

# Yes, Take This Seriously: It's Time to Kill the Senate

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Well, it's looking pretty grim. Last week, Kyrsten Sinema said that the filibuster, which for decades was used chiefly to sustain apartheid in the South and in our time has been used to block passage of measures that have clearly enjoyed majority support among the people (higher minimum wage, stricter gun laws, etc.), "is a tool that protects the democracy of our nation."

Following hard on her heels was Joe Manchin, who wrote in an op-ed Sunday that he won't vote to "weaken or eliminate" the filibuster. Earlier this year, Manchin had indicated that he was open at least to reforming the filibuster—to forcing filibustering senators to hold the floor and talk, as in the old days (today, all they have to do is have an aide call the clerk's office to say they'll filibuster, and it's done). But he seemed to slam that door shut Sunday.

This is devastating for Joe Biden's agenda, yes. But more than that, it's devastating for democracy. Poll after poll after poll has told us that the things Biden wants to pass enjoy the support of huge majorities of Americans. But because of the rules of the Senate, rules that aren't in the Constitution and which would have appalled the Founders, these things that clear majorities want can't pass. That's anti-democracy in action, benefiting only a political party that has shown its contempt for democracy on other fronts through its support of gerrymandering and voter suppression.

What to do? People talk of reforming the Senate in this way or that. But that's hopeless. There's only one conclusion here. Before the Senate kills democracy, we must kill the Senate.

That's right. Kill the Senate. It shouldn't exist. Or maybe it can exist, but only as a toothless and meaningless body, like the British House of Lords.

The House of Lords example is highly relevant here. In 1909, the governing Liberal Party proposed a budget known as "the people's budget," which, for the first time in British history, proposed a raft of taxes on rich people to pay for social welfare "programmes."

The rich weren't very keen on this. They couldn't control the House of Commons, where the Liberals were in charge, having won more votes than the Tories (another increasingly quaint concept in the United States—that the party that won more votes should get to impose its agenda). But they had the run of the House of Lords, which mostly consisted of wealthy aristocrats.

The long and the short of it is that in 1911, the House of Commons passed the Parliament Act, which eliminated the Lords' ability to veto money bills and left it so that Lords could merely delay, but never block, legislation passed by the Commons. And for the 110 years since, the

House of Lords has been a nonfactor.

We should do the same to the Senate. It has no justification for even existing. It was created in a deal that was sold to us as schoolchildren as “the Great Compromise” but that, in real life and in real time, no one particularly liked. It passed at the Constitutional Convention by one vote, 5–4–1. Speaking of majority will, those five state delegations voting in favor did not represent a majority of state delegations, because 12 states sent delegates to the convention. In addition, the large states with more delegates, notably Virginia and Pennsylvania, opposed it. So the body that has repeatedly thwarted majority will in our history and been overly protective of the minority was itself created by a minority.

The day after that vote, delegates from the four states voting against the creation of the two-per-state upper chamber huddled together to try to undo this madness. But, as James Madison wrote, they could not come to an agreement on a Plan B, so they dropped it.

The rest is history, mostly very bleak history, and I expect you know it. Throughout the nineteenth century and into the twentieth, the Senate was home to wealthy conservative men who looked after the interests of the railroad barons and the cotton planters and the sugar growers and so on. But the Senate was most viciously and consistently reactionary when it came to civil rights.

Then, for one brief and shining moment in history, which lasted for about 20 years or so, there was a shift. The election of 1958 brought several genuinely liberal members to the Senate, giants like Phil Hart of Michigan and Gene McCarthy of Minnesota. These were men who’d grown up in the Depression and served their country in World War II and thus understood that both severe poverty and global fascism were very real threats to democracy. They governed and voted accordingly.

But those among this visionary cohort who hadn’t retired or passed away by 1980 were wiped out when the backlash hit and several very conservative and not always very bright (e.g., Dan Quayle) senators rode into Washington on Ronald Reagan’s coattails. Since 1980, power in the Senate has teeter-tottered back and forth, but for the past two decades, the Republican Party has been extreme enough that the thought of getting six or eight or 10 Republican senators to join Democrats in backing even watered-down progressive legislation has been a fantasy.

None of this is to let Sinema and Manchin off the hook. Their behavior here is tragic. Manchin’s position is at least politically understandable given that he’s from a state Donald Trump won by 40 points. Sinema is just an infuriating mystery. Whatever their motivations, their actions are historically indefensible. The filibuster doesn’t protect democracy, and they know it.

Nevertheless, this predicament is bigger than the two of them, and it wouldn't be solved if they changed their minds tomorrow. The problem is the Senate itself. Someone needs to mount and finance a serious public education campaign to do away with or at least dramatically weaken it. An unrepresentative upper chamber will almost always stand athwart progress. The United Kingdom awoke to this reality 110 years ago. When will we?