

UNITED STEELWORKERS
**Rapid
Response**

2022 VIRTUAL LEGISLATIVE
AND POLICY CONFERENCE

Why is the Senate So Weird?

The 100 – A Brief History of the U.S. Senate

The United States Senate is the upper chamber of the United States Congress, with the House of Representatives being the lower chamber. Together they compose the national bicameral legislature of the United States.

The composition and powers of the Senate are established by Article One of the United States Constitution.

Set Qualifications of Senator

1. Must be at least 30
2. Citizen of the U.S. for 9 years
3. Must have residence in state they wish to represent



“I stand before you today as a fugitive from the most restrictive closed shop in the country – the United States Senate.”

Senator John Kennedy – 1958 – USWA Convention

The 100 – A Brief History of the U.S. Senate

Why an Upper Chamber at all?

Push pull between state sovereignty and direct representation.

Connecticut Compromise

Created a bicameral legislature – Revenue measures must come from Lower Chamber

At the Constitutional Convention of 1787, delegates from larger states believed each state's representation in the newly proposed Senate should be proportionate to population.

In 1787, Virginia had roughly ten times the population of Rhode Island, whereas today California has roughly 70 times the population of Wyoming, based on the 1790 and 2020 censuses.



Oliver Ellsworth (left) and Roger Sherman.

The 100 – A Brief History of the U.S. Senate

Terms and Elections

Senators serve for 6 years

Constitution – Article 1 – Section 3

3 classes – designed to be more “deliberate” – Class 3 up 2022

Direct Elections didn’t start until 1913

Constitution requires vacancies in the Senate be filled by Special Election **but**

37 states fill Senate vacancies at their next regularly scheduled general election by Gov. The remaining 13 require that a special election be called.

Senate “Firsts”

First Woman Senator 1922 – Rebecca Latimer Felton – Georgia: "When the women of the country come in and sit with you,... you will get ability, you will get integrity of purpose, you will get exalted patriotism, and you will get unstinted usefulness."

In 1870 Hiram Revels of Mississippi became the first African American senator. When Revels arrived in Washington, D.C., Southern Senators in office opposed seating him in the Senate. One of only 11 African American’s to serve as Senator.

In 1928 Mexican-born Octaviano Ambrosio Larrazolo became the first Hispanic American to serve in the U.S. Senate when he was elected to complete the unexpired term of New Mexico senator Andrieus A. Jones.

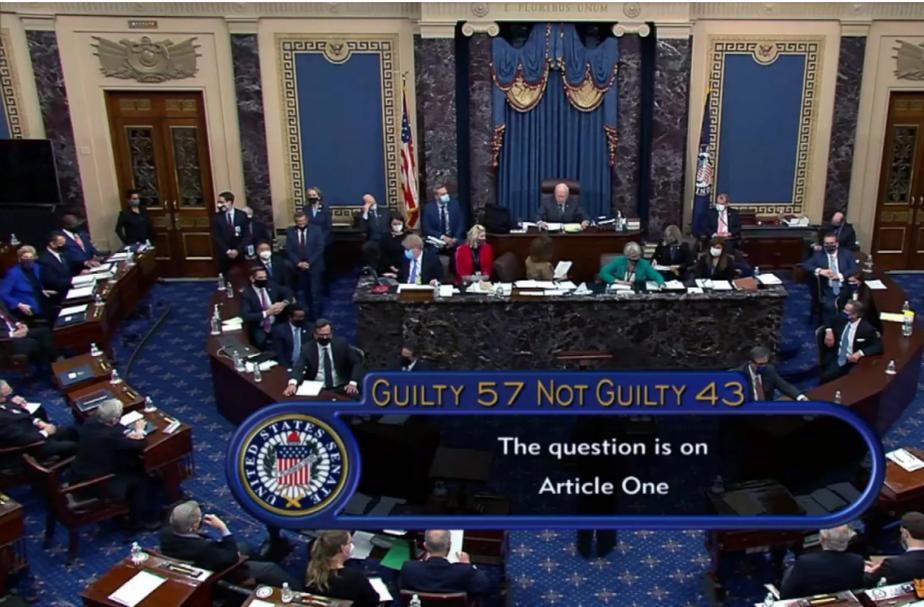
Senator Hiram Fong became one of Hawaii’s first two U.S. senators in 1959, upon the state’s admission to the Union. The son of Chinese immigrants, Fong was also the first U.S. senator of Asian ancestry.



Role of the Senate

Advice and Consent – Unique role

- Approve Treaties
- Confirmation of Cabinet Secretaries
- Confirm Federal Judges
- Confirm Ambassadors
- Trials - Impeachment

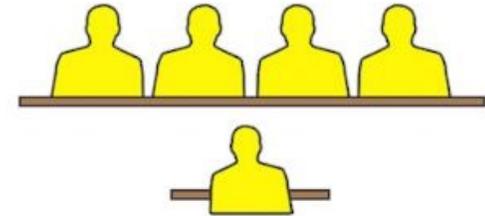


HOW THE SUPREME COURT NOMINATION PROCESS WORKS

THE **PRESIDENT** NOMINATES A CANDIDATE



THE **SENATE JUDICIARY COMMITTEE** REVIEWS THE NOMINEE



THE **FULL SENATE** VOTES



THEY NOW REQUIRE **JUST 51 VOTES** TO CONFIRM A NOMINEE

THEY SEND **THEIR RECOMMENDATION** TO THE FULL SENATE



Role of the Senate

Committees, the Floor, the Vice President

- 16 standing committees
- Any Senator can speak for an unlimited amount of time a day.
- Debate and Vote on Legislation.



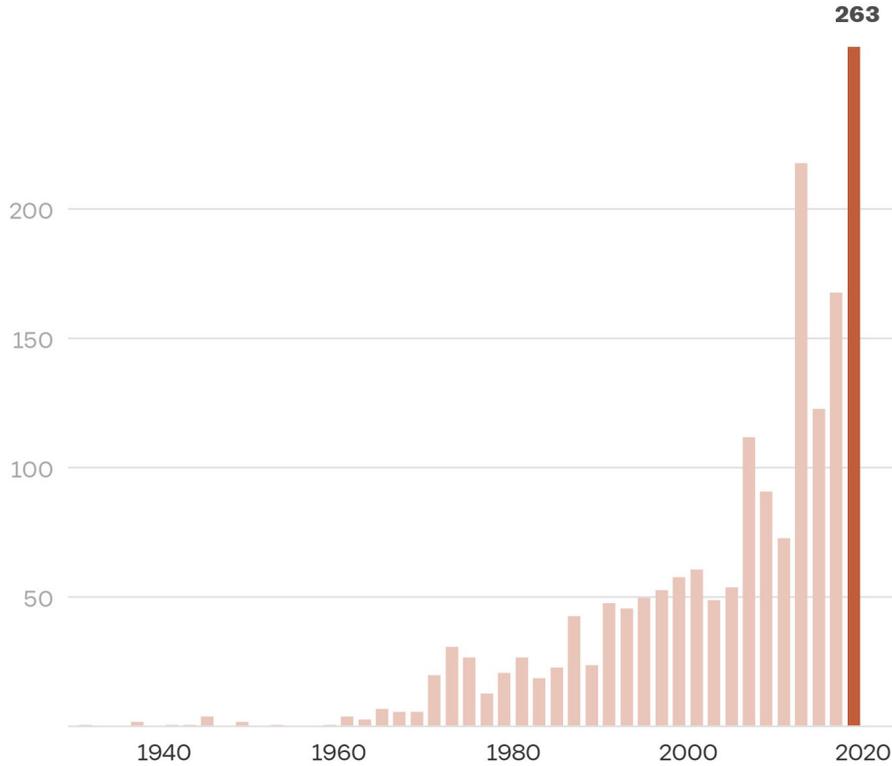
The Role of the Vice President in the Senate

- The Vice President is the “President of the United States Senate
- Responsible for Maintaining order
- Authority to cast a tie-breaking vote



The rise of the filibuster threat

Senate cloture votes, through the 2019-2020 Congress



Count for the 2019-2020 Congress as of September 25.

Vox

“President Johnson when he was Majority Leader – He overcame cloture once, I’ve had to overcome cloture 500 times – and maybe we need to do a little more rule changing don’t you think.” – Majority Leader Harry Reid – USW 2014 Convention

Filibuster

Taking advantage of the rule that 60 votes are needed to stop debate on a bill.

Originally a side effect of an 1806 - Aaron Burr - freshly indicted for the murder of Alexander Hamilton – got Senate to drop “previous question” motion.

By the 1880s, almost every Congress began to experience at least one bout of obstructionism: for instance, over civil rights, election law, nominations, even appointment of Senate officers—only some of these “the great issues of the day.”

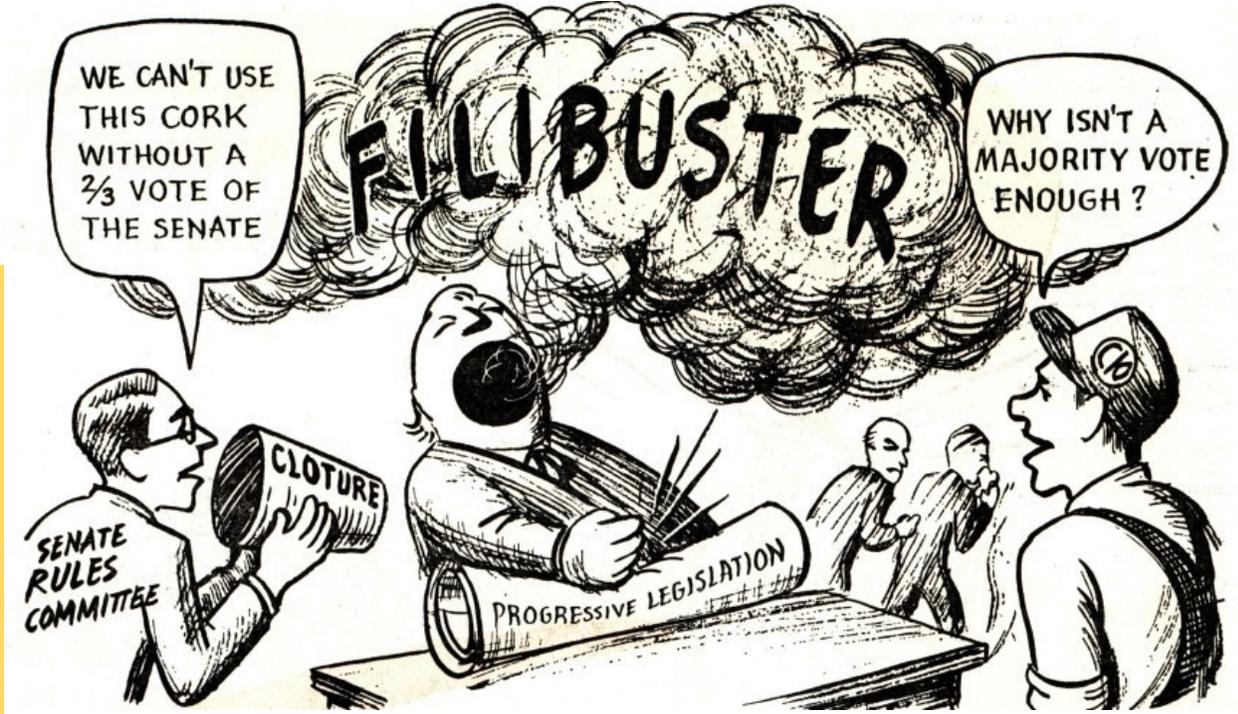
Senate Rule 22 created in 1917 – Filibuster over arming merchant ships.



Filibuster

Senate Rule 22 – a result of a “little group of willful men.”

Allowed the Senate to invoke cloture and limit debate with a two-thirds majority vote.



In 1975, the Senate reduced the number of votes required for cloture from two-thirds of senators voting to three-fifths of all senators duly chosen and sworn, or 60 of the current 100 senators.

“nuclear option.” – override standing rules with a simple majority leader – establish a new precedent

In 2013, the nuclear option was used to eliminate the filibuster for executive branch nominees and judicial nominees (with some exceptions).

In 2017, the Republicans used the nuclear option to prohibit the filibuster on Supreme Court nominees.

Cloture is a Senate procedure that limits further consideration of a pending proposal to thirty hours in order to end a filibuster.

Filibuster

Sacred Rules – until they aren't

A number of laws and rules limit debates or the time for debates for certain bills, that effectively exempt those bills from the 60-vote requirements.

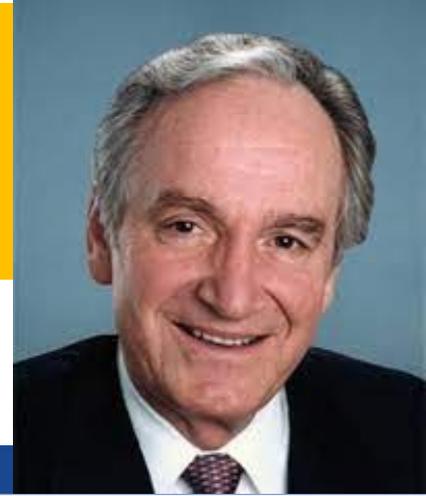


1. Budget reconciliation – Since 1974 this process which sets overall funding levels for the government
2. Trade promotion authority – “Fast Track” for trade agreements cannot be filibustered – simple majority vote.
3. Congressional Review Act – 1995 law that allows Congress to repeal administrative regulations within 60 days.
4. National Emergencies Act – 1976 law which formalizes emergency powers of the President – allow Congress to end Emergency
5. War Powers Resolution – 1973 law requires president to withdraw troops overseas within 60 (+30) days
6. Confirmations – 2013 Senate Rule Change
7. Debt ceiling – 2021 – “one-time” exception to raise debt ceiling of Federal Government

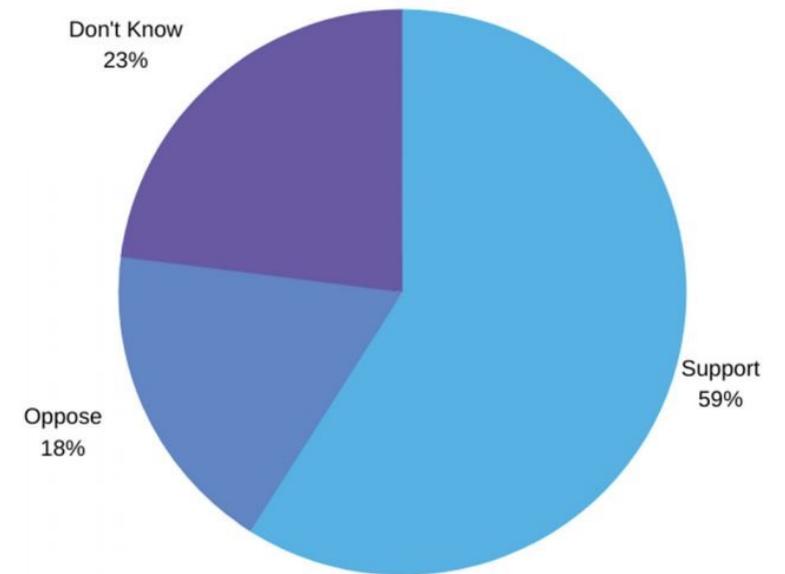
When the Rules Change

What to Expect

Filibuster



Those in favor of restoring the filibuster to requiring senators to speak on the floor when blocking bills



Source: Global Strategies Group/Save Our Senate

- Reduce Senators needed to invoke cloture – 60 to 55 (lowering from 1975 which was 66)
- Talking Filibuster – Require Minority Senators be on the floor.
- Flip Responsibility – Instead of proving 60 votes to end debate – require 41 votes to keep filibustering.
- Ratcheting Down – Set thresholds of 60, then 57, then 54, then 51 – each taking a few days to get done.
- Majority Cloture – Set the threshold for cloture to match the number of senators in the majority in any given Congress.
- Filibuster on Substantive Policy Only – Stop “Motion to Proceed”
- Create Temporary Or Permanent Windows – a-la “fast track”.

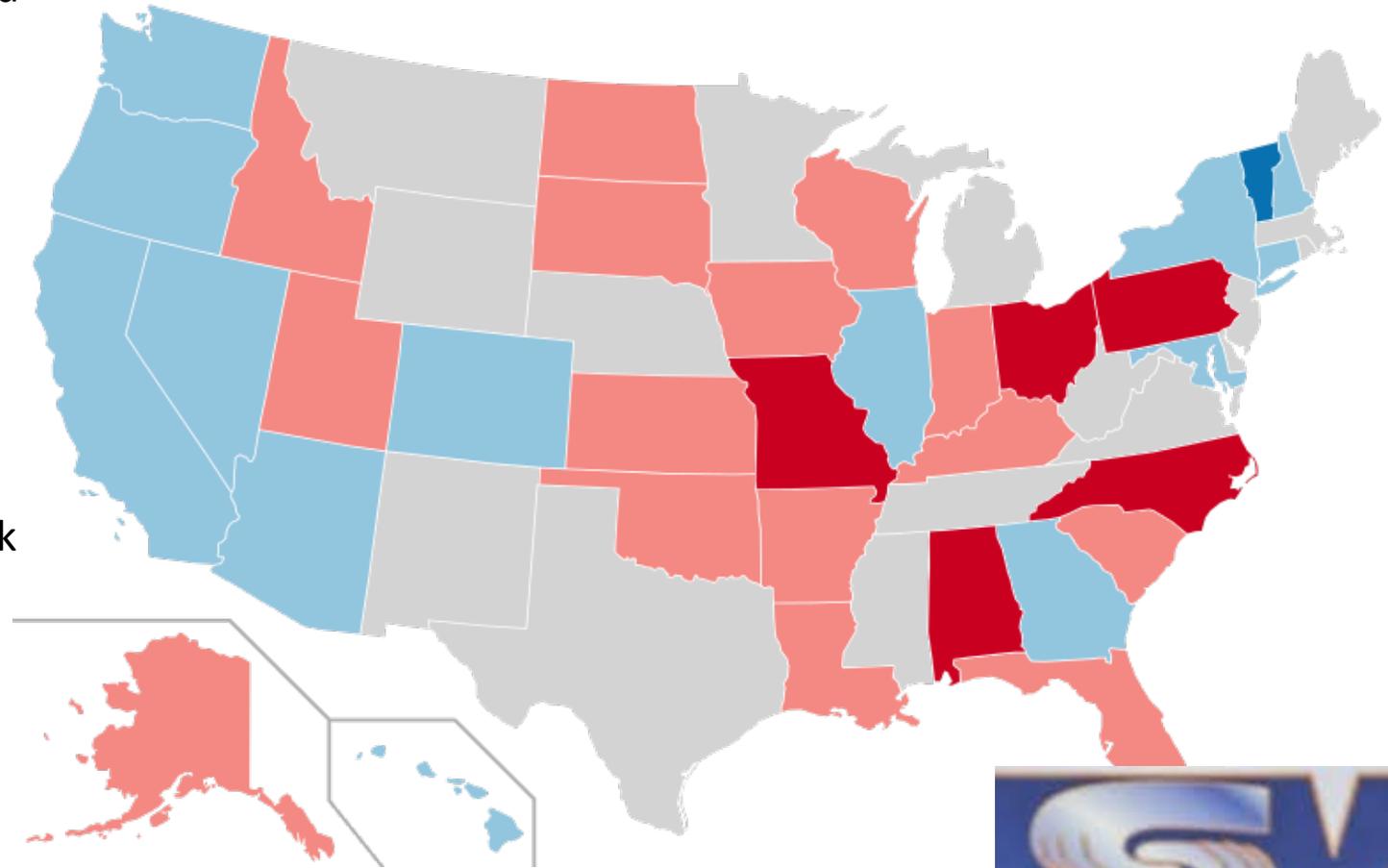
2022 Senate Elections

All 34 Class 3 Senate seats are up for election in 2022; Class III currently consists of 14 Democrats and 20 Republicans.

One special election for a seat held by a Democrat will be held in conjunction with the general elections: in California, to fill the final weeks of Kamala Harris's term.

Five Republican senators, Richard Shelby (AL), Roy Blunt (MO), Richard Burr (NC), Rob Portman (OH), Pat Toomey (PA) and one Democratic senator, Patrick Leahy (VT) have announced that they are not seeking re-election; 15 Republicans and 13 Democrats are running for re-election.

Right now – it's looking like 50-50 chance of either side winning.



“Instead of balancing the budget on the backs of working families, the elderly, the children, the sick, and the most vulnerable, it is time to ask the wealthiest people and most profitable corporations in this country to pay their fair share” – Senator Bernie Sanders – 2011 USW Convention

