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The History of the Senate Filibuster

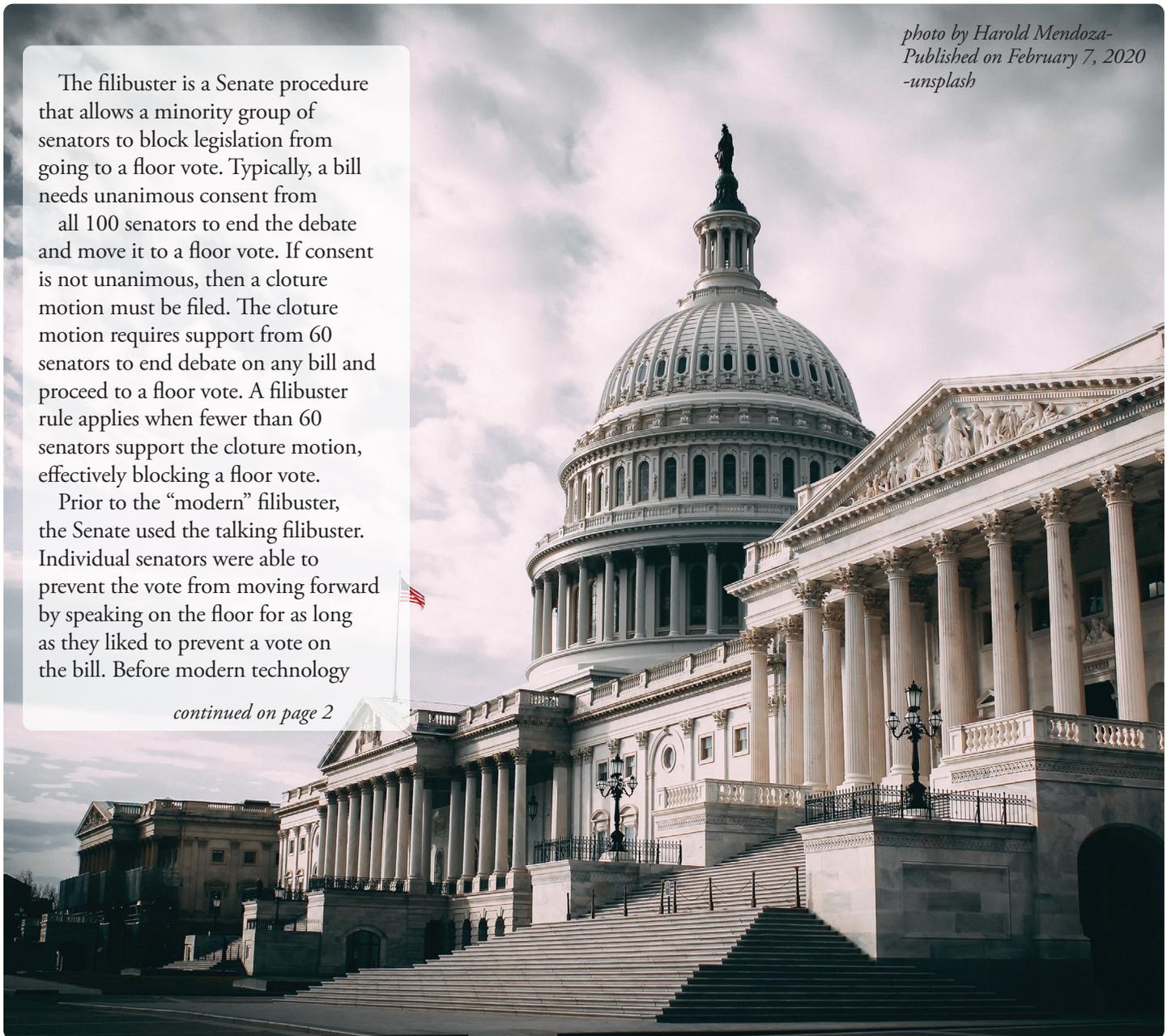
By Naomi McQuiller

The filibuster is a Senate procedure that allows a minority group of senators to block legislation from going to a floor vote. Typically, a bill needs unanimous consent from all 100 senators to end the debate and move it to a floor vote. If consent is not unanimous, then a cloture motion must be filed. The cloture motion requires support from 60 senators to end debate on any bill and proceed to a floor vote. A filibuster rule applies when fewer than 60 senators support the cloture motion, effectively blocking a floor vote.

Prior to the “modern” filibuster, the Senate used the talking filibuster. Individual senators were able to prevent the vote from moving forward by speaking on the floor for as long as they liked to prevent a vote on the bill. Before modern technology

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*photo by Harold Mendoza-
Published on February 7, 2020
-unsplash*





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came about, a talking filibuster prevented the Senate from moving on to other business. This strategy of stopping the progress of legislation has consistently been used to perpetuate racist and discriminatory practices.

In the 1840s, John Calhoun of South Carolina used an early version of the filibuster to protect the institution of enslavement and the interests of southern plantation owners.¹ In the 1920s, when Henry Cabot Lodge (R-Mass.) introduced an anti-lynching bill, southern senators offered objections and amendments — each requiring a separate vote — to prevent a floor vote.² At that time, the filibuster prevented the Senate from undertaking any other business. To save the rest of his legislative goals and priorities, Lodge was forced to abandon the anti-lynching bill. During the next several decades, Congress considered almost 200 pieces of legislation to prevent lynching,³ but not one of them became law.⁴ This shameful outcome is explicitly connected to the use and abuse of the filibuster in the Senate. In 2021, we still do not have an anti-lynching bill.

In 1970, the modern filibuster came about with a new procedure of legislative tracking. New legislative tracking made it possible for multiple bills to be considered on the floor at the same time. This allows a single senator to “filibuster” or hold up the progress of a bill without holding up the floor. This is an imbalance of power, which allows a minority group of senators to block nearly every piece of legislation that they do not support.

The filibuster has been used to prevent progressive legislation that protects or provides aid to Black, Indigenous and People of Color (BIPOC), women and immigrants.⁵ For example, the Paycheck Fairness Act would have been a step toward



Texas State Capitol

pay equity for women. Unfortunately, this bill was filibustered twice, in 2010 and 2012.⁶ The Dream Act, which would have provided a pathway to citizenship for undocumented people who arrived in the United States before their 16th birthday, was filibustered once in 2007 and twice in 2010.⁷

The Senate filibuster has been used to perpetuate racist and discriminatory practices. It is often referred to as a relic of the Jim Crow era, and an ode to white supremacy.⁷ This term highlights the horrific use of the filibuster to oppress already marginalized populations. At

this time, there are three proposed alternatives to the modern filibuster. The Senate can choose to maintain the filibuster as it currently is, reform it or abolish it completely. There are two options for reforming the filibuster. First, the Senate could put into place additional carveouts for issues that a majority of senators agree should not be subject to a filibuster. Second, the Senate could change the workings of the filibuster itself. Whichever option is chosen, the Senate must put a system of checks and balances in place to combat the abuse of this procedure.

FOOTNOTES

1. [nytimes.com/2021/01/27/briefing/vaccines-trump-impeachment-trial-hong-kong.html](https://www.nytimes.com/2021/01/27/briefing/vaccines-trump-impeachment-trial-hong-kong.html)
2. David Litt, “The Senate Filibuster Is Another Monument to White Supremacy,” *The Atlantic* (Atlantic Media Company, June 27, 2020), [theatlantic.com/ideas/archive/2020/06/senate-filibuster-monument-white-supremacy/613579](https://www.theatlantic.com/ideas/archive/2020/06/senate-filibuster-monument-white-supremacy/613579).
3. Ibid.
4. Keisha N. Blain and MSNBC Opinion Columnist, “Mitch McConnell Is Wrong on Filibusters: They Are, in Fact, Racist,” *MSNBC* (NBCUniversal News Group, March 26, 2021), [msnbc.com/opinion/mitch-mcconnell-wrong-filibuster-fact-racist-n1262117](https://www.msnbc.com/opinion/mitch-mcconnell-wrong-filibuster-fact-racist-n1262117).
5. [americanprogress.org/issues/democracy/reports/2019/12/05/478199/impact-filibuster-federal-policy-making](https://www.americanprogress.org/issues/democracy/reports/2019/12/05/478199/impact-filibuster-federal-policy-making)
6. Ibid.
7. Ibid.



Harmful Farming Practices Are a Threat to Our Environment

By Hayley Scheir



Farmland in Monroe County, Alabama. Original image from Carol M. Highsmith's America, Library of Congress collection. Digitally enhanced by rawpixel.

For decades, U.S. policies have promoted unsustainable farming practices by large corporate-driven farms that have negative impacts on the health of the environment, as well as human health and livelihoods. To protect all of God's Creation, we must implement policies that will regulate the unsustainable practices in the agriculture industry that have contributed to economic and environmental harm.

Corporate farming causes disparate effects to the health of individuals and communities. As climate change worsens, many farmworkers are subject to extreme heat and other weather conditions. Many farm and factory workers throughout the industrial agricultural system work in dangerous conditions for low wages, preventing many from seeking adequate health care.

Air and water pollution from factory farms poses another threat to the health and strength of communities. A recent study found that air pollution from agricultural production results in 17,900 deaths annually in the United States.

Pollution from large farms also threatens the well-being of natural

ecosystems as our agriculture industry delivers hundreds of millions of pounds of nitrogen and phosphorus to the Chesapeake Bay and other bodies of water each year. These pollutants stimulate algal blooms in the bay, which create oxygen-free dead zones where aquatic vegetation and aquatic species, such as fish and oysters, cannot survive.

U.S. policies have incentivized these harmful practices such as monocrop farming, which is unsustainable due to its disproportionate use of natural resources and its high carbon footprint. In 2019, agricultural activities were responsible for over 10% of U.S. greenhouse gas emissions.

Congress must hold large agricultural corporations accountable for the harm they have done to communities and the planet. Through regulation, we can implement more sustainable farming practices that prioritize health and that provide livable wages for the people who are essential to feeding the nation. The Farm System Reform Act, which

is planned to be reintroduced later this year, would address some of the issues within the agriculture industry. This legislation would hold corporate integrators responsible for pollution from their livestock operations, as well as provide funding and protection to smallholder farmers who have been mistreated by corporations.

We should approach agriculture issues through a lens of sustainability. The PC(USA) Policy Statement on "Restoring Creation for Ecology and Justice" defines sustainability as "the capacity of the natural order and the socioeconomic order to thrive together." Solutions must promote harmony between society and nature because that is how we were created to live. If we push for reform of the industrialized agriculture industry with the goal of sustainability, we have an opportunity to strengthen our food system, our economy and the quality of our ecosystems.

Indigenous Nations and the Church: How Do We Move Forward?

By Maggie Collins



Kamloops Residential School Memorial, May 30th 2021

The history of relations between the Indigenous peoples to North America and European colonists and their descendants has always been riddled with exploitation and unjust practices. This history is, in some ways, even more difficult to grapple with as Christians because of the religious motivations that fueled the majority of the colonization of Native lands all over the world. Even beyond the period of colonization of physical lands, Christians persisted with their colonization of Indigenous peoples' minds with the implementation of boarding schools and missions. Proceeding with the mindset of "kill the Indian, save the man," Christianity came to be a tyrannical force. We are seeing a fraction of the horrific reality of these schools unveiled in Canada recently as the Cowessess First Nation in Saskatchewan has uncovered evidence of at least 751 unmarked

graves of Indigenous children who were subjected to the former Marieval Indian Residential School.¹ The Presbyterian Church ran 21 of these schools across the United States.² However, there is no reason for us to perpetuate the sins of those who came before us.

The long-overdue apology to Indigenous groups came during the 222nd General Assembly, when the Rev. Dr. J. Herbert Nelson, II and the Rev. Gradye Parsons, who have both

served as the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.), traveled to Alaska to offer words of remorse for the actions of Presbyterians throughout history. Parsons apologized for the ignorant manner in which Presbyterians first interacted with Indigenous groups, when sacred and complex practices of Indigenous groups were treated as primitive and not worthy of respect. He apologized for the trauma that the implementation of boarding schools caused to those who attended them and their families. The PC(USA) action summary for this apology states, "We acknowledge that we are poorer because we did not truly listen to them. The image of the Creator in us is twisted, blurred, and misshapen, and we all have fallen short of what God intends us to be."³ Presbyterians and Christians perverted the image and the calling of God to fit their need for domination. In the documentary "Doctrine of Discovery: In the Name of Christ," professor Wes Howard-Brook highlights two conflicting ideas: the religion of empire and the religion of Creation. The religion of empire is used to justify discovery and colonization. It paints a picture of a god who is on the same level as the king, justifying the king's

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FOOTNOTES

1. "What to know about Canada's residential schools and the unmarked graves found nearby," The Washington Post, June 25, 2021, [washingtonpost.com/world/2021/06/25/canada-schools-unmarked-graves.](https://www.washingtonpost.com/world/2021/06/25/canada-schools-unmarked-graves/)
2. "Indigenous organization seeks church partners for truth telling, healing around Indian boarding school trauma," Minnesota Council of Churches, Feb. 2, 2021. [mncchurches.org/blog/2021/02/8/indigenous-organization-seeks-church-partners-truth-telling-healing-around-indian.](https://mncchurches.org/blog/2021/02/8/indigenous-organization-seeks-church-partners-truth-telling-healing-around-indian)
3. "On Offering an Apology to Native Americans, Alaska Natives, and Native Hawaiians-From the Presbytery of Baltimore" [11-08], Presbytery General Assembly, 222nd, 2016.
4. "Doctrine of Discovery: In the Name of Christ," directed by Jerry Hartman, 2015, Creative Commons.



Reparations Cannot Wait

By: Christian Brooks

The concept of reparations is not new to the federal government. Examining the impacts of policy and providing reparations to impacted communities is a common governmental practice. In 1862, Congress passed the Compensated Emancipation Act, which ended enslavement in Washington, D.C. However, the law also provided direct compensation to slave owners in D.C. for the “loss of their human property.” Additionally, in 1980, Congress established the Commission on Wartime Relocation and Internment of Civilians to study the wrongful internment of Japanese citizens and permanent residents during World War II. This led to the passage of the Civil Liberties Act of 1988, which issued a formal apology and provided compensation to survivors of internment and their families.

Continued evidence shows the detrimental impact of racist policies and practices on the Black community (police brutality, health disparities, the racial wealth gap, etc.). In 2020 alone, we saw many examples of the impact of our country’s long history of systemic racism on the Black community. However, despite the proof, the U.S. government has never apologized or provided redress to the Black community for the harm caused by enslavement and systemic racism. In the summer of 2020, we saw hundreds of thousands of people take to the streets calling for justice. These protests were a demand not only for an end to police brutality, but for America to repent and atone for its sins against the Black community. H.R. 40 serves as a first step toward repentance and atonement.

H.R. 40, the “Commission to Study and Develop Reparation Proposals for



African Americans Act,” is strategically named after the failed promise of 40 acres and a mule to freed Blacks after the American Civil War. The bill will create an expert federal commission to research reparations for the African American descendants of enslavement. The commission of 13 people would be tasked with researching the history of enslavement in the United States and systemic racism, including federal and state governments’ role in supporting it, and recommend appropriate remedies to Congress.

H.R. 40 was first introduced by Rep. John Conyers in 1989. It has been introduced in every Congress since that time. Support for the commission has continually grown since 1989. However, despite the support, the bill had not been brought to a committee vote until April 14, 2021. After more than 30 years in committee, the bill passed the vote and is now waiting to be scheduled for a floor vote.

At the 216th General Assembly (2004), the Presbyterian Church (U.S.A.) adopted the report of the Task Force to Study Reparations,

which affirmed that “Jesus Christ calls us to repair wrongs done to one another and to work for personal and social reconciliation and renewal.” This involves “remembering, restoring, repairing, and redressing injustices for the purpose of reconciliation and human restitution ... and acknowledgment of beneficial gains at the expense of others or harm done to others...” In order for us to move forward as a nation and heal from atrocities committed against the Black community in the past and present, reparations are necessary.

Many educational institutions have acknowledged their contributions to enslavement. Union Presbyterian Seminary has created a \$1 million endowment in support of reparations for descendants of enslaved Africans. For the first time in U.S. history, local governments are taking steps toward redress. These initiatives are great first steps. Our government must now fully acknowledge its culpability in the institution of enslavement and systemic racism and the resulting harms to the Black community, and make restitution.



U.S. Military Aid to Israel and the Palestinian Children and Families Act

Palestinian children living under Israeli occupation in Gaza and the West Bank face a daily reality of both long-term and acute trauma. During the most recent attacks in May, 61 children were killed by Israeli rockets over the course of 11 days.¹ Thirteen-year-olds in Gaza have lived through four major Israeli bombing campaigns, including the 2014 campaign that killed more than 500 Palestinian children.² Each year, Israel receives \$3.8 billion in military aid from the United States. This aid is unconditional and allows Israel to act with impunity, making the U.S. complicit in Israeli actions that Amnesty International says “may amount to war crimes or crimes against humanity.”³ There’s growing momentum behind an effort in Congress to create transparency around the use of U.S. funds.

In the West Bank, over 10,000 Palestinian children have been arrested and held in military detention since 2000. Israel is the only country in the world that automatically prosecutes children in military courts, where they lack rights to a fair trial and other protections.⁴ A 2017 report from Human Rights Watch details an illustrative hypothetical: “If Israeli soldiers suspect a Palestinian child of throwing a rock at a settler’s car, they may, under the rules they apply, raid his home in the middle of the night, drag him out of bed, and keep him awake for hours for interrogation without allowing him to call a parent to say where he is. Interrogators often pressure the child to sign the record of



Photo by Amir Hanna, Published on May 16, 2021 -unsplash

his interrogation, written in Hebrew, which most Palestinian children do not understand. And the rules permit security officials to hold him for up to four days without taking him before a judge.” According to the same report, Palestinian children are subject to abuses including blindfolding, painful

restraints, physical abuse, threats, sleep deprivation, and strip searches.⁵

In 2018, Defense for Children International Palestine produced a short film about then-15-year-old Palestinian Obaida Akram Abdurahman Jawabra. Obaida was arrested by Israeli forces for the first time when he was 14 years old,



U.S. Military Aid, continued from page 6

and for a second time the next year. In the film, he described having his hands bound by rubber ties and being beaten by Israeli forces in places where his bruises would not show. On May 17, Obaida was shot in the chest by Israeli forces while protesting at the entrance of the refugee camp he lived in.⁶

Even beyond extrajudicial killings and a justice system that is patently unjust, Palestinian children are subjected to the daily trauma of violent occupation and annexation carried out by Israeli Defense Forces receiving U.S. funds. In 2020, Israel demolished or seized 851 Palestinian homes and properties and displaced over 1,000 people, including 518 children, as the pandemic raged.⁷ In the East Jerusalem neighborhood of Sheikh Jarrah, 87 Palestinian families, including numerous children, are living under active threat of eviction. Checkpoints, barriers to entry, and evictions — not to mention literal rocket attacks like those that occurred in May — traumatize children with uncertainty, separation and homelessness. (For more on checkpoints, read this article about one grandparent’s experience at the entry to Sheikh Jarrah; For more on rocket attacks, watch this harrowing video.)

The United States sends \$3.8 billion in military aid to Israel each year, more than any other country in the world, constituting almost 20% of Israel’s entire defense budget.⁸ This funding goes to everything from the Iron Dome missile defense system to Israeli Defense Forces who staff border crossings and preside over occupied territory, activities that specifically infringe on the rights of children.⁹ Currently, the U.S. requires no reporting or accountability on how our aid is spent.

This spring, Rep. Betty McCollum (D-Minn.) introduced House Resolution 2590, the Defending the Human Rights of Palestinian Children

and Families Living Under Israeli Military Occupation Act. The bill calls for an annual certification stating that U.S. dollars going to Israel are not used in the military detention or abuse of Palestinian children, seizure or destruction of Palestinian property, or further annexation. (Notably, this oversight process does not actually condition the aid to Israel; it only requires that the U.S. be transparent about how the money is used.)¹⁰ The bill currently has 27 total cosponsors, and a coalition of more than 140 organizations, including the PC(USA), who has endorsed the legislation.¹¹ In 2016, the General Assembly of the PC(USA) passed a resolution calling on the Office of Public Witness “to advocate and witness for the human rights of the children of Palestine and Israel until there is an amendment in the practices of the state of Israel so that they are in compliance with international humanitarian laws.”¹² Advocacy for HR2590 is but a small part of our response to that call.

FOOTNOTES

1. Defense of Children International Palestine, May 17, 2021; Aljazeera, May 16, 2021
2. NPR, May 21, 2021; B’Tselem, July 20, 2016
3. Amnesty International, May 17, 2021
4. American Friends Service Committee, April 28, 2021
5. Human Rights Watch, Nov. 14, 2017
6. Defense of Children International Palestine, May 17, 2021
7. Rep. Betty McCollum
8. Salon, May 18, 2021; Human Rights Watch, Nov. 14, 2017
9. BBC, May 24, 2021
10. Defense of Children International Palestine, April 16, 2021; The Hill, April 14, 2021
11. Defense of Children International Palestine
12. 222nd General Assembly, Committee on Middle East Issues, 2016

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actions, including land-grabbing and domination. The religion of Creation is the opposite, where all people are seen as a “common human family” and are one with the earth as well. Howard-Brook states that “Jesus clearly sides with the religion of Creation against the religion of empire.” Creation against the religion of empire.⁴ If we want to reflect the actions and call of Jesus, we have to follow the religion of Creation and see all humans as equal. It is also imperative to recognize the ways in which our beliefs intersect as opposed to drawing lines of difference. The recommendation made by PC(USA) admits that “we demonstrated that we did not fully understand the Gospel we were trying to preach.”⁵ How do we proceed in a way that is in line with the teachings of Jesus?

The first step is to fully recognize the actions of our church and the systems implemented that are still affecting Indigenous groups in the modern context.

While reckoning with this past, the most important thing we can do is to listen to Indigenous voices and what they are asking of us. Groups like the Navajo tribe and many others have called for full membership at the United Nations.⁶ The Permanent Forum on Indigenous Issues was created as a space to focus on the issues and the governing bodies that affect Indigenous peoples. In a world that is so interconnected, however, every decision has an effect on all people, no matter how indirectly. For this reason, it is imperative that the United Nations take Indigenous groups’ calls for full membership seriously and, hopefully, honor these requests. As a church, we can commit ourselves to learning about our past so that we move toward a brighter, more cooperative future. Honoring the important space that Indigenous peoples have in the modern world is the first step in righting the wrongs of so many who came before us.



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