

# Congressional Democrats maintain pretense as Biden concedes defeat on voting rights bill

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The Democratic Party pretense that it is engaged in a fight over voting rights entered its final stage Thursday, with two right-wing Senate Democrats reaffirming their opposition to any significant change in the filibuster rule.

The rule empowers the Senate minority to block legislation unless 60 out of 100 senators support it. The Democrats hold a narrow one-vote majority, from the tie-breaking vote of Vice President Kamala Harris, and all 50 Republicans are united in opposition to any federal action on voting rights. As a result, the two bills which have passed the Democratic-controlled House are now dead in the Senate unless the filibuster rule is changed.

The filibuster is found neither in the Constitution nor in any legislation. It is merely a custom of the Senate, adopted as a rule by a simple majority at each new session. It was notoriously used by segregationist Southern Democrats in the 1950s and 1960s to block the passage of civil rights legislation.

President Joe Biden visited the Capitol Thursday to meet with Democratic senators and urge them to carve out an exception in the filibuster rule for legislation dealing with basic constitutional rights such as the right to vote. But even before he arrived, Senator Kyrsten Sinema of Arizona announced in a speech on the Senate floor that she was adamant in her support for the filibuster.

After Biden's hour-long meeting, the other leading right-winger in the Democratic caucus, Joe Manchin of West Virginia, announced that he too would oppose any significant curb on the "right" of the Republican minority to block the voting rights legislation, saying, "I cannot support such a perilous course of action."

Biden himself seemed to admit the futility of the congressional exercise which is now under way. "The

honest to God answer is I don't know whether we can get this done," he told reporters. "As long as I'm in the White House, as long as I'm engaged at all, I'm going to be fighting."

Biden's "fight" has been long on rhetoric and short on action. In his speech Tuesday in Georgia, he compared the Republican state legislators pushing through restrictions on voting and provisions for state governments to override local election officials to the defenders of Jim Crow segregation and the slave owners of the Confederacy. "Do you want to be on the side of Abraham Lincoln or Jefferson Davis?" he asked.

But where Lincoln mobilized vast armies and ultimately gave his own life in the struggle for emancipation, Biden has mobilized no one and sacrificed nothing. Nor have the congressional Democrats, who stalled the voting rights question for nearly a year after they unexpectedly won control of the Senate in a Georgia runoff election.

The latest congressional maneuver is only an empty pretense. On Thursday morning, the House of Representatives voted on a party line 220–203 to take an unrelated bill, previously approved by both House and Senate, strip out the previous text and substitute the provisions of the two voting rights bills, the Freedom to Vote Act, introduced to the Senate, and the John R. Lewis Voting Rights Advancement Act, passed by the House. The resulting amalgam will then be sent as a "letter" to the Senate.

This arcane procedure means that the Senate can take up the "letter" and begin a debate on voting rights by a simple majority, bypassing the filibuster at that stage. But proceeding to a vote still requires 60 votes. The result is that there will be a debate on voting rights, at which the Democrats can posture and proclaim their

undying devotion to democracy. Manchin and Sinema may well participate in this charade, since they both claim to support the voting rights provisions.

Then the bills will die, denied a final floor vote by the Republican filibuster. Senate Majority Leader Chuck Schumer claimed that this would be followed by a vote on a rules change to limit filibusters, to be held by January 17, the federal holiday marking the birthday of civil rights leader Martin Luther King Jr. In the face of the flat declarations of opposition by Sinema and Manchin, however, this deadline could well be put back further.

Schumer and House Speaker Nancy Pelosi could have carried out the parliamentary maneuver forcing debate on the voting rights bills any time in the past year, but they had other priorities, including the American Recovery Act and a bipartisan infrastructure bill, as well as the failed effort to enact Biden's "Build Back Better" legislation, ultimately blocked by Manchin and Sinema.

In a memo to his Democratic colleagues, Schumer admitted the emptiness of the effort. "To ultimately end debate and pass the voting rights legislation, we will need 10 Republicans to join us—which we know from past experience will not happen—or we will need to change the Senate rules," he wrote. He did not add that a change in the rules was being blocked, not just by Republicans, but by Democrats.

Senator Ben Cardin, a Maryland Democrat, conceded that Biden's trip to Capitol Hill was purely for show. "The president is not only demonstrating to the United States Democratic senators but to the American people that he is all-in on this," he said. "But there is certainly no expectation that he is going to win tomorrow."

Senate Minority Leader Mitch McConnell praised Democrat Sinema's declaration that she would vote to maintain the filibuster, calling her remarks an act "conspicuous of political courage," adding, "She saved the Senate as an institution." In a future Republican-controlled Senate, however, there is little doubt that McConnell, or an even more right-wing replacement, would swiftly overturn the filibuster if it suited the reactionary purposes of a Republican president.

Despite the parliamentary infighting and the rhetorical claims by Biden, the two pieces of voting rights legislation are relatively modest and do not even address many of the measures passed by Republican-

controlled state legislatures at the urging of Trump supporters seeking to set a precedent for the overturning of a presidential election defeat.

The Freedom to Vote Act would make Election Day a national holiday, mandate 15 days of early voting and require all states to allow mail-in voting, among other changes. The John Lewis bill would restore sections of the 1965 Voting Rights Act gutted by a Supreme Court ruling. Both bills would empower the federal Department of Justice to monitor and in some cases overturn the actions of state governments if they would have a discriminatory effect on the rights of minorities to cast ballots.

Neither bill would forbid state legislatures from defying the popular vote result in their state and submitting their own slate of electors to the Electoral College. Nor would they impede a future effort by Congress to use the January 6 certification of Electoral College results—originally intended as a purely ceremonial act—to overturn the result of a presidential election.



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