



Written by [Bob Adelman](#) on January 20, 2022

Biden's Legacy "Voting Rights" Legislation Defeated in Senate, Filibuster Preserved

The Constitution and its design to limit the federal government scored a resounding victory late Wednesday night when Joe Biden's key legislative push — his "voting rights" bills, i.e., the Freedom to Vote Act and the John Lewis Voting Rights Act — [failed to pass the Senate](#).

The final vote was 49-51 after Senate Majority Leader Chuck Schumer — the legislation's chief champion — changed his vote to "no" at the last minute in order to allow him to bring it to the floor for another vote sometime in the future.



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Following the vote, whose demise was assured by the opposition of two Democrats, Senators Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, Schumer then moved on to an even bigger challenge: changing Senate rules so that the bills could pass by majority vote instead of the two-thirds vote required under the Senate's "filibuster" rule.

As noted by the Senate itself:

Whether praised as the protector of political minorities from the tyranny of the majority, or attacked as a tool of partisan obstruction, the right of unlimited debate in the Senate, including the filibuster, has been a key component of the Senate's unique role in the American political system.

Schumer viewed the rule as a roadblock to his favorite legislation:

A few hours ago, this chamber, with the eyes of the nation upon it and with the evidence of voter suppression laid bare before it... took a vote to move to final passage on the Freedom to Vote Act and the John Lewis Voting Rights Advancement Act. It received 50 votes, and [without the filibuster] ... we would have had a majority.

Under the Senate's own rule that legislation would have required two-thirds of the Senate to pass it, or 60 votes. If the Senate can't pass the legislation the regular way, said Schumer, "then the Senate rules must be reformed."

So, he brought to the floor action to temporarily suspend the filibuster rule, and it too failed, 48-52, with the same two Democrat senators voting against it. Vice President Harris was waiting in the wings to break any deadlock, but she left early when it was clear Schumer's move was destined to fail.

Biden, of course, was "disappointed": "I am profoundly disappointed that the United States Senate has failed to stand up for our democracy."



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But as Biden well knows, the Founders never intended for the country to be a “democracy,” but a constitutional republic. It took a Democrat to remind the Senate of the fact. Said Manchin, “Let this change happen in this way and the Senate will be a body without rules.”

Republican Senator John Thune of South Dakota agreed:

What you’re talking about doing today is turning the United States Senate into a majoritarian body. The essence of the Senate is a check and balance on the passions of the other body [the House of Representatives].

Senate Minority Leader Mitch McConnell (R-Ky.) said Americans can now breathe easier, tweeting, “The Senate will be saved tonight. America can breathe a sigh of relief. This radicalism [has] been stopped. It is a good day for America.”

McConnell added, “The legislative filibuster is a central Senate tradition. It is the indispensable feature of our institution. It makes the Senate serve its founding purpose: forging compromise, cooling passions, and ensuring that new laws earn broad support from a cross-section of our country.”

With the opposition of two Democrat senators, both of whom supported the legislation but not the way Schumer wanted to pass it, the attempt to federalize elections and turn America into California was thwarted.

Another victory for the Constitution went unheralded. Biden said, “I’ve had five Republican senators talk to me ... who have told me that they agree with whatever I’m talking about, [saying] ‘But Joe, if I do it, I’m going to be defeated in a primary.’”

It was a near thing. Without opposition from Manchin and Sinema, the American republic would have suffered a mortal blow. As Amazon noted in its touting of Senator Ted Cruz’s book on the federal judiciary, *One Vote Away*:

In *One Vote Away*, you will discover how often the high court decisions that affect your life have been decided by just one vote. One vote preserves your right to speak freely, to bear arms, and to exercise your faith. One vote will determine whether your children enjoy their full inheritance as American citizens.

The same goes for the “near thing” that almost happened last night in the Senate. The war against the American Republic continues, with the latest battle in the Senate won only by the slimmest of margins.



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