

Episode 139-- How the Filibuster is Killing Us

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SPEAKERS

Eli Zupnick, Stasha Rhodes, Christian Heyne, JJ Janflone, Kelly Sampson



JJ Janflone 00:08

This is the legal disclaimer where I tell you that the views thoughts and opinions shared in this podcast belong solely to our guests and hosts, and not necessarily Brady or Brady's affiliates. Please note, this podcast contains discussions of violence that some people may find disturbing. It's okay. We find it disturbing too. Hey everybody. This is Red, Blue, and Brady. And I'm JJ, one of your hosts.



Kelly Sampson 00:40

And this is Kelly, your other host.



JJ Janflone 00:43

And today we're bringing you an episode that has been a long time in the making. I swear to you.



Kelly Sampson 00:48

Yeah, this one was an ordeal and a half.



JJ Janflone 00:50

Yeah, we tried first record this in March of 2020, which, you know, probably remember the beginning of a pandemic, little thing called COVID. It's been a series of obstacles since then.



Christian Heyne 01:00

Yeah, so many hurdles. At one point someone was using a leaf blower outside your window, while one of our guests phones basically blew up?



JJ Janflone 01:07

Yeah, I it's like the world's didn't want this episode to happen. But we were determined to bring you this incredibly important podcast on the filibuster.



Christian Heyne 01:14

Yeah, the filibuster has a complex history and even more complicated present, having become an instrument of partisan gridlock, allowing the Senate to be held hostage to a minority voice leading to inaction. And this inaction has major implications for gun violence prevention.



JJ Janflone 01:29

And so to discuss what the filibuster is what it means for Americans and gun violence prevention, and efforts to end or reform it. We're joined by Brady's VP of policy, Christian Heyne, Just Democracy's, Stasha Rhodes, and Fix Our Senate's Eli Zupnick. We're finally all here, or, you know, here on Zoom let's see if we can beat this podcast curse. Christian do want to kick us off with an introduction?



Christian Heyne 01:58

Yeah, I'm Christian Heyne. I'm the Vice President of Policy here at Brady. And you know, you don't have to make excuses. We know that the reason why it took so long to schedule this is because Stasha, you got to go through a lot of people to get Stasha on to a podcast of this caliber. She's been on this podcast before. She gave me a lot of flack about the NBA. On that podcast. I'm just trying to get my digs in early. JJ.



JJ Janflone 02:22

I appreciate that. Stasha, do you want to respond to these? These remarks? These heinous remarks by Heyne.



Stasha Rhodes 02:28

You know, I'm gonna keep my hot takes until later in the show. I'll let him let him start with a few punches. I'll let him go. Stasha Rhodes with Just Democracy. Happy to join one of my favorite podcast ever. Thank you for having me.



JJ Janflone 02:43

Thank you so much. And Eli?



Eli Zupnick 02:45

I'm Eli Zupnick, I am a spokesman for Fix Our Senate.



JJ Janflone 02:50

So, so often on this podcast, I ask our guests to sort of Schoolhouse Rock things for us. But you know, there's not a really great animated video about the filibuster. So I'm wondering if we can break down as simply as possible for our listeners, you know, what is the filibuster? What does it do? Because this is so important in in terms of what so important in American life, and I don't think a huge amount of Americans know about it.



Christian Heyne 03:15

Well, I'll just have to say, JJ, thanks so much for like bringing us all on. Part of what we're lucky about here is that we have some of the best people in the country to have this discussion with. I think, you know, for us here at Brady who have been getting more involved in really trying to push the idea and the notion of how deadly the filibuster has become, you know, this is not just some procedural rule. We're really talking about something that is life and death, because of the chilling effect that it has on legislation, we know has bipartisan support, but simply can't get through because of this. The corrupted use of this, this what what President Obama calls the relic of the Jim Crow era, right. So I'm certainly not going to be the Schoolhouse Rock representative to explain what the filibuster is, but so excited that Eli and Stasha are here, who are, I think, two of the

greatest minds about just how dangerous this tool is in its use. But frankly, like, what it will take to get to where we need to be so that we can protect Americans in a responsible way. So I will definitely - Eli, Stasha, explain the filibuster.

E

Eli Zupnick 04:27

Sure, I can jump in and then Stasha I'm sure it can fill in any blanks. So thank you both for having us on to talk about this. This is such an important issue. You know, as Christian just said, this sounds like a boring process issue and the conversation about a senate rule. A parliamentary procedure is not bound to be exciting, but this really has impacts on people's lives. This is not just a senate rule. It's not just a boring, dusty procedural issue. It is about actual lives. It's about people's day to day lives. It's about stopping violence, it's about giving people an increase in the minimum wage, protecting our democracy and so much more. So put simply, the filibuster is the idea that in the United States Senate today, you need 60 votes to pass anything. You need 60 votes to pass any kind of legislative policy changes. There are some things you don't need 60 votes for we could get into that. Republicans are able to cut taxes for the rich, they're able to put justices on the Supreme Court for a lifetime with just 50 votes. But for the vast majority of policy issues that many Americans care about, you need 60 votes in the United States Senate. Now, this doesn't it didn't start this way the Senate was not created to require a 60 vote supermajority. In fact, the founding fathers in the Constitutional Convention explicitly wanted to avoid that they were moving away from the Articles of Confederation that created a gridlock and dysfunction with their supermajority requirements. They wanted a system that worked where the majority can pass legislation, and they had a Bill of Rights protecting minorities and rights. And there was deliberation that was compromised, but ultimately, a majority in both the House and the Senate could pass bills. This continued for a few decades until by accident, it was changed Aaron Burr, it's a funny story, Aaron Burr, he assumes the vice presidency shortly before he killed Alexander Hamilton in a duel, wanted to update the Senate rules. And the story goes that he accidentally dropped the provision that allows debate to end. So starting in 1805, there was no way to end debate in the Senate, even though it was never actually intended that way. That was it wasn't until 1837 that we had our first filibuster. We'll talk more about some of the Jim Crow relic, the nature of the filibuster as a Jim Crow relic to stop civil rights legislation. But from for a long time, the filibuster was rarely used. It was used to kill civil rights bills. But generally if a bill had 50 votes in the Senate, it could pass major pieces of legislation passed with just 50 votes. Medicare, for example, didn't wasn't filibustered, didn't need more than 50 votes to pass. This changed over the years the filibuster has changed. In 1917, President Wilson got angry that the Senate wasn't acting on his War Powers Resolution for World War One, he pushed the Senate to institute a rule that actually it finally allowed debate to close back then it was for two thirds, two thirds of the Senate to close. It's called cloture. That's when you

vote on actually ending debate, it took two thirds in the 70s, it was changed again, to only require 60 votes. And over the past couple years we've seen especially with Mitch McConnell, the rise in its abuse. Now it moved from being used infrequently to somewhat frequently to now all of the time, there is not a bill that can move without being filibustered. So that's the basic overview what we I'm sure we'll spend some time diving into the different pieces of this. But the bottom line is right now the filibuster is an absolute impediment to progress. It's a tool- instead of being a tool that can push compromise and bipartisanship, it does the exact opposite. It's Mitch McConnell's tool of partisan obstruction that he uses to simply block everything and everything. And that has a major impact on issues like gun violence that we'll talk about today.

S

Stasha Rhodes 08:18

It's always good to be on here with Eli, because I just get to do the easy stuff. And after such like a really robust explanation of it, I think the thing that I like most about even being able to talk about something like the filibuster on a podcast about gun violence, is the importance of how it highlights the intersectionality of the rules with the issues, right. And so like, there is often a sort of constant push for folks who I think would like us to keep the filibuster to sort of separate the rules from the issue. Like they say, everyday people care about gun violence prevention, they can't care about healthcare, they care about voting rights, but really, people in Washington want to spend all their time talking about a silly senate rule. And the facts are that those things are not disconnected. And especially as it relates to gun violence, a movement that is really focused on grassroots mobilization, grassroots mobilization and the the central organizing principle that if enough people show up, if you make enough calls, that if you make make enough red shirts show up in the in the senate room, or if the Brady chapters on the ground are making enough noise, then we're going to move the policy. And the problem is the rules are so very big, that none of that really matters. And- and like it is important for us to keep doing that. But as if the rules are going to be rigged against us, then people are ignoring the will of the people. And and I think that is for me the the sort of pain point of what the filibuster is doing is that we're going to continue to organize, we're going to continue to show up, but now the filibuster and in many cases before now, the filibuster stands in the way of us actually being able to pass things you think about something like the background checks, be on the universal background checks bill that has just insanely wide support across the country, whether you're Democrat, Republican, a gun owner or not a gun owner, you support universal background checks. I'm going to get this wrong, but I think it's over 95% of Americans support universal background checks, yet we're unable to move it through the Senate. And I think the gun violence prevention community has done just the best job in organizing people from across the country. And that number illustrates how good of a job the gun violence prevention movement has done. And yet the Senate is ignoring the

will of the people and has yet to move on that. And I think that's why it's really important to sort of talk about what the roadblock is. Sure, it's the NRA. Sure, it's a number of different things. But this particular rule is really one of the largest challenges we face and making progress on any issue, especially gun violence prevention.

C

Christian Heyne 10:50

That is really, really well said. And yeah, I mean, I think the the joke that we have around the office is that the only room in America we can't get six out of 10 people to agree that individuals should go through background checks when buying a gun is on the floor of the US Senate. Right. I think that it is grave injustice is abhorrent. I can tell you firsthand, right? I think everybody knows here. I'm a survivor of gun violence, right? My mom was killed in 2005. I sat in the gallery in 2013, with a group of survivors. And we all had to sit there knowing that this vote was happening, then Vice President Biden was presiding because it matters so much to him. And we had to watch senator after senator sort of put their head down, just put a thumb down and knew that regardless of the fact that a majority of the legislators in that room, were voting to support that common sense policy, it was not going to move forward to the President's desk because of the filibuster. And so, you know, for us, and I just think about all of the people since then, that I have met in this family of gun violence survivors to the club that none of us want to be a part of right, who have been impacted by gun violence since. You know, that this minority of senators led by Mitch McConnell beholden to the NRA, are allowing Americans to die and they're able to do so to prevent the common sense policies that we need because of the filibuster. So like, you know, we we are saying it loudly here at Brady. We believe it wholeheartedly, but the filibuster is killing us. And we have to work to make sure that we can do everything we can to protect Americans, because we just can't afford to wait anymore. So really appreciate all that.

K

Kelly Sampson 12:36

And Christian, I think, what you just shared about your experience as a survivor sitting in the gallery, watching the filibuster, basically, impede progress, I think really drives home with Stasha was saying about this being very connected to issue. And I think that that's just a poignant way of showing exactly what that looks like.

S

Stasha Rhodes 12:56

I think one thing too, I just want to quick, quickly hop in and add something. I think it takes- I don't think, I know it takes a lot for survivors to turn their purpose and pain into action. And like sometimes we say that right? Sometimes it's it feels almost slogan a

where we're like, turn that pain into action. But it takes a lot for them to sort of think about the tragedy that they endured and then decided to fight. I think it is even more frustrating when they decided to make that tough decision. And year after year after year after year, Congress and inactions and, and, and I you know, Pam Bosley in Chicago has said to me, like what more, what else? What more can we do? What else should we be doing to move the needle on this issue? And so now you have survivors talking about the rules. And and I think that's, you know, you politicians can no longer just tell us, it cannot just be nominal support that I am with you on gun violence prevention. I support universal background checks, I support investing in community programs. If you're not also saying that you support eliminating the things that block these things from becoming reality, then I really have to question your support. And so in this time, when we actually have the power and ability to do this, I think we have to make sure we're putting the filibuster right in our in our in our X, right. And so if it's Senate bill, whatever, and also eliminate the filibuster to make it happen, because we know that's the only way we're going to get comprehensive legislation.

C Christian Heyne 14:33
That's right.

E Eli Zupnick 14:34
I think that's right, too. I think that's such an important point. And it's one of the really amazing things that's changed over the past few years. And Brady has been a true leader on this, along with many others, but Brady has been out front is that people now understand advocates, activists, regular people understand the filibuster more. It has moved from an issue that was on the fringes to something that's now more in the mainstream, and people no longer accepted it as an excuse. When a politician goes home, asking to be reelected and says I couldn't deliver on this promise activists are now pushing back. They are now saying, is it because of the filibuster? Well, you can change that, the rules can change. Why don't you support filibuster reform? It's exactly what Stasha is saying. I think that's exactly right. The other thing I would say just build on that another point that Stasha made about the filibuster being a Jim Crow relic is that some people think that they have this idea that back in back in the day in the early 1900s, these Southern senators were standing up for something that probably had popular support. That's absolutely wrong. They were the filibuster held civil rights back by decades, there was some polling done in the 1930s by Gallup on some of the anti lynching bills that were proposed and filibuster as Stasha noted, over 200 anti lynching bills were filibustered over the years. And Gallup found that over 70% of America and over 60%, or I think it was maybe 57% of the South supported anti lynching bills in 1937. And they still couldn't get it

passed. And to this day, in fact, we have not passed an anti lynching bill, which is wild, even last June, Senator Rand Paul filibustered an anti lynching bill on the Senate floor, for whatever reason, for whatever reason, but the reality is that even as in the 1930s, we had a majority support. So just circling back to the point that Stasha made, what are we asking regular people to do? If they get in a democracy, if you can persuade 50% of the people that you are right, you should be able to win, if you should be if you can persuade 60, it should be a landslide. If you have 50% support in a democracy, you should be able to pass your bill. If you have 60% support, it should be a landslide. If you have 70, 80, 90%, and you still can't get it done something is very wrong with our democracy.

K

Kelly Sampson 16:49

One thing I was wondering is if we could talk a little bit about how we got here. Eli, you talked a little bit about how the filibuster accidentally came into being but we know that it wasn't really widely used until the end of the 19th century. And so I'm wondering, how do we get to this point where it wasn't really an issue, and now you know, it's become commonplace?

E

Eli Zupnick 17:12

It's a great question. And it's a complicated answer. But what it really comes down to is, over the years, we had two parties that were really four parties, we had parties that had, we had conservative Republicans, we had liberal republicans and conservative democrats. We had Coalition's that were able to form, often as, as I'm sure many of you and your listeners know by ignoring some of the biggest issues facing the country like civil rights and racial justice. But Coalition's were able to form and the filibuster wasn't often an issue, because many issues were able to get through with big broad Coalition's of more than 60 votes. What Mitch McConnell realized in 2009, his great innovation was his understanding that it didn't have to be this way that the minority party can stop the majority from governing, and they would not get blamed, the majority would get blamed. That coincided with the time that the parties really fully sorted or it was close. We still had some pretty conservative democrats at that point. You know, we had we had a senator in Nebraska, that was a Democrat. We had two senators from Arkansas that were Democrats, something that's hard to really remember these days. But we were it was at the time that the parties were starting to really split apart. And republicans were, you know, they had a pretty small minority, they had only 40 votes at that point. But they realized that they can stop President Obama, Senator McConnell made it clear that was his top objective, and that the public would not blame Republicans, they would blame the party in power. And that's appropriate. When the voters put a party in power, with that many votes in the Senate, the White House and Congress, they should expect results, and

they should be able to hold the majority accountable. But under the system we have where the minority can filibuster, that was- they couldn't do that. So Mitch McConnell's gamble paid off. In 2010, Republicans won the house back. In 2014, they won the senate back and it became established in the Senate, that the minority party would just stop anything and everything that the majority tried to do. So I think those were some of the factors that came together. I think Mitch McConnell was- Senator McConnell is a villain in today's Senate. He's someone who stops everything from moving. He's someone who blocks progress. He carries water for the NRA and many other special interest groups. But the reality is that he was someone who was a little bit ahead of his time and realizing what the Senate had become and how it had changed. And he understood that the filibuster can be used as a weapon of obstruction. And, you know, the reality is that when the rules aren't working, when the system is broken, you don't just sit there and ask people to play nice, you change the rules. They've changed many times over the years, and they could change again,



JJ Janflone 19:50

I'm wondering if we can talk about sort of things that have changed vs things that haven't changed. You know, Christian and Eli, as both of you pointed out, you know, the filibuster has been put, has been said to be a holdover from the Jim Crow era. And you know what? Why is that? Is that a fair assessment of it?



Christian Heyne 20:07

I see Stasha unmuting. And I definitely want to hear Stasha's take on that important question, JJ.



Stasha Rhodes 20:16

I have so many words to say, I will do my best to



Christian Heyne 20:18

I knew it, see you have all the words.



Kelly Sampson 20:21

Say what you got to say.

S

Stasha Rhodes 20:23

I will, I will do my best to like limit this to a brief history. But I have a lot of feelings and emotions about how this is showing up in in the fight for a lot of things today. But for the 87 years between the end of reconstruction and the passage of the 1957 Civil Rights Act, the filibuster prevented civil rights bills from passing. Including several civil rights bills that had majority support in the house, majority support in the Senate, and had support from both parties. Until 1964, Civil Rights bills were the only category of bills routinely stopped by the filibuster, Ezra Kline, who's been doing a lot of writing about this, noted that filibusters were rare in the mid century Senate, what what then happened was primarily one purpose, the preservation of racial segregation, hierarchy and violence in the South. And so even the Civil Rights Act of 1964, one of the most important pieces of civil rights legislation in our history was blocked by a filibuster for more than two months before enough republicans crossed out and break the minorities party's blockage. And so like we have a lot of history of the filibuster, sort of stopping these things. Political scientists, Sarah Binder, and Steve Smith identified every bill between 1917 and 1994 that they believed failed purely because of the filibuster. Half of those were civil rights bills, including more than 200 anti lynching bills. And so I think that look, it is a mistake not to think about this as deeply rooted in race, which is why President Obama coined it a Jim Crow relic, because that is absolutely true. And so for me, it is really hard to hear people say things like, we just want to go back to the good old days of the filibuster, when it relates to reform. Or hear people wax poetically about the good times when the filibuster wasn't used so often, we can use it in better ways. I think for black and brown people those days never existed. And I think we have to be very careful about ignoring that history, because I believe it sets us up for a very, very dark future. One final thing that I will say is like, there's a Twitter video that one of the few things I love about Twitter is that there's some history- historical archives of video of Dr. Martin Luther King. I think it was in 1963, where he said something, like a minority of misguided senators will use the filibuster to keep the majority of people from voting. That's happening right now. And so like, I think that really, it is in my view, we sort of take a step back and think about the people who braved so many oppressive things to be able to deliver a democratic trifecta, and we are right now hoping that those folks will deliver for us and eliminate the filibuster so that we can pass things like effective gun violence prevention policies, and voting rights. And the list is very long.

C

Christian Heyne 23:21

I'll just add to I mean, I think part of the the impact here as well, with regards to the lack of equity and representation and how this tool has been utilized, especially with regards to gun violence is just what governance looks like in America, right? We know that there is a disproportionate impact of gun violence in communities of color, especially interpersonal

gun violence and homicides. We also know that the filibuster directly marginalizes the voices of those communities of color. So we have this horrific sort of system that has been set up to not only ensure that the voices of black and brown communities are, are marginalized, so that they have a hard time becoming a part of our democratic process either through voting or because of tools like the filibuster, which is largely utilized by Senators that overwhelmingly represent white Americans. But we've also allowed those communities to be the most vulnerable to gun violence overall. So we have a system in which black and brown Americans are being disproportionately killed by guns in America, and they can't do anything about it. There is no way for these communities to have a voice in our democratic process to be able to proactively advocate for here are the things that we need. We need funding for community violence, intervention models, we need community based funding, we need things that work directly to dry up the supply of guns that are just proliferating, and in large scales, we talk a lot about a lot about it on the podcast, right? About the supply side approach. We have created a system in which none of that is able to break through. And we are ignoring the sort of will of Americans and allowing a group of Americans who who don't understand what gun violence looks like in these communities to legislate how we want to approach it. And the result of that has been the disproportionate impact we have seen about gun violence overall. So all of this is connected. I mean, I'd even say earlier, you know, we've talked a lot about how you can't separate the filibuster from these issues, right. Like the the issue of the filibuster is directly tied to gun violence, I would argue that gun violence prevention at large is directly linked to all of these democracy issues, right? Because we can't get these things done. We can't protect Americans, because it's systems in place that prevent us from doing so even though we have evidence based policies. I think, my favorite- one of my all time favorite quotes I have, I repeat, all the time, I think I've done on this podcast, too, comes from Stasha, where she says that Americans have this romanticized view of democracy, but they're not willing to work for it. You know, they don't, I just butchered it a little bit there. But like, it's that Americans love the idea of democracy, but don't want to work to- put in the work to realize it. And I think that that is such a beautiful way of putting the fact that that we continue to fall short. And if we really want to realize the vision that our founders had not ever the system we had, but the way they talked about our democracy, if we ever want to get to that place where we're protecting, and representing the will of the American people through a direct democracy, we have got to, we've got to bust our ass to make sure that our systems represent those voices and do everything that they can to protect them.



Stasha Rhodes 26:49

Just saying nice things to me because he is afraid that I'm going to come



Christian Heyne 26:54

I got my swings in early. Alright, I know that you're kind of late, but I'm gonna I'm gonna butter you up all the way till the end.



Stasha Rhodes 27:02

There's a strategy.



Eli Zupnick 27:04

Point you raised last about the bills that never even see the light of day because of the filibuster is so important. We see- we all see republicans filibuster the January 6 Commission, we saw them filibuster voting rights legislation. But what you don't see is the bills that have majority support, but don't come to the floor. I mean, we all we all remember, you mentioned mentioned to me that 54 or 55 votes in 2013. They talked about it coming up again, after the tragedies, the recent tragedies in 2019 in Dayton and other cities, and Senator Toomey said it just doesn't have the votes. What's the point of bringing it back up? What he meant by didn't have the votes was didn't have 60. It had well over 50. We saw that again with Senator Leahy's gun trafficking bill in 2013. It got 58 votes. And he introduced it multiple times since then, never saw the light of day because they knew it would be filibustered. Outside of gun violence, Waxman Markey in 2009 passed the House never even came to the Senate floor while the climate crisis got worse and worse, because they knew it would be filibustered. So you're right. It is it has not just the effect, you see, it has a pernicious effect of just not letting bills come to the floor that have massive overwhelming support.



Stasha Rhodes 28:19

One thing I will just add to something that Eli said, just to highlight for a second, because I think right now in the media, you hear senators like Senator Manchin and Senator Cinema, say things like, well, we want to keep the filibuster, because we believe it's important for our republican colleagues to debate things and to sort of collaborate with us. And I think what Eli saying right now is, is really, really true that actually the filibuster prevents that. It is the absolute only tool right now, that is preventing debate, and actually real collaboration on legislation. I think one of the most recent examples that get, you know, talks about is talking about a lot is on June 22, there was a vote on voting rights. But it wasn't on the bill. As Eli mentioned, it was actually on whether or not senators were going to debate voting rights for Americans across the country, hundreds of voter suppression bills have been introduced in state legislatures across the country. So dangerous that

Texas legislators have left Texas to come to DC to ask for federal support because of these dangerous bills. And there's federal solutions. And we had an opportunity to sort of start the process to debate the bill and move it forward. And 50 Republicans said no, we don't even want to talk about it. And so in a democracy, where we are facing such problems and so many issues and state legislatures across the country, and we can't even talk about it in what is I guess what used to be called the most deliberative body in the world, where we can even deliberate then I think we have a real problem.



JJ Janflone 29:59

How would we? Well, I wonder, too, if we can talk about the so called, you know, quote unquote, nuclear option, which is to say, you know, getting rid of the filibuster? Why do you think senators have actually never gone forward with ending it? You know, why? Why is it still here? If all of these problems that you're pointing out, are present?



Eli Zupnick 30:19

That's a great question.



Christian Heyne 30:20

Yes. You know, you go for it, Eli, I was gonna say, it's a great question, because, you know, that's the question I keep asking myself is why aren't Senators taking care of now.



Eli Zupnick 30:29

That is, it is a good question. And I think there's there's a whole lot of reasons for it. But the short answer is there's nothing stopping them. And they absolutely should. It's, you know, it is something that we have known for years now that McConnell uses the filibuster as a weapon of obstruction. It is not a secret in 2013, there was Senator McConnell was not even allowing President Obama to stop his administration, they were using the filibuster to block nominees, they can fill the National Labor Relations Board, they couldn't fill, lower level administration jobs, they couldn't put judges on the bench. And that's when democrats decided to change the filibuster. And there was some debate at that time over whether you you could do it with just 50 votes, or if you needed to two thirds. But now it's settled, you can change the Senate rules with a simple majority. The Democrats did it in 2013. Republicans did it in 2017, to end the filibuster on Supreme Court nominees. And it is now settled, Democrats can change the rules with 50 votes. And it used to be called the nuclear option, as you note, others call it the Constitutional Option. But I think it's just the

way things should work in a representative government where we have a body that is already skewed, the Senate is already skewed toward conservative rural states, the filibuster makes that even worse a turbocharges the, the skewing of the Senate and the filibuster. So, you know, I think that the short answer is that there's nothing stopping democrats but will. And that's where activists and advocates should come in. Because it's pressure that makes a difference. We've seen that over the last year. This is something that Stasha could talk about more. She's been working on this for years. But pressure and advocacy truly works on this issue. Senators know they can no longer get away with the excuses and saying that the filibuster is in the way, and it's making a difference. We're seeing senators move that have been reluctant to move for a year senators like Senator Tester, Senator Klobuchar, many others, my old boss, Senator Murray, she was someone who supported the filibuster for years, but has now moved off of that position, because they're seeing republican abuse of the filibuster. And they're hearing from their constituents who are saying, this is not something we can support anymore. And we expect you to change your position. So that that that would be my message to anyone listening is make your voice heard, because a majority can change the rules. And it just takes the will to do it.

C

Christian Heyne 32:50

I was wondering how you all would respond to people who care about gun violence prevention or climate change or what have you, and are worried that if we get rid of the filibuster, now, while you know we have the majority for those issues, that that means that should the majority change, that that will then allow people who oppose those issues, to have a clear runway to then invalidate whatever progress is made and also pass bills that would worsen those issues?

E

Eli Zupnick 33:20

That's a great question. It's a concern. We hear a lot. It's a valid concern. It's a concern. There are a lot of people, civil rights leaders, women's health leaders who have spent a long time with a filibuster that protected them from the worst of the republican extreme policies. So you know, I in no way take away from that concern. Here's the reality, though. We know that Senator McConnell will change the rules when he wants to if he thinks it's in his interest. We don't even have to speculate we saw it happen. In 2013, I mentioned when when democrats changed the rules to end the filibuster on nominees. There were a few democrats who urged Senator Reid to leave it in place for Supreme Court nominees because they wanted to have a weapon they could use to block Republican nominees if they were too extreme. They thought that if they carved out Supreme Court nominees from this exemption from this end to the filibuster on other nominees, they would be able

to then use that if Republicans nominated a terrible supreme court justice. Well, fast forward to 2017 and we all know Senator McConnell blocked Garland from going on the Supreme Court, he stole a Supreme Court seat. President Trump nominated Gorsuch and immediately without even blinking an eye, Senator McConnell changed the rules. So the idea that Democrats could leave things in place leave rules in place because they will then be able to use them against the other side is just not true. We know that Republicans and Mitch McConnell personally will change the rules the minute it's in his interest. So just if democrats choose to do nothing for the next three and a half years, if they choose to not pass any gun safety legislation. Not do anything on minimum wage, not do anything on climate, etc, etc, that has absolutely no guarantee that Republicans will, will have the same forbearance or will have the same- will stick to the rules, they will change the rules. That's the first thing. The second thing and this is something that I would love to hear Stashes thoughts on it because it's something that that she talks about so eloquently is, this is the moment to fix our democracy. And we may not have another chance. That there there is so much that has bottle been bottled up over the years, the system has gotten so skewed and so rigged. And voters sent a very clear message after seeing what President Trump did to our democracy. After seeing him rail against the election. For a month and a half, the voters of Georgia then sent two Democrats to the Senate to make a change. We saw what happened the day later, on January 6. People are demanding action to protect our democracy, this is a crisis. And if we don't do something now, the window could close for a long time, and there will not be an opportunity to make those changes again. So I think the reality is that this is the funa- this is a choice at the end of the day, do you want to do absolutely nothing. And let republicans take back power at some point and implement their agenda, whether they change the filibuster and pass lots of things or whether they don't and they could still pass tax cuts, and put conservative justices on the bench with just 50 votes? Or do you think that government should represent all the people and that when voters put democrats in power, they should be allowed to deliver on the promises that they made and that voters are expecting? I think clearly, I think that that's the way to go. That's more representative. It's more democratic, it's more fair, still allows for a whole lot of protections for the minority. But I think it's I think it's very interesting to note that those people who warn that if the filibuster goes away, we will see saw back and forth from one policy to have it be unwound to another policy and tax rates will go up to 35 and 20. And then back up, that none of those people are advocating for filibusters to be put in place in the States. Not a single state has a filibuster, right, we don't see wild see sign of policy in the States, because the legislators are in for the most part, setting aside things like gerrymandering and other rigging of the systems that happen at the state level, for the most part, they have to be responsive to their voters. And if their voters like something, there's a good chance that I'll move in the legislature, not always, if they don't like something, it's going to be harder to move it, it's going to be harder to get rid of something they like. So I think that that's another point to

notice, you don't see anyone advocating for a filibuster in the States when they absolutely should, if they truly think that that is something that is good for a legislature to have.

S

Stasha Rhodes 37:48

Now that every point possible has been made, the only thing that I will say is trust, trust, our advocacy. I think that you know, people have really done a amazing job across the spectrum of issues, to raise awareness, whether it's gun violence prevention, or voting rights. And the thing that's standing in our way is the filibuster. And if you want to see our advocacy and action, if you really want to see our democracy, work for real, eliminate the filibuster and watch what unfolds. I think if people have been able you look at something as amazing as the movement we've seen in the gun violence prevention movement, 10 years ago, candidates were not talking about gun violence prevention. And now candidates are trying to out gvp each other and why is that? It's because incredible advocacy, and it's because of organizing that has happened from groups like Brady. And so I think what what will happen is if you eliminate the filibuster, you will see that advocacy push policy. And trust me on this, that if you're waiting for something to move it without eliminating the filibuster, you will be waiting for a long time. I think we are in a rare window of opportunity to really realize an actual democracy, I think that there are a number of things that have proven we are not in the democracy that we once wax poetic about, we just we're just not whether it's the 1/6 insurrection, or the entire Trump administration, I think we've all come to realize that American democracy is broken. And that's why voters turned out at record numbers, because they were saying we not only want to elect a new administration and new Senate, a new house, they want new rules that create an America that is better for us all. And the only way to do that is to create a strong functioning democracy. That matters because if we want gun violence prevention policies or any other things that President Biden is advocating for, we need a functioning democracy. We need a strong democracy.

E

Eli Zupnick 39:46

I'll say I'm optimistic too. I think Leader Harry Reid, who knows the senate better than most, who knows most of this democratic caucus better than most recently said that it's not a matter of if the filibuster will be eliminated. It's only a matter of when. I completely agree, I can't promise you that it's going to happen this Congress, I think it should I think it would be a catastrophe if it isn't. But I know it's not going, we're not going to have a Senate in 10 years, that still has a filibuster, it's just not going to happen, the filibuster is going to go away. That's the first thing I'll say. The other reason I'm optimistic is that there are those who say that is it is hard to imagine Senate Democrats changing the rules to get rid of the filibuster. And sure, maybe it is hard. There are some members who are a little bit

reluctant. But the other thing that is also hard to imagine is that Democrats go two years without doing a single thing on gun violence, raising the minimum wage, LGBT rights, voting rights, and so many others. That is the choice. So there there are two things that are both difficult one is failing to deliver on massive promises, the majority of promises you made to voters, the other is taking a few steps that may be uncomfortable to change the Senate rules and make the senate work again. That is why I am confident because Leader Schumer said that failure is not an option when it comes to legislation, like voting rights, which is going to take filibuster reform. There are others who are deeply committed to reform and to getting things done. And I think people across the country are going to make their voices heard and demand that that happens.



JJ Janflone 41:17

All of you who have been have been phenomenal. And I think this is going to have to just be like filibuster part one. But you know, for our listeners who might be interested in learning more want to get involved. Where can they can they find you? Where can they find more information?



Christian Heyne 41:32

Yeah, I mean, I mean, look, they'll just keep listening to the podcast if you want to learn more right? I think JJ and Kelly are the best in the business and this podcast is such an excellent way to sort of I mean, look at this the conversation we just had just to better understand the issues that matter most as an organization. I you know, certainly follow @bradybuzz on Twitter, I think that our the way that we get out information on social media is really incredible. And you'll keep hearing from us. We're not going anywhere. We're in this fight until we're you know, until we work ourselves out of a job, which we're all trying to do. So please continue to digest the information, check out the web page that that's associated this episode, so that you can see the incredible resources and other episodes that references things and, and we'll just keep plugging away and hopefully, JJ and Kelly invited me back so that I can talk again on this podcast because I love doing it.



Kelly Sampson 42:24

We'll have to see... no I'm just kidding.



JJ Janflone 42:26

And Stasha and Eli, how about you?



Stasha Rhodes 42:28

You can find us @justdemocracy on Twitter, or justdemocracy.org. We are by the way, a coalition of over 50 black and brown led organizations working to uplift the importance of structural changes to our democracy. We all work on a number of different things. For instance, I'm the campaign director of 51 for 51 a DC statehood campaign, and a number of groups work on gun violence prevention and and climate and housing. But what we know to be true is that we need a strong functioning democracy to make changes on the things that we care about.



Eli Zupnick 42:59

People can go to fixoursenate.org to learn more, to see that gun violence report that we released, to see lots of other resources that you can peruse and @fixoursenate is the Twitter feed.



JJ Janflone 43:13

Yeah, as always, I'll link to every one in the description of this episode. I highly recommend all of our listeners go check them out. But again, thank you all so so much. Okay, we did it. So Kelly, I'm going to show you a picture.



Kelly Sampson 43:28

Yay. The pictures during this segment are always cool and normal.



JJ Janflone 43:32

That's a moment of levity. Here's a picture of levity. Yeah. So looking at this picture, could you maybe explain to listeners what you're seeing?



Kelly Sampson 43:41

So it basically just looks like a toy gun, but made out of Legos?



JJ Janflone 43:47

Yes. That's true. Only it's not a toy.



Kelly Sampson 43:52

How like what?



JJ Janflone 43:54

Yeah, so this Lego gun was created by the company called Culper Precision. Who for \$600, we're selling a kit, basically, where folks could use Lego blocks to create their own designs on top of pre existing Glock 19 pistol slide. And a lot of folks are gun owners, non gun owners alike took major issue with this gun because you know, like you said, Kelly, it really looks like a toy. Like it just looks like a gun made of Legos.



Christian Heyne 44:20

I mean, yeah, it's literally covered in these pieces that I associate with childhood and I can absolutely see why people would take issue with it. I mean, any kid who sees that it's going to pick it up because it looks like a toy.



JJ Janflone 44:34

I think 100% and Lego, though for those who don't know, they take their intellectual property very seriously. So they contacted the company just as quickly as you know, gun violence prevention advocates were. Thankfully the company has agreed to remove the product from their website and to not make or sell anything like this again in the future. Though they had sold a few.



Christian Heyne 44:56

I mean, why they ever thought it was a good idea in the first place is beyond my grasp, but at least there's a good ending to this story where these are no longer on the market where they can entice children or adults to pick them up and mistake them for a toy. There's frightening news out of Denver, Colorado this week, after a housekeeper at the Maven hotel saw several rifles and ammunition near a hotel room balcony, which made her nervous that a mass shooting may have been planned by a guest. The hotel was close to Coors Field, which was hosting Major League Baseball's All Star game just days later. The employee alerted her boss who checked the cars associated with the hotel room, where he saw duty belt, which is essentially a belt for carrying different tools, high capacity magazine and the ballistic vest lying on the backseat. The hotel then contacted police who upon arresting one of the rooms occupants also recovered a loaded semi automatic handgun with the destroyed serial number. Well at the time of this recording, there is no

evidence of the mass shooting was planned. The parallels with the route 91 shooting in Las Vegas make it obvious why the hotel employees were fearful such an event. And this story goes to show the reality of life in the US now. We're so many of us constantly live in fear.



JJ Janflone 46:15

Hey want to share with the podcast. Listeners can just now get in touch with us here at Red Bull and Brady via phone or text message. Simply call or text us at 480-744-3452 if your thoughts, questions, concerns, ideas, whatever Kelly and I are standing by.



Christian Heyne 46:30

Thanks for listening. As always, Brady's life saving work in Congress, the courts and communities across the country is made possible thanks to you. For more information on Brady or how to get involved in the fight against gun violence. Please like and subscribe to the podcast. Get in touch with us at Bradyunited.org or on social [@bradybuzz](https://twitter.com/bradybuzz). Be brave and remember, take action not sides.