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Younger senators take aim at old Senate rules

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By Paul Kane
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As the battle over health care raged for 15 months, no institution saw its reputation battered quite as much as the U.S. Senate.

Jousting over parliamentary maneuvers and partisan acrimony dominated the headlines as the nation fixated on the debate over President Obama's top domestic initiative. But behind that struggle, other signs of institutional strife were abundant.

A nominee to the federal bench took nine months to win confirmation on a 99 to 0 vote. One senator [held up dozens of nominations](#) over a parochial dispute. And on Wednesday, one of the most basic functions of the chamber -- committee hearings -- [ground to a halt](#).

Faced with what they're calling a "broken" system, a band of Senate Democratic newcomers are vowing to change the way the world's greatest deliberative body does business. These "young turks" -- "young" being relative in a body in which 60 is considered middle-aged -- are pushing to revamp the decades-old rules that govern the Senate.

Their targets include long-held senatorial courtesies such as the "hold" and the seniority system that awards chairmen's gavels solely on tenure. Ultimately, some want to modify or eliminate the most potent of all senatorial weapons: the filibuster.

"The more the American people understand the system's broken, the more the people are going to support rules reform," said Sen. Tom Udall (D-N.M.), 61, who was elected in 2008.

Senate elders have no intention of letting their power slip away easily.

Calling the newcomers' approach "grossly misguided," Sen. Robert C. Byrd (D-W.Va.), who is 92 and the longest-serving lawmaker in the history of Congress, said the Senate is designed to protect the rights of all, not just those who won the last election.

"Extended deliberation and debate -- when employed judiciously -- protect every senator, and the interest of their constituency, and are essential to the protection of the liberties of a free people," Byrd, who was first elected in 1958, wrote in a letter to colleagues last month.

Trent Lott, a former majority leader, dismissed this latest effort as the work of "young and hot-blooded" senators who cannot see the consequences of their actions. "Be careful of what you do -- you could have it used against you," the Mississippi Republican said, predicting that the GOP will be back in the majority in the near future.

Many insiders note that some leaders of the effort, including Udall and Sen. Mark Warner (D-Va.), are former House members, governors or holders of other statewide executive offices, not accustomed to the Senate's slower pace.

Sen. Bernard Sanders (I-Vt.), elected in 2006 after a stint in the House, said his light-bulb moment came when Sen. Richard C. Shelby (R-Ala.) placed a blanket "hold" on dozens of President Obama's nominees to agencies because of an unrelated dispute over a military funding matter in his state.

"I think the average person would say, 'Excuse me, that's nuts,' " said Sanders, who at 68 is the oldest member of the insurgent group.

Warner, 55, was dumbfounded to see the nine-month journey Virginia Supreme Court Justice Barbara M. Keenan took to being confirmed as a federal appellate judge, despite bipartisan credentials that included presiding at the swearing-in of Republican Gov. Robert F. McDonnell.

Typically, big or controversial legislation isn't affected by holds, because it's considered important enough for votes and debate. But Senate leaders are loath to spend days on noncontroversial items such as naming a program or the nomination of an undersecretary. Those are the things that senators target for holds, to extract concessions from the majority party and the administration.

It takes a two-thirds majority, or 67 votes, to change Senate rules. Democratic leaders are working with their next generation on these internal reform efforts. Majority Whip Richard J. Durbin (D-Ill.) is conducting working groups with the collection of more than 20 Democrats, and Sen. Charles E. Schumer (N.Y.), the Democrats' No. 3 leader, is to hold committee hearings next month.

Majority Leader Harry M. Reid (D-Nev.), who has said his 2005 defense of the filibuster was his proudest moment, now says he will consider changes to the 60-vote threshold after the midterm elections in November.

One thing that drives the younger generation crazy is how outdated some rules and customs appear. The hold -- originating in the 19th century, when travel and communications were much more difficult -- is a courtesy that allows objections to bringing up legislation or a nomination without the senator having to be on the Senate floor.

Sen. Michael Bennet (D-Colo.), 45, appointed to his seat last year, has proposed allowing holds only if at least one senator from each party agrees, and even those would expire in 30 days.

In a pique over the health-care debate, Republicans twice this week invoked the "two-hour rule," which requires committees to have the consent of all 100 senators to keep operating two hours after the Senate is gavelled into session. This was necessary when senators had almost no staff and no means of monitoring the chamber floor and committee rooms.

"This is an antiquated, dumb rule," said Sen. Claire McCaskill (D-Mo.), 56, elected in 2006.

Sen. Sherrod Brown (D-Ohio), 57, who also won his seat in 2006, has his sights set on forcing Democrats to have elections for committee chairmanships. (In the House, each party caucus holds direct elections for chairmen and ranking minority members.) This is a particular sore point to the newcomers, who viewed Sen. Joseph I. Lieberman's support of GOP presidential nominee John McCain as the sort of treachery that should have resulted in the Connecticut independent surrendering his chairman's gavel.

Udall is the most ambitious of the freshmen, proposing a resolution that would change the way rules are changed. Shortly after winning his 2008 race, Stewart Udall, the interior secretary in the Kennedy administration who died last week, instructed his son to climb into his attic to find a dusty old copy of "Outsider in the Senate," the autobiography of Clinton Anderson, the late senator from New Mexico who led the fight to modify filibuster rules in the 1960s and 1970s.

Anderson argued, as Udall does, that the rules should be changed every two years at the start of a new Congress by a simple majority vote. After more than 15 years, Anderson succeeded in lowering the filibuster threshold from 67 votes to 60.

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