

January 17, 2013

Senator Charles E. Schumer
780 Third Avenue
Suite 2301
New York, NY 10017

Re: Filibuster Reform

Dear Senator Schumer:

We are writing to express our support for your calls to reform the rules of the U.S. Senate and encourage you to move forward on a package of strong reform.

New York has a special stake in reforming the rules of the United States Senate. Facing unparalleled challenges—a judicial vacancy crisis, a languid economic recovery, and threats at home and abroad—the country cannot afford another two years of inaction fostered by outmoded and broken legislative institutions. In recent decades, Senate conventions have devolved to remove incentives for bipartisan comity, collegiality, and compromise. Whereas Senators once resorted to filibustering only in rare and exceptional instances of intense opposition, rampant obstruction has now transformed standard operating procedure. Today, majority rule in the Senate is the exception, not the rule.

We believe that common sense reforms will end routine and reflexive obstruction and will ensure that the Senate will once again be able to address the critical issues facing our country. Many issues of particular importance to New York, such as transportation and mass transit funding, financial industry regulation, unemployment and job creation measures, as well as immigration reform, are all too frequently blocked or impeded by the silent purely procedural filibuster.

Specifically, we believe that any reform of the Senate rules must include the following concepts:

- Streamline the nomination process so that nominees will get a yes or no vote on the Senate floor, including a reduction of the required 30 hours of post cloture debate on a nominee to 2 hours.
- Eliminate the ability to filibuster the motion to proceed;
- Require that those wishing to block legislation or nominations take the floor and actually filibuster—*i.e.*, mandating “talking filibusters”;
- Assert that 41 Senators must affirmatively vote to continue debate rather than forcing 60 Senators to vote to end debate.

These reforms are in the best interest of our democratic system. Reducing post-cloture debate time would help you fill the long-standing judicial vacancies that have plagued New York’s federal district courts, and would significantly benefit other states as well. Recalibrating the filibuster would revive the Senate as a truly deliberative body by encouraging Senators to discuss and debate the vital issues our country must address. Requiring those wishing to slow down or halt legislation through the Senate rules to do so publically on the Senate floor would raise the costs of obstruction so that the filibuster is reserved for instances in which a dedicated minority

is intensely opposed to legislation. These much needed reforms would restore accountability on both sides of the aisle.

It is our hope that such common sense reforms would secure overwhelming, bipartisan support. But the acute challenges facing our country demand the restoration of functioning democratic institutions by any constitutional means. If those who derive power and influence from the status quo continue to prevent needed change, the Constitution authorizes the Senate to adopt new internal rules and proceedings by a simple majority vote at the beginning of the new Congress.

A package of these common sense reforms is encompassed in S. Res. 4, and they will go a long way towards ending routine and reflexive obstruction. We urge you to cosponsor this legislation so that the Senate can begin addressing the critical issues facing our country in a manner that is consistent with democracy.

We look forward to working with you to ensure that these reforms are enacted during the 113th Congress.

Sincerely,

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