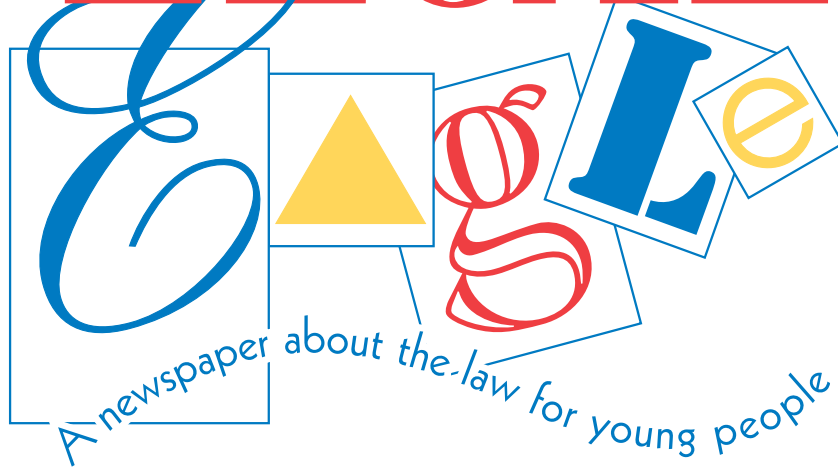


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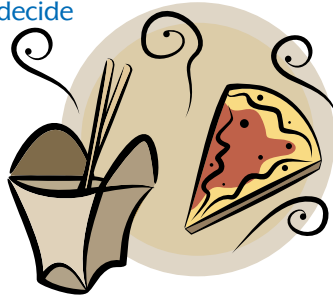
Majority Rules...Right? Not Always

by Phyllis Raybin Emert

Say you're with a group of your friends and you're trying to decide whether to go out for pizza or Chinese food. There are 10 of you and six want pizza, while the other four want Chinese. So, you're going for pizza, right? Not if you're in the U.S. Senate and your four friends decide to filibuster.

What's a filibuster?

It is a common belief that the Founding Fathers were concerned that the majority party might take advantage of the minority and their rights in the new American republic. In *The Federalist Papers* #10, James Madison wrote about "the **tyranny** of the



CONTINUED ON PAGE 6

Debate Over Science vs. Religion Continues

by Cheryl Baisden

More than 150 years after Charles Darwin published his landmark study *On the Origin of Species*, controversy continues to swirl around his scientific theory of evolution. First hotly debated in England in 1860, just seven months after its publication, Darwin's research detailed how life on Earth evolved through a process called "natural selection," where animals and plants change over time to adapt to their environment. For example,

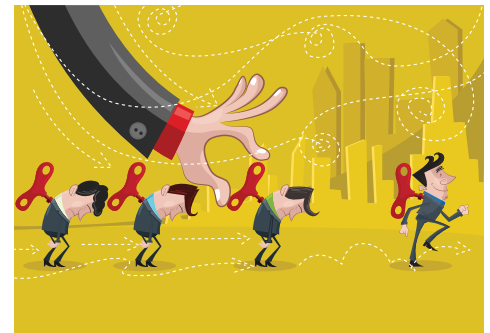


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Give Me Liberty or Give Me.... A Nanny State?

by Jodi L. Miller

Today, debates over how large a role government should play in its citizens' everyday lives are rampant. Some believe that government should play no role, impose no regulations and leave everyone to do as they please. Others think government should be allowed to regulate certain aspects of a person's life if



those regulations are in the public's best interest. Should government be concerned with keeping citizens safe and healthy or are government regulations intrusive and evidence of living in a nanny state?

What's a nanny state?

The term "nanny state" has come to symbolize government overreach and interference in the lives of American citizens. A British term, it compares the relationship between government and the people in terms of child rearing. In other words, if you think you live in a "nanny state" you most likely believe that the government treats you like a child, incapable of making your own decisions.

Dictionary.com defines nanny state as "a government perceived as **authoritarian**, interfering or overprotective." Debates over living in a nanny state usually arise in cases of public health and risk management. For example, when mandatory seat belt laws went into effect, there were

CONTINUED ON PAGE 2

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questions over whether wearing a seat belt is a personal choice that should not be mandated even though numerous studies had shown that seat belts save lives.

Keeping it safe

A 2012 report called, *The Facts Hurt: A State-by-State Injury Prevention Policy Report*, published by Trust for America's Health and funded by the Robert Wood Johnson Foundation, found that states with the most injury-prevention laws, such as mandatory seat belt and helmet laws, had the fewest deaths by injuries. Based on the report, a *National Journal* article titled "Nanny State Works, When It Comes to Injuries" concluded, "The states where residents are least likely to be killed by car crashes, falls, poisonings, drownings and homicides were states with many public-health measures on the books: New Jersey, New York, Massachusetts, California, Connecticut, Hawaii and Illinois."

The report claimed those states had the lowest injury-related deaths, with fewer than 50 each year for every 100,000 people. According to the report, the most dangerous states were New Mexico, Montana and Alaska, which had more than 85 people killed by injuries for every 100,000 residents.

The only **anomaly** in the study was New Hampshire, which the report ranked as relatively safe even though it only had four of the 10 public-policy laws, which the study tracked, on its books. It is also the only state that doesn't have a seat belt law of any kind. Not surprisingly, the state motto of New Hampshire is "Live Free or Die."

How free is the Garden State?

On the other side of the coin, a 2011 study titled, *Freedom in the 50 States: An Index of Personal and Economic Freedom*, published by the Mercatus Center at George Mason University, claims that New Jersey is the second most restrictive state in the union (New York placed 1st). The Mercatus Center, which has libertarian-leaning ideals, looked at the regulatory, economic, personal and overall freedom of all 50 states and ranked them accordingly. According to their findings, New Jersey ranked last in regulatory freedom, 47th in economic freedom, 45th in personal freedom and 49th in overall freedom. A libertarian philosophy upholds the idea of liberty and personal freedom above all else and favors greatly reducing the role of government.

The study sought to answer the question: "Why do some states protect individual liberty more thoroughly than others, if not because of a libertarian ideology?" According to the study, in 2007, "Alabama and Mississippi were the most **conservative** states in the country, while New York and New Jersey were the most **liberal**."

In our index Alabama and Mississippi are slightly better than average, while New York and New Jersey are at the bottom."

The study concluded, "While liberal states are freer than conservative states on marijuana and same-sex partnership policies, when it comes to gun owners, homeschoolers, motorists, or smokers, liberal states are nanny states, while conservative states



are more tolerant. It is questionable whether we ought to attribute this relative freedom in conservative states to any philosophical respect for freedom inherent in contemporary political conservatism, or rather to the fact that conservative positions on cultural issues tend to require less regulation of individual behavior. As we have already seen, extremely conservative governments do not appear to afford any more freedom overall than do moderate, centrist governments.”

Interestingly, what placed New Jersey so high as one of the safest states in the Trust for America’s Health study (i.e., seat belt and bicycle helmet laws, cell phone and texting while driving bans, sobriety checks, etc.), is what landed the Garden State at the bottom of the Mercatus Center study.

Soda in the city

One reason the Mercatus Center ranked New York at the bottom in overall freedom is New York City’s bans on everything from trans fat to smoking in public. Recently, New York City Mayor Michael Bloomberg and the city’s Department of Health attempted to impose another ban, this time on the sale of “sugary beverages.” The city’s ban would have prohibited the sale of sugary beverages larger than 16 ounces in all food establishments. The city defined “sugary beverage” as a drink with more than 25 calories per eight ounces and essentially targeted regular (not diet) soda. The ban did not apply to fruit juice or smoothies, nor alcoholic beverages. In addition, the ban only applied to outlets that receive health department grades, so grocery and convenience stores were exempt (in other words, the 7-Eleven Big Gulp was safe).

The city cited national obesity rates as the motivation behind the ban. According to the Harvard School of Public Health, “two of three adults and one out of three children in the United States are considered obese



and the nation spends an estimated \$190 billion a year treating obesity-related health conditions.” The Institute of Medicine considers the rising consumption of sugary drinks as a major contributor to the obesity epidemic. In fact, research presented at an American Heart Association conference revealed that 180,000 deaths worldwide were linked to sugary beverages; 25,000 of those deaths were in the U.S.

The beverage industry took the city to court over the ban and in March 2013, the night before it would have been enacted, a lower court judge invalidated the ban, calling it “**arbitrary** and **capricious**.” The city appealed the decision to a higher court and in June 2013 the Appellate Division of the State Supreme Court in Manhattan upheld the lower court’s ruling.

Justice Dianne T. Renwick wrote in the court’s opinion that the Board of Health “violated the state principle of separation of powers” because it did not seek the ban through proper channels, in this case the city council. Justice Renwick also wrote, “The selective restrictions enacted by the Board of Health reveal that the health of the residents of New York

City was not its sole concern. If it were, the ‘Soda Ban’ would apply to all public and private enterprises in New York City.”

In a statement after the decision, Mayor Bloomberg said that his office would “continue the fight against the obesity epidemic” and appeal the case to the highest appellate court in the state, the Court of Appeals. Mayor Bloomberg’s term ends in December 2013 and the candidates currently running for mayor of the city seem lukewarm on this issue. It may be that the soda ban will die with the mayor’s term.

Ignorance is bliss

In response to the soda ban controversy in New York City, and because no one is going to tell Mississippi what to do, in March 2013, the state passed legislation that prohibits banning or restricting the size of soft drinks or requiring restaurants to post calorie counts or any nutritional information for consumers. After he signed the legislation into law, Mississippi Governor Phil Bryant released a statement saying: “It is simply not the role of government to micro-regulate citizens’ dietary decisions. The responsibility for one’s personal health depends on individual choices about proper diet and appropriate exercise.”

While Mississippi can lay claim to being anything but a nanny state, it can also boast the title of “most obese state in the nation,” according to a 2010 report from the Trust for America’s Health and the Robert Wood Johnson Foundation (New Jersey ranks 42nd).

So, how large a role should government play in people’s lives? Is some form of a “nanny state” necessary to protect citizens from harm or do these laws impede our right to freedom of choice? Perhaps the answer lies somewhere in the middle. 🛠️

according to Darwin, over the course of millions of years modern man “evolved” from apes.

That first debate over Darwin’s findings pitted science against religion, with religious leaders of the day arguing that Earth and the species that inhabit it, including people, were the handiwork of God, as described in the Bible, not the result of an ongoing biological process. Over time, as the idea of evolution generally became more accepted, it became the foundation of biological studies. But the conflict between religion and science never completely disappeared.

In the past several years, the debate has escalated in a number of states, where lawmakers have passed, or have considered passing, bills that encourage schools to teach other views in addition to evolution, such as “creationism,” which focuses on the idea that life was created by God, and “intelligent design,” which contends that life is too complex to be the result of natural selection, so an intelligent process must be at work.

Debating evolution?

In 2008, Louisiana was the first state to pass legislation, often called “academic freedom” bills, designed to reopen the debate in the classroom, giving teachers the right to teach creationism, intelligent design and other ideas about life on Earth, in addition to evolution. The Louisiana Science Education Act states it promotes “open and objective discussion of scientific theories being studied, including evolution, the origins of life, global warming, and human cloning.”

Since its passage, Louisiana lawmakers have tried, more than once, to **repeal** the Science Education Act, which encourages teachers to debate established scientific concepts like evolution and global warming in the classroom. Despite being endorsed by 78 Nobel laureate scientists and supported by the American Association for the Advancement of Science, in May 2013 the latest repeal effort failed, when the Louisiana Senate Education Committee rejected it.

In April 2012, Tennessee became the latest state to join the movement, putting into effect legislation that encourages teachers to “present the scientific strengths and scientific weaknesses of existing scientific theories,” including the “controversial” theories of “biological evolution, the chemical origins of life, global warming, and human cloning.”

“Telling students that evolution and climate change are scientifically controversial is miseducating them,” Eugenie Scott, executive director of the National Center for Science Education, a nonprofit organization focused on defending evolution education in the schools, said in a prepared statement. “Good science teachers know that.

But the Tennessee legislature has now made it significantly harder to ensure that science is taught responsibly in the state’s public schools.”

Supporters of these legislative measures view them differently. New Hampshire State Representative Jerry Bergevin told the *Concord Monitor* he sponsored an anti-evolution bill in that state because he wanted “the full portrait of evolution and the people who came up with the ideas to be presented. It’s a worldview and it’s godless.

Atheism has been tried in various societies, and they’ve been pretty criminal domestically and internationally. The Soviet Union, Cuba, the Nazis, China today: they don’t respect human rights.”

The New Hampshire bill, which was defeated in March 2012, would have required that evolution be “taught in the public schools of this state as a theory, including the theorists’ political and ideological viewpoints and their position on the concept of atheism.”

Over the past several years, in addition to Louisiana, Tennessee and New Hampshire, several other states including Texas, Florida, Missouri, Oklahoma, Kansas, Georgia and Alabama have considered similar anti-evolution legislation. At this time, there is no indication that New Jersey lawmakers are considering any such legislation.

“The issue seems to be more prevalent in southern states than northern states,” explains Nicholas Celso, a professor at New Jersey’s Kean University who practices school law. “One possible explanation for this may be that, generally speaking, southern states tend to be more conservative socially and politically.”

Constitutional concerns

When it comes to these types of academic freedom bills, it’s the U.S. Constitution’s First Amendment that comes into play on both sides.

Within the First Amendment, “the free speech clause protects the individual’s right not only to speak freely, but also to receive and disseminate information without undue governmental restriction,” explains Celso. “The First Amendment also contains the ‘religious clauses’ that protect the right to worship freely and to be free from governmental imposition or inhibition of religion.”

Since this type of legislation often restricts the teaching of evolution and encourages the teaching of certain religion-based beliefs, individual students’ constitutional rights related to religion can be threatened. At the same time, students are entitled to freedom of speech and information.

“Since the First Amendment protects individuals from the government, its protections extend to the public schools, because the schools are paid with public money raised through taxes imposed by the government. Therefore, the public schools must refrain from teaching students what to believe, suggesting that they should or should not believe in religion, or in any way interfering with their beliefs,” says Celso. “Those who have traditionally supported banning or regulating the teaching of evolutionary theory have done so primarily because they view the theory as contrary to the

teaching of various religious explanations of the origins of mankind.”

By adding creationism and intelligent design to the curriculum along with evolution, rather than eliminating the teaching of evolution, states, and in some cases school districts, that pass “academic freedom” regulations generally avoid constitutional challenges in the courts, notes Celso. But the question of imposing religious beliefs on students can still spark controversy and potential court action.

For example, in 2004 in Pennsylvania, the Dover School Board passed a policy requiring that a statement mentioning intelligent design had to be read to ninth grade biology students. A group of parents protested the measure, and a federal judge ruled that it violated the First Amendment’s Establishment Clause, which requires that government not promote or inhibit religion.

“The overwhelming evidence at trial established that intelligent design is a religious view, a mere relabeling of creationism, and not a scientific theory,” wrote Judge John E. Jones in his decision.

A changing perspective

The Dover ruling was a complete turnaround from the most famous ruling related to the teaching of evolutionary theory, known as the Scopes Monkey Trial. In the most highly publicized, sensationalized trial of its day, high school teacher John Scopes was convicted of violating a 1925 law passed in Tennessee called the Butler Act, which made it illegal to teach evolution in a public school. According to the Butler Act, schools were prohibited from teaching “any theory that denies the story of the Divine Creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals.”

After Scopes’ conviction (he was fined \$100), 13 other states considered passing similar laws at the time, but only Mississippi and Arkansas did. It wasn’t until 1968 that the U.S. Supreme Court, in *Epperson vs. Arkansas*, finally ruled that these laws were unconstitutional.

Two decades later, a Louisiana law introduced a new wrinkle into the debate by requiring equal time for creationism to be taught alongside evolution. With its decision in the 1987 case of *Edwards vs. Aguillard*, the U.S. Supreme Court found that law to be unconstitutional because it infringed on the First Amendment’s Establishment Clause. The Court’s opinion stated that the Louisiana Legislature had a “preeminent religious purpose in enacting this statute.”



The Science Guy weighs in

According to a Gallup poll released in June of last year, 46 percent of Americans believe in creationism. Shortly after the results of that poll, Bill Nye, known to many as the “Science Guy” from his popular children’s show on PBS, denounced creationism in a video posted on YouTube by Big Think, an online knowledge forum.

In the video, titled “Creationism Is Not Appropriate for Children,” Nye called evolution “the fundamental idea in all of life science, in all of biology.” Nye also had a message for parents, “I say to grownups, ‘If you want to deny evolution and live in your world that’s completely inconsistent with everything we’ve observed in the universe that’s fine. But don’t make your kids do it.’ We need them. We need scientifically literate voters and taxpayers for the future.”

The video received more than a million views and was widely criticized by the religious community. In a telephone interview with *The Huffington Post*, Nye went on to say, “If we raise a generation of students who don’t believe in the process of science, who think everything that we’ve come to know about nature and the universe can be dismissed by a few sentences translated into English from some ancient text, you’re not going to continue to innovate.”

The effects of the “academic freedom” laws passed in Louisiana and Tennessee have yet to be seen. However, just as with previous laws, they will likely be tested in the courts, finding their way ultimately to the U.S. Supreme Court. 🪵

majority.” The filibuster, which comes from the Dutch word meaning “pirate,” was a means to let the voices of the minority party be heard. Today, many question whether this delaying tactic has gone too far in Congress and there is now a tyranny of the minority.

A filibuster is an intentional move by the minority party to delay a vote on legislation, judicial nominees or presidential cabinet appointments by speaking indefinitely. Political commentator William Safire once defined it as “talking...[a measure]...to death.” Gregory Koger, a political science professor at the University of Miami and author of *Filibustering: A Political History of Obstruction in the House and Senate*, defines the filibuster as “an effort or threat to waste the time of a legislature for strategic gain.”

A simple majority (51) can no longer pass legislation in the U.S. Senate. Professor Koger noted that historically, “the U.S. Senate long operated as a simple majority chamber, then filibustering became easier and more common as the time of the Senate became more scarce and valuable over the course of the 20th century... Senators began resorting to a supermajority cloture process to end filibusters...Now the idea that the Senate operates on the basis of supermajority rule **permeates** the daily life of the Senate.”

Cloture is the procedure that will stop debate in a legislative body so that a simple up or down vote can be taken on the legislation, nomination or appointment being discussed (or attempting to be blocked via filibuster). In order to invoke cloture and end a filibuster, a supermajority or three-fifths of senators (60 votes) is required. This means a small number of senators can bring the business of the Senate to a halt unless 60 votes can be gathered to stop them and move on for a vote.

History of the filibuster

Sarah A. Binder, a senior fellow at the Brookings Institution in Washington, D.C. and an expert on Congress and the legislative process, testified before the U.S. Senate Committee on Rules and Administration in April 2010 and explained “the filibuster was created by mistake.” According to Binder, it was not “part of the founding fathers’

constitutional vision for the Senate.” In 1789, the rules of the House and Senate were the same and included a “previous question motion.” The previous question motion is essentially a form of cloture; however, it requires only a simple majority to end debate,

not three-fifths. Binder noted that “The House kept their motion, and today it empowers a simple majority to cut off debate.” Not so for the Senate.

Binder explained that in 1805, Vice President Aaron Burr suggested that the Senate revise its rules by dropping the previous question motion, which he thought was unnecessary. The Senators followed his advice and dropped the motion in 1806. Binder asked “why?” and declared, “Not because senators in 1806 sought to protect minority rights and extended debate. They got rid of the rule by mistake: Because Aaron Burr told them to.” It wasn’t much of an issue at the time because there wasn’t a real filibuster until 1837. In fact, according to ThisNation.com, almost “two-thirds of all filibusters in the Senate’s history have taken place in the last 30 years.”



Filibusters through the years

Senator Strom Thurmond, a Democrat from South Carolina, holds the record for the longest one-person filibuster. Senator Thurmond spoke for 24 hours and 18 minutes on August 28–29, 1957. How did the senator pass all that time? He reportedly read the election laws from every state in alphabetical order, as well as gave readings from the Declaration of Independence, the Bill of Rights and George Washington’s Farewell address. And, what piece of legislation inspired such passion in Senator Thurmond that

he would go to such lengths to block it? It was the 1957 Civil Rights Bill, which essentially protected voting rights for minorities. While Senator Thurmond’s stamina was impressive, it wasn’t exactly a *Mr. Smith Goes to Washington* moment. The bill eventually passed, signed into law by President Dwight D. Eisenhower.

The 1964 Civil Rights Act, which banned discrimination in all public facilities, such as public pools, motels, restaurants, movie theaters and any business that offered services to the public, had a similar fight with a filibuster. According to author and historian James Q. Wilson in his book *American Government*, “Nineteen southern senators began an eight-week filibuster against the bill. On June 10, 1964, by a vote of 71 to 29, cloture was invoked and the filibuster ended — the first time in history that a filibuster aimed at blocking civil rights legislation had been broken.” The 1964 Civil Rights Act was passed nine days later.

Today, talking filibusters are rare and have been replaced by what is called the silent filibuster. According to Professor Koger, “The silent filibuster is the current Senate’s system of recognizing and working around threats to filibuster

instead of forcing senators to continuously occupy the floor of the Senate.” Silent filibusters only require those opposed to a measure to make a call from the Senate floor saying they object to a bill. It saves the vocal cords and makes it very easy to oppose legislation.

Which is why it was a surprise when Senator Rand Paul of Kentucky took to the Senate floor in March 2013 to delay a vote on the confirmation of John Brennan, President Barack Obama’s appointee as CIA director. Senator Paul was making his stand in part to voice his objections to the White House administration’s position on drone attacks. Senator Paul ended the filibuster after 13 hours stating, “I would go another 12 hours and try to break Strom Thurmond’s record, but there are some limits to filibustering and I am going to have to go take care of one of those here.” Brennan’s appointment was eventually confirmed.

Evolution and reform of the filibuster

Since there were few filibusters in the first half of the 19th century, a vote took place on most issues. There were fewer measures to decide and the Senate was not nearly as politically divided as it is today. When there were filibusters, Binder noted “Senate leaders tried and failed repeatedly...to reinstate the previous question motion.” They failed because opponents would filibuster it.

Finally in March 1917, World War I had started and President Woodrow Wilson proposed arming American merchant ships. Republican senators filibustered the motion.

A publicly angry Wilson insisted on a measure to end debate because of national security, and the American public supported the president. A deal was made—Rule 22—between Republicans and Democrats that required two-thirds (67 votes) of the senators, not just a simple majority to invoke cloture.

In 1975, the Senate changed the two-thirds requirement to three-fifths (60 votes). According to ThisNation.com, a senator needed to do the following to invoke cloture: “wait two days after a filibuster begins, obtain 16 signatures on a motion to invoke cloture, wait another two days before the Senate can vote on cloture, make sure that three-fifths of the Senate...vote to end debate, [and] endure an additional thirty hours of debate before the final roll call vote.” This was definitely not a simple process even if the votes were there.

Filibuster reform 2013

Today, the public approval rating of Congress is at a low 15 percent and words like dysfunctional and **obstructionist** are often used to describe our legislative branch of government. In January 2013, Harry Reid (D-Nevada), the Senate Majority Leader, and Mitch McConnell (R-Kentucky), the Senate Minority Leader, worked out a deal to slightly reform the filibuster and speed up Senate procedures.

According to Elizabeth Rybicki, a specialist on Congress and the legislative process, in her report titled, “Changes to Senate Procedures in the 113th Congress Affecting the

CONTINUED ON PAGE 8

Filibustering at the State Level

The rules for filibustering vary by state. In a few states, like Alabama, Nebraska, South Carolina and Texas, filibusters are common and the rules are stricter than at the federal level. For example, in June 2013, Texas state senator Wendy Davis stood for nearly 13 hours in running shoes to filibuster a bill that would have shut down most abortion clinics in the state. Davis was not allowed to sit, lean or let her arms rest on the desk. She also had to speak directly to the issue at all times, could not take bathroom breaks, or eat or drink during the filibuster.

That is quite a comparison to Washington, D.C. lawmakers who can call in a silent filibuster without ever getting up from their chairs. Even in a rare talking filibuster, the rules are far less strict at the federal level. Other senators can help out, drinking and eating are allowed, and the speaker doesn’t need to stick exclusively to the topic. Indeed, it has been reported that in the 1930s Senator Huey Long of Louisiana was famous for reciting Shakespeare and reading recipes when he took to the Senate floor to filibuster.

In the Garden State

In New Jersey, the rules regarding debate require a state legislator to stand and talk about the bill under discussion, unless they are prevented from doing so by ill health or disability, and not engage in any personal anecdotes or dialogue.

According to John Gramlich of stateline.org, there is a three-fourth vote requirement to stop debate in the New Jersey legislature, one of the highest vote thresholds in the country. But, Gramlich explained, there’s also “a separate provision allowing members to suspend any rule they don’t like with a simple majority vote. The three-fourths barrier to avoid a filibuster, in other words, can be rendered meaningless whenever the majority wants.” According to Gramlich, “New Jersey is in line with most states, where filibusters by the minority party—or even the threat of them—are nowhere near as common as they are in Washington, D.C.”

—Phyllis Raybin Emert

Operation of Cloture,” published by the Congressional Research Service, “the [two] new rules and standing orders do not eliminate the ability of senators to filibuster...[T]hey reduce the time it might take to get to a final vote on certain matters, without eliminating the need for three-fifths of the Senate to agree to do so.”

Senate Resolution 15, which only applies to the 113th session of Congress, allows for a “special motion to proceed that could be approved by majority vote after four hours of debate.” Previously, there was unlimited debate. Also, four amendments (two from each party) would be considered, thus guaranteeing amendment opportunities for the minority party. S. Res. 15 would, for judicial nominations once cloture was invoked, reduce the time of 30 hours before a Senate vote to eight hours, and for U.S. district court nominations to two hours before a vote. This would allow the Senate to fill and confirm many more judicial nominations by the president that previously had been delayed.

Rybicki noted in her report, “S. Res.16 made two changes to the standing rules of the Senate...” It speeds up the cloture process, requiring a “motion to proceed, signed by the two floor leaders as well as at least seven senators from each party... in one session day, instead of two. If such a cloture motion is successful [still requiring 60 votes], then the motion to proceed will not be subject to further debate...” instead of the 30 hours of post-cloture debate.

In July 2013, however, the Senate leadership went back to the drawing board on filibuster reform because the minority party was holding up seven presidential appointments. Executive nominees are appointed by the president to be part of his team and they leave once the president's term ends. These appointees do not have a long-term effect on the nation that a judicial nominee, for example, would have.

According to *The New York Times*, during the period between 1976 and 2008, only 20 executive nominees were filibustered. Since President Obama has been in office, 16 of his executive nominees have been filibustered.



The compromise that Senate Majority Leader Harry Reid proposed would prevent Republicans from requiring a supermajority for the confirmation of presidential appointments only. The compromise would not effect the filibustering of judicial nominees or legislation. While there was no formal rule change in this regard, Republicans agreed to give the seven stalled nominations an up-or-down vote.

Will new reforms help?

There is no question that the 2013 reforms will streamline the business of the Senate, but many changes were not enacted and legislation still cannot pass by a simple majority. For example, in April 2013 there was a vote in the Senate on increased background checks before allowing an individual to buy a weapon, as part of an amendment to a gun control bill. The vote was 55 for and 45 against. The legislation did not pass because it couldn't overcome the threat of a filibuster, falling five votes short of 60.

The bottom line is that whatever party is in the majority will always want to limit the filibuster and whatever party is in the minority will fight to protect it. Back in 2005, when Republicans were the majority party

in the Senate and Democrats, as the minority party, were delaying some of President George Bush's judicial nominees, they also threatened to seek reforms to the filibuster and Democrats fought against them.

Professor Koger noted “senators do not *want* to make decisions by simple majority rule.” According to Professor Koger, “the current system ensures that legislation is amply debated and has at least a little bit of minority party support. It also gives a great deal of power to individual senators, who wield it on behalf of their states and personal priorities.”



anomaly — irregular. Deviation from the norm.

arbitrary — based on opinion or prejudice.

atheism — the belief that there is no God.

authoritarian — absolute obedience to authority.

capricious — fickle. Liable to sudden changes.

conservative — a political party that has the philosophy of maintaining the status quo and is critical of change.

liberal — a political party that favors reform and progression and opposes conservatism.

obstructionist — someone who delays progress.

permeates — spreads or infiltrates.

repeal — revoke. A law that is repealed has been withdrawn or canceled and is no longer a law.

tyranny — power used in a cruel or unfair manner.