

# A Conservative Case for the Filibuster

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## Key Points

- The Senate's practice of unlimited debate has shielded the American people from extreme policies passed with narrow majorities, including the legal and economic whiplash of wild swings of "freeze me, bake me" enactment and repeal.
- The specter of a filibuster blocked many of the Biden administration's radical priorities, including federalizing election law, restructuring the Supreme Court, and the power grab of statehood for Puerto Rico and the District of Columbia.
- The Senate's filibuster rule is not just a check. It is a potent tool for engagement across political divides.
- The framers understood the dangers of hasty majoritarian rule and created a system that set up the United States Senate to protect liberty not through efficiency but through deliberation and compromise.

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"Get rid of the Filibuster, and get rid of it, NOW!"<sup>1</sup>

"Republicans, you will rue the day that you didn't TERMINATE THE FILIBUSTER!!! BE TOUGH, BE SMART, AND WIN!!! This is much bigger than the Shutdown, this is the survival of our Country!"<sup>2</sup>

Despite President Trump's renewed calls for the Senate to eliminate the legislative filibuster, conservatives in Congress should choose the more challenging but wiser path. Republicans must defend this rule, which has shielded the American people from extreme policies passed with narrow majorities and prevented the legal and economic whiplash of wild swings of "freeze me, bake me" enactment and repeal. If conservatives need convincing, we need only look at the buyer's remorse of Senate Democrats in 2016 after they eliminated most filibuster procedures in presidential nominations:

Senate Democrats are eager to make Donald Trump pay a political price for nominating staunch conservatives to fill out his Cabinet....

But there is little they can do about it—and some top Democrats are now coming to regret it.

That's because Senate Democrats muscled through an unprecedented rules change in 2013 to weaken the power of the minority party to filibuster Cabinet-level appointees and most judicial nominees, now setting the threshold at 51 votes—rather than 60. ....

With the Senate GOP poised to hold 52 seats next Congress, some Democrats now say they should have thought twice before making the rules change—known on Capitol Hill as the "nuclear option."<sup>3</sup>

Senator Michael Bennet (D-CO) echoed the views of many of his colleagues who came to regret the loss of the filibuster for nominations:

In 2013, out of desperation, I came to this floor and voted to change the rules so that President

Obama could actually get some nominees confirmed, some judges confirmed, and some administrative appointments confirmed. I have said on this floor before that that is the worst vote I have taken as a Senator, and I apologize for that vote. I share some of the responsibility for where we find ourselves today.

The majority leader said at that time: “You’re going to come to regret this decision.” And I will say this about him: He was right.<sup>4</sup>

Despite this cautionary tale, pundits on both sides of the political spectrum consistently advocate short-term political opportunism. Trump supporter David Bossie recently invoked the framers’ intent that “our republic is based on majority rule, the will of the people, and different political factions coming together to find common ground on important issues to make life better for the people they represent.”<sup>5</sup>

Bossie’s call to eliminate the filibuster ignores the most critical piece of the founders’ vision: the Senate’s indispensable role and structure designed to force these factions to come together to find common ground and forge durable policy “to make life better for the people they represent.”

The framers understood the dangers of hasty majoritarian rule. They created a system that set up the United States Senate to protect liberty not through efficiency but through deliberation, compromise, and the consistent recognition that government is run not by angels but by fallible public servants. As James Madison famously explained in *Federalist 51*, “Ambition must be made to counteract ambition.”<sup>6</sup> The Senate’s role was designed to temper political impulses and encourage reflection.

Senator Mitch McConnell (R-KY), the longest-serving Senate leader in history, has repeatedly warned against sacrificing this constitutional framework on the altar of political expedience. McConnell has frequently pointed out that in the real world, the filibuster has created coalitions to rein in Biden’s Build Back Better agenda (with its attendant tax increases and entitlement expansion) and enact a bipartisan infrastructure law that balanced regional interests and set long-term transportation policy.<sup>7</sup> It blocked many of the Biden administration’s extreme priorities, including federalizing election law,

restructuring the Supreme Court, and the power grab of statehood for Puerto Rico and the District of Columbia.

Current Senate Republican Whip John Barrasso (R-WY) was straightforward about the stakes of potential changes on *Meet the Press* in November 2025, framing the filibuster

as a tool that we have as conservatives to prevent Democrats from doing things that I think would be very bad for the country. . . . Democrats would love for Republicans to get rid of the filibuster because the Democrats want to make sure that D.C. and Puerto Rico become states with four new Democrat senators. They want to change voting rules to get rid of voter ID, make it easier for illegal immigrants to vote. We—we know that what they want to do is put four new members on the Supreme Court who don’t really follow the Constitution. In my opinion, those things would be disastrous for the country.<sup>8</sup>

Further back in recent history, the Senate filibuster played a key role in forcing compromise and centrist dealmaking under Presidents Ronald Reagan, George H. W. Bush, and Bill Clinton, including a sweeping welfare reform law that required President Clinton to work with Republicans in Congress on a challenging issue with an ultimately bipartisan approach.

Conservatives have historically protected the filibuster because the Senate’s debates have protected the American people from government overreach. Progressives have viewed these checks as an obstacle to expanding the scope of the federal government, culminating in Majority Leader Harry Reid’s (D-NV) reckless move to eliminate the filibuster for most presidential nominations in 2013. As McConnell told his colleagues at the time, “You will regret this, and you may regret it a lot sooner than you think.”<sup>9</sup>

Yet some progressives continued to push for weakening the rules. Adam Jentleson’s *Kill Switch: The Rise of the Modern Senate and the Crippling of Modern Democracy* champions Reid’s decision as a heroic move to save democracy and resolve the “filibuster-induced paralysis” of the Democrats’ agenda.<sup>10</sup> Benjamin Wallace-Wells weighed in on the book in *The New Yorker*, arguing that without the filibuster, “the Biden Administration can

act decisively on climate change, the racial-wealth gap, and restoring the protections of the Voting Rights Act.”<sup>11</sup> Wallace-Wells then cited other progressives beating the drum for fundamental changes to Senate rules:

Writing on a similar theme just after the Inauguration, the *Times* columnist Ezra Klein suggested not only that abolishing the filibuster would be the only way to enact President Biden’s agenda but that enacting that agenda was the only way for Democrats to keep their majority and stave off a resurgent Trumpism.<sup>12</sup>

In a conclusion that has not aged well, Wallace-Wells opined that in 2021, “conservative politics have become almost wholly symbolic. Abolishing the filibuster would go a small way toward restoring some reality to them. Go ahead, voters would say to new majorities. Give us what you promised. Let’s see what you’ve got.”<sup>13</sup>

As Democrats continued to press for filibuster carve-outs, the calls to eradicate it entirely reached a fever pitch. In 2022, under public pressure, President Biden announced his support for gutting the filibuster, but Republicans continued to take the long view. Senator Mitt Romney (R-UT) warned his colleagues, “There is also a reasonable chance Republicans will win both houses in Congress and that Donald Trump himself could once again be elected president in 2024. Have Democrats thought what it would mean for them, for the Democrat minority to have no power whatsoever?”<sup>14</sup>

The founders were not afraid of conflict; they anticipated it. But they also designed a Senate that protected the minority’s rights. In practice, that protection has enabled policymakers to form coalitions around nonpartisan regional and economic interests, such as long-standing agricultural policies, nutrition programs, and varied state transit and infrastructure needs.<sup>15</sup>

Yuval Levin has written persuasively on the need for the Senate’s strong and methodical consideration of the issues of the day, noting that the authors of the Constitution

worried intensely about the dangers of rule by narrow and ephemeral majorities. Congress is supposed to be representative of the public’s

will, but that will is not naturally organized into a legislative agenda that could advance the good of the nation. Congress has a role to play in organizing it—“to refine and enlarge the public views,” as James Madison put it in “Federalist No. 10,” “by passing them through the medium of a chosen body of citizens.” And that role is especially crucial for mitigating dangerous social divisions.<sup>16</sup>

The filibuster is central to this structure. To play its intended role, Congress must be an arena for negotiation, which is often a slow trudge. “In the legislature, promptitude of decision is oftener an evil than a benefit,” Alexander Hamilton wrote in *Federalist* 70. “The differences of opinion, and the jarrings of parties in that department of the government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority.”<sup>17</sup> *Federalist* 62 explicitly pointed to the Senate’s structure as an added step in majoritarian law-making: “No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the States.”<sup>18</sup>

The Senate’s filibuster rule is not just a check. It is a potent tool for engagement across political divides. As McConnell remarked in 2025,

The Senate has two essential characteristics: (1) equal representation for each state and (2) unlimited debate and amendment for each Senator. Together, they force cooperation—especially the bipartisan variety—and protect the rights of the minority against the majority.

... At its best, the Senate is a workshop where thorny challenges are faced squarely and addressed with durable solutions.<sup>19</sup>

As the Senate’s role of convener for bipartisan progress comes increasingly under attack, pundits on both sides of the ideological spectrum have asked policymakers to redouble substantive engagement and bridge divides with empathy and focus (and, ironically, some of these pundits have concurrently called for filibuster “reforms” that would cripple the Senate’s ability to revitalize this type of progress).

The broader political culture reflects this tension. Modern politics is evolving into a system in which leaders tell voters why they are wrong rather than truly listening and reflecting. Progressive columnist Ezra Klein recently wrote that

the endless fantasy in politics is persuasion without representation: You elect us to represent you, and where we disagree, we will explain to you why you are wrong. The result of that politics tends to be neither persuasion nor representation: People know when you are not listening to them. And they know how to respond: They stop listening to you. They vote for people who they feel do listen to them.<sup>20</sup>

Michael Reneau and Michael Wear touched on similar themes from a conservative and explicitly faith-based perspective in *The Dispatch*, expanding on Howard Thurman's belief that "contact without fellowship, when we are constantly confronted with one another but never really in a position to *be* with one another," creates "a strikingly unsympathetic understanding of the other."<sup>21</sup>

Against this backdrop, the filibuster is not an outdated relic or an antidemocratic tool but an essential safeguard. It forces substantive engagement, slows the rush to extremes, and helps ensure that laws enacted in moments of crisis or passion do not destabilize the country in the long term. Republicans should defend the filibuster not out of nostalgia, fear, or inertia but because it remains vital to the constitutional order and is a deeply conservative tool.

## About the Author

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## Notes

1. Donald J. Trump (@realDonaldTrump), "I just got back from Asia where I met the Leaders of many Countries, including China, Japan, South Korea, Malaysia, Australia, Canada, New Zealand, Singapore, Thailand, Cambodia, Vietnam, and others. It was a Great Honor to meet them but, more particularly, to see that America is respected again," Truth Social, October 30, 2025, 10:36 p.m., <https://truthsocial.com/@realDonaldTrump/posts/115466450476422202>.

2. Donald J. Trump (@realDonaldTrump), "Remember, Republicans, regardless of the Schumer Shutdown, the Democrats will terminate the Filibuster the first chance they get. They will Pack the Supreme Court, pick up two States, and add at least 8 Electoral Votes. Their two objectors are gone!!! Don't be WEAK AND STUPID," Truth Social, November 1, 2025, 5:47 p.m., <https://truthsocial.com/@realDonaldTrump/posts/115476637068029863>.

3. Manu Raju and Ted Barrett, "Senate Dems, Powerless to Stop Trump Nominees, Regret 'Nuclear Option' Power Play," CNN, December 6, 2016, <https://www.cnn.com/2016/12/05/politics/senate-democrats-nuclear-option-donald-trump>.

4. 165 Cong. Rec. S2214–S2215 (daily ed. April 3, 2019) (statement of Sen. Bennet).

5. David Bossie, "President Trump Is Right, Democrat Filibuster Abuse Must Be Addressed Now," *Daily Caller*, November 18, 2025, <https://dailycaller.com/2025/11/18/opinion-president-trump-is-right-democrat-filibuster-abuse-must-be-addressed-now-dave-bossie/>.

6. *The Federalist*, no. 51 (James Madison), [https://avalon.law.yale.edu/18th\\_century/fed51.asp](https://avalon.law.yale.edu/18th_century/fed51.asp).

7. Editorial Board, "Bust the Filibuster at the GOP's Peril," *The Wall Street Journal*, November 3, 2025, <https://www.wsj.com/opinion/bust-the-filibuster-at-the-gops-peril-7f68df52>.

8. John Barrasso, interview by Kristen Welker, *Meet the Press*, NBC News, November 16, 2025, <https://www.nbcnews.com/meet-the-press/meet-press-november-16-2025-n1313026>.

9. 159 Cong. Rec. S8416 (daily ed. Nov. 21, 2013) (statement of Sen. McConnell).

10. Adam Jentleson, *Kill Switch: The Rise of the Modern Senate and the Crippling of American Democracy* (Liveright, 2021), 13.

11. Benjamin Wallace-Wells, "Examining the Case Against the Filibuster," *The New Yorker*, February 4, 2021, <https://www.newyorker.com/news/our-columnists/examining-the-case-against-the-filibuster>.

12. Wallace-Wells, "Examining the Case Against the Filibuster."

13. Wallace-Wells, "Examining the Case Against the Filibuster."

14. Katie Rogers, "We Have No Option": Biden Calls for Changing Senate Rules to Pass Voting Rights Laws," *The New York Times*, January 11, 2022, <https://www.nytimes.com/2022/01/11/us/politics/biden-filibuster-voting-rights.html>.

15. Shelby Myers, "What Is the (Food and) Farm Bill and Why Does It Matter?", *Market Intel*, July 20, 2022, <https://www.fb.org/market-intel/what-is-the-food-and-farm-bill-and-why-does-it-matter>.
16. Levin is the director of Social, Cultural, and Constitutional Studies at the American Enterprise Institute. Yuval Levin, "What's Wrong with Congress (and How to Fix It)," *The Atlantic*, June 11, 2024, <https://www.theatlantic.com/ideas/archive/2024/06/congress-reform-filibuster-constitution/678604/>.
17. *Federalist*, no. 70 (Alexander Hamilton), [https://avalon.law.yale.edu/18th\\_century/fed70.asp](https://avalon.law.yale.edu/18th_century/fed70.asp).
18. *Federalist*, no. 62 (Alexander Hamilton or James Madison), [https://avalon.law.yale.edu/18th\\_century/fed62.asp](https://avalon.law.yale.edu/18th_century/fed62.asp).
19. Mitch McConnell, "The Senate and the Courts: Constitutional Bulwarks Against Majoritarianism," *George Mason Law Review* 32, no. 1 (2025): 2, 4, [https://lawreview.gmu.edu/print\\_issues/the-senate-and-the-courts-constitutional-bulwarks-against-majoritarianism/](https://lawreview.gmu.edu/print_issues/the-senate-and-the-courts-constitutional-bulwarks-against-majoritarianism/).
20. Ezra Klein, "This Is the Way You Beat Trump—and Trumpism," *The New York Times*, November 2, 2025, <https://www.nytimes.com/2025/11/02/opinion/democrats-liberalism-elections-crick.html>.
21. Michael Reneau and Michael Wear, "Political Hatred Seeps Deeper Than We Think," *The Dispatch*, November 2, 2025, <https://thedispatch.com/newsletter/dispatch-faith/political-hatred-howard-thurman/>.

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