



# WEEKLY REPORT

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**FOR IMMEDIATE RELEASE: January 11, 2007**

## What about the filibuster and PQ?

*An abuse of one leads to proper use of the other*

State lawmakers have now completed the second week of the 2007 legislative session. Before proceeding, I want to correct a few misinterpretations of Senate tradition that surfaced on the chamber floor last week during our opening ceremony.

It was suggested that last year the majority party violated Senate custom by employing a procedural tactic to end a long debate and force a vote on an important bill. The claim that the previous question motion, or PQ, was never used when power was in the other party's hands is inaccurate.

The PQ is indeed rarely used, but rare is not never. The PQ motion was successfully used in 1970, 1972, 1982, 1999, 2003 and 2004. Four of those instances occurred under a Democratic majority. And the fifth, while it occurred under a Republican majority was a motion offered by a Democratic member. While the previous question motion has been employed most frequently by Democratic majorities, its use has indeed been bipartisan.

The need for the majority party to employ the PQ is directly related to whether the other side is going out of its way to unnecessarily obstruct progress. Senate rules allow for a filibuster, which is unlimited debate to delay or defeat legislation. But our forbearers wisely foresaw that at some point a frustrated minority might seek to employ the filibuster improperly to delay the work of the people, and that is why the previous question motion exists.

When it comes to these procedures, I favor their use consistent with historic precedent and tradition and in relationship to the importance of the issue being debated. The filibuster indeed exists for a reason. Its use should not be routine or frequent. As to the use of the PQ, it should not only be infrequent but rare and extraordinary.

It is wrong to assume that exercising the right of the majority to close debate is inconsistent with Senate decorum. When the minority is filibustering excessively and needlessly just to stifle efforts by

the body to get good public policy through the Legislature, then the PQ is a defense mechanism to be used to bring the curtain down on a tyrannical hold of the floor.

The bottom line is that when the minority party is unwilling to yield the power denied to them by the people of this state at the ballot box, this results in an abuse of the filibuster. The abuse of the filibuster inevitably leads to the *proper* use of the PQ motion to allow lawmakers to move forward the work of the people.

It is my hope that this year all issues can be carefully and fully debated. On occasion the minority might properly employ the filibuster to gain time for negotiation or even to defeat a matter on the basis of principle. Such filibusters would be appropriate and should not be denied. If however, procedural delay, dilatory amendments and chronic reliance on the filibuster to thwart majority rule become a minority floor tactic, the use of the PQ will be an inevitable consequence.

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