to block voting rights and [YOUR LEGISLATIVE PRIORITY] is heating up, and we need all hands on deck.

Can you take a minute out of your day to call your Senator and tell them to pass the *Freedom to Vote Act* and *Fix or Nix the Filibuster*?

This year, the House has already passed a slew of bills addressing critical challenges faced by our communities and our democracy, including the *Freedom to Vote Act* [and LEGISLATIVE PRIORITY], but arch-obstructionist Mitch McConnell and his Senate colleagues have been using the Senate filibuster to block all of them, preventing critical legislative action on [ISSUE] and voting rights.

We can't allow a Jim Crow relic to stand in the way of urgent progress on the issues facing our communities. Now is the time for Senators to hear from their constituents—Call your Senator (**202-224-3121**) today and tell them: “**Pass the *Freedom to Vote Act*, [LEGISLATIVE PRIORITY], and don't allow it [/them] to die to a Senate filibuster. It's time to Fix or Nix the Filibuster.**”

In solidarity[/SIGN OFF],

ACTION: Sample Petition Language

Today, America faces intersecting crises that undermine not just [ISSUE], but public health, racial justice, the economy, our climate, our democracy, and more. These crises have translated into serious problems and inequities for people across the country, especially our most marginalized communities.

Voters were loud and clear when they turned out in record numbers to vote in an historic election during a deadly pandemic. To meet the challenges of this moment, the

American people expect swift and bold legislative action. At the moment, however, a backroom legislative maneuver stands in the way: the Senate filibuster.

Long used by a handful of Senators representing a minority of the country to serve the wealthy and powerful rather than the vast majority of Americans, the Senate filibuster is regularly used to kill legislative priorities that would address the challenges facing our communities.

Bills like **[YOUR LEGISLATIVE PRIORITIES]** would take meaningful steps toward addressing **[ISSUE]**, but Mitch McConnell and Senate Republicans [have used/will use] the filibuster to prevent them from ever getting a floor vote. **[SEE EXAMPLES IN WHAT'S AT STAKE SECTION]**

Senate Democrats have the power to change the filibuster rules to prevent the Minority Leader and his colleagues from blocking Congressional action on **[ISSUE]**. If we are going to tackle the crises facing our country, the Senate must be able to govern. It's time to take away Mitch McConnell's veto.

Sign our petition to tell your Senator: the Senate filibuster cannot stand in the way of **[ISSUE]** any longer.

ACTION: Host a Training

If you find it hard to explain to your friends and family why the filibuster matters, you aren't alone. Join us for a crash course in the Jim Crow relic that is the filibuster.

DI has developed a popular education training to provide your members and supporters everything they need to know to engage in the critical fight to ensure the Senate can govern on the urgent challenges our country faces.

Our training, available in 15 and 60-minute modules, will cover everything from the filibuster's history and common myths to the progressive wins delayed by its use, as well as how your members can play a role in firing the filibuster so our Senate can get to work for the people!

ACTION: Social Media Content

If your organization has created Senate rules reform social media content for your specific audience, we'd love to include it here. Please send it to Jack Flynn at jflynn@democracyinitiative.org.

General

Hashtag: #FixOrNixTheFilibuster

- We cannot let a minority of Senators representing an even smaller minority of the country continue to stand in the way of **[issue]**. @SenSchumer, it's time to change the rules so they work for the people. #FixOrNixTheFilibuster
- The #filibuster is profoundly undemocratic and favors the wealthy and privileged over the people. @SenateDems can change it. It's time to #FixOrNixTheFilibuster
- McConnell has spent more than a decade rigging the rules of the Senate in favor of the wealthy and the privileged. We cannot allow the #filibuster to stand in the way of **[issue]** any longer. It's time to change the rules so they work for all of us. #FixOrNixTheFilibuster
- The #filibuster has been used throughout its history to defend slavery, uphold Jim Crow, & deny Black & Brown voters access to the ballot. Today it threatens to kill crucial #democracy, #votingrights & civil rights bills. The solution is clear: let's #FixOrNixTheFilibuster

Issue specific:

Democracy Reform:

- We cannot let a minority of Senators representing an even smaller minority of the country continue to obstruct urgent democracy reform. It's time to #FixOrNixTheFilibuster, @SenSchumer.
- Across the country, voting rights are under attack. The Senate has the power to put a stop to it by passing the #ForThePeopleAct and #JohnLewisVotingRightsAct. We can save democracy or save the #filibuster. We can't do both. #FixOrNixTheFilibuster

Climate:

- We cannot let a minority of Senators representing an even smaller minority of the country continue to obstruct climate action. Time to change the rules so they work for the people @SenSchumer. #FixOrNixTheFilibuster
- With the majority of Americans now facing heat waves, wildfires & rising seas, we cannot afford to sit on our hands waiting for a Senate supermajority. @SenSchumer MUST lead the effort to #FixOrNixTheFilibuster and take swift action on the climate crisis.

- Nothing should be off the table when it comes to strengthening our democracy and fighting climate catastrophe. @SenSchumer cannot let the minority impose its will over the majority any longer—it's time to change the Senate rules so they work for the people. #FixOrNixTheFilibuster
- We have a once-in-a-generation opportunity to swiftly address climate emergency — so why would we let Mitch McConnell squash that? @SenSchumer must show strong leadership and choose saving our planet over saving the #filibuster. #FixOrNixTheFilibuster

#FixOrNixtheFilibuster Social Media Graphics

Facebook Graphic



[Facebook Graphic Download](#)

Facebook Graphic, Unbranded



[Facebook Graphic, Unbranded Download](#)

Instagram Graphic



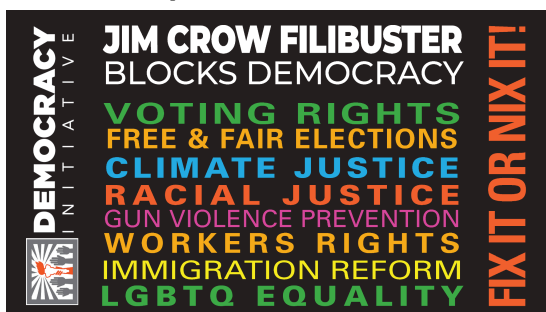
[Instagram Graphic Download](#)

Instagram Graphic, Unbranded



[Instagram Graphic, Unbranded Download](#)

Twitter Graphic



[Twitter Graphic Download](#)

Twitter Graphic, Unbranded



[Twitter Graphic, Unbranded Download](#)

Key Message Points

Senate rules reform is *the* key to progress

- 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.
- The House has already passed a number of transformational policies that are stalled in the Senate: the Dream Act, the Pro Act, the Equality Act, the George Floyd Justice in Policing Act, and the For the People Act. None of these bills has a path to 60 votes; the filibuster must not be allowed to kill them.

The filibuster ensures the Senate governs for the privileged and powerful, not the people

- 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.
- Senator McConnell has spent more than a decade breaking Senate norms to block progressive policies while ensuring that the priorities (tax cuts and conservative judges) of his wealthy, corporate patrons can pass with a simple majority. 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.

The filibuster is a racist remnant of a Senate designed to entrench white minority rule

- The filibuster was primarily used in the 20th century to block civil rights bills, including over 200 anti-lynching bills and the famous 60-day filibuster of the 1964 Civil Rights Act. This is why President Obama recently called the filibuster “a Jim Crow relic” that should be eliminated if it gets in the way of voting and civil rights legislation.
- Despite what you may hear, the filibuster was not a part of the original Senate. In fact, the framers of the Constitution explicitly wanted to avoid supermajority requirements that allow a minority to obstruct the will of the majority. It wasn’t until the lead-up to the Civil War that southern senators took advantage of a loophole in the rules to kill bills by refusing to end debates on them.

The filibuster makes partisan gridlock worse

- The mere threat of a filibuster can be enough to stop action on a bill. There is essentially no cost to the minority to engage in its obstruction—merely registering an objection behind closed doors is enough to ratchet-up the hurdle of passage from 51 to 60 votes.
- Though some argue that the filibuster forces Senators to reach across the aisle and collaborate, the opposite is true. As use of the filibuster exploded over the past decade, bipartisanship has dramatically declined.

Democracy is under assault and hangs in the balance

- Republican threats to filibuster the For the People Act are shining a spotlight on the filibuster’s past use as a tool of racists and segregationists—and making it even clearer to Democrats why it must be eliminated.
- The choice is very clear: Senators can protect the filibuster, an outdated and abused Senate rule that President Obama called a “Jim Crow relic”—or they can protect our democracy and the right to vote in the face of surging voter suppression and gerrymandering across the country. They won’t be able to do both.

What is at Stake

Democracy and Voting Rights

Voting Rights

- “Far too many of our citizens think that our democracy is broken. They’re not wrong. In 2021 alone, we have seen the introduction of [361 bills in 47 states](#) designed to suppress voter turnout and silence the will of the American people and in particular voters that are Black or Brown. The United States Senate should not be complicit in these actions.
- “In order to protect our democracy, we need Congress to stop these attempts to disenfranchise voters and subvert the will of the people. The House has acted by passing HR 1, the For the People Act. Now the Senate must act – and not let obstructionist backroom maneuvers like the racist filibuster stand in the way of protecting and revitalizing our democracy.”
- Source: [DI Partner and Ally Quotes on the Filibuster](#)

DC Statehood

- Over 700,000 people living in our nation’s capital, the majority of whom are Black and Brown people, lack the same Congressional representation and governing autonomy afforded to Americans living in the states.
- In June 2020, the cause of DC Statehood advanced further than ever before, but died in the Senate because it couldn’t reach the 60-vote threshold needed to overcome the Senate filibuster. The filibuster must be changed to ensure equal rights under the law for residents of our capital city.
- Source: [End the Filibuster: How a Relic of Jim Crow Could Block Our Progressive Agenda](#)
- Further info: [51 for 51 Statement on Filibuster](#)

Worker’s Rights

- The Workers First Agenda, prioritizing investment, democracy, and economic justice, is too comprehensive and too important to pass through the budget reconciliation process
- The only thing standing in the way is the Senate filibuster—an archaic procedure used to paralyze government and uphold the social, economic and political status quo
- If we cannot pass a Workers First Agenda because of the filibuster, we call for swift and necessary changes to those rules so that the will of the people of the United States expressed in the 2020 elections can be turned into the progress our country and our people desperately need.

Source: [AFL-CIO Executive Council Statement: Senate Rules Cannot Be Used to Block a Workers First Agenda](#)

Climate

- The Trump administration has exacerbated and laid bare decades of environmental racism, pay-to-play politics, and crumbling stability of our democratic institutions.
- Our communities, our country, and the world cannot afford to wait on a supermajority in the Senate. The bold climate agenda we need is incompatible with the abuse of Senate rules that subjects it to interdiction by an obstructive Senate minority.
- That work must begin with ending the filibuster. Action on the climate crisis in a way that centers environmental justice should not be obstructed by a minority of Senators representing a minority of the country.

Source: [70+ Enviro Groups Letter to Schumer: “Eliminate the filibuster to protect frontline communities and the climate”](#)

Immigration

- Comprehensive immigration reform has been a top priority for progressives, the DREAM Act in particular. The bill has been re-introduced 5 times over the past two decades, aimed at providing legal status and pathway to citizenship for millions of undocumented immigrants.
- We are still fighting to protect over 2 million DREAMers and pass immigration reform that 74% of Americans support because, despite bipartisan support, the bill can't clear the 60-vote threshold set by the filibuster.

Source: [End the Filibuster: How a Relic of Jim Crow Could Block Our Progressive Agenda](#)

Criminal Justice Reform

- Black and Brown people continue to experience disproportionate harm at the hands of our criminal justice system. Black people are more than 3 times as likely to be killed during an interaction with police than white people. Black men are incarcerated at 6 times the rate of white men; and 1 in 3 Black men will be incarcerated in their lifetime.
- Bills like the National Criminal Justice Commission Act and the George Floyd Justice in Policing Act would take meaningful steps toward addressing the systemic racism in our criminal justice system, but they have not moved because of the Senate filibuster.

- The treatment of Black and Brown people in our criminal justice system has real-life consequences, and these disparities must be addressed and not held up by Senate procedural hurdles like the filibuster.

Source: [End the Filibuster: How a Relic of Jim Crow Could Block Our Progressive Agenda](#)

Gun Violence Prevention

- Every day, over [100 people are shot and killed](#) in America, and hundreds more are injured. Gun violence is the second leading cause of death for young people in America, and the leading cause of injury-related death for Black children and teens. There's no excuse for senseless gun violence — especially when legislative solutions are sitting before the Senate at this very moment.
- Just a few months following the massacre at [Sandy Hook Elementary School](#), the Senate took up a series of gun reform bills, the centerpiece of which was a bipartisan bill to expand the background check system to cover the gun show & internet sales, known as [Manchin-Toomey](#). Despite [overwhelming public support](#) for expanding background checks — especially in the wake of a national tragedy — and a clear majority of senators supporting, 55 in total, opponents successfully filibustered the legislation.
- We know that the Senate can abolish the filibuster because the Constitution explicitly allows them to make their own rules, and because the Senate has changed the filibuster rules in the past. If 51 votes is enough for a lifetime appointment for a judge to the highest court, it should be enough to pass common-sense gun laws that the [overwhelming majority of Americans support](#).

Source: [51 is Fair: End the Filibuster](#)

Resources

[DI Fix the Senate Explainer](#)

[DI Talking Filibuster Explainer](#)

[DI Talking Points on the For the People Act](#)

[DI Partner and Ally Quotes on the Filibuster](#)

[Fix Our Senate Filibuster One-Pager and FAQ](#)

Other Background Materials

- [Nationwide Filibuster Polling Memo](#)
Fix Our Senate
- [End the Filibuster: How a Relic of Jim Crow Could Block Our Progressive Agenda](#)
Demos, Just Democracy, and Truth & Conciliation
- [Senator Jeff Merkley \(D-OR\) Memo on the Talking Filibuster, 2012](#)
Office of Sen. Jeff Merkley
- [2012 Democracy Initiative Letter: “Now is the Time for Senate Rules Reform”](#)
Democracy Initiative
- [Jim Crow Filibuster Microsite](#)
Color of Change
- [One minute video on the History of the Filibuster](#)
Color of Change
- [Filibuster’s Thwarting of Key Democracy Reforms](#)
Brennan Center
- [Impact of the Filibuster on Federal Policymaking](#)
Center for American Progress
- [Eliminating the Filibuster Resource](#)
Indivisible
- [51 is Fair: End the Filibuster](#)
Brady United

Past Senate Rules Reform events

- May 10 Arizona Filibuster “Townhall” with Our Revolution

- [Watch here](#)
- May 15: Training & Filibuster session with The Frontline and MomsRising
 - Watch here (coming soon)
- May 17: Fix Our Senate livestream event with Senators Merkley & Warren
 - [Watch here](#)
- May 20: Arizona End the Filibuster Rallies
 - [Coverage](#)
- May 26, 12PM EST: Mother Jones Filibuster Panel with DI
 - [Watch here](#)