SHORT ARTICLE

The Filibuster and Legislative Discussion

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We investigate whether the filibuster stimulates public debate and discussion within Congress, as its advocates argue, or whether, instead, it discourages legislators from devoting time and attention to bills they know will not pass, as its critics attest. To do so, we exploit multiple sources of variation in the filibuster, measures of legislative discussion, and identification strategies. In the preponderance of analyses, we observe null effects. Where significant differences are observed, they nearly always suggest that a strengthening (weakening) of the filibuster coincides with a reduction (increase) in the volume of floor speeches or time devoted to legislative affairs. Whatever benefits the filibuster may confer, they do not appear to include enhanced discussion on the floors of Congress.

Does the filibuster enhance legislative discussion? Defenders of the Senate rule respond decisively in the affirmative. By giving a platform for skeptical colleagues to speak and by slowing the pace of legislative change, they argue, the filibuster ensures that disagreements over proposed bills are properly aired. When arguing against a 1975 proposal to weaken the filibuster by reducing the number of votes needed to invoke cloture, Senator James Allen (D-AL) insisted that the filibuster guarantees "extended debate" and thereby brandishes the Senate's "reputation as a deliberative body."[1] Or as a Congressional Research Service report (2013, 3) summarized the views of the rule's advocates, the filibuster promises to "cool passions and force deliberation."

Two mechanisms undergird the claims made by these advocates for the filibuster. First, by enabling legislators to hold the floor for extended periods of time, the "talking filibuster" mechanically prolonged debate. But even after the demise of the talking filibuster in the early 1960s, the voting rule may have stimulated discussion. By requiring a supermajority of senators to invoke cloture and thereby lift the hold placed on pending legislation, advocates of the filibuster insisted, members of the majority party must curry the support of at least some opposition figures. To do so, they must moderate their policy claims, of course, but they also must listen to criticism, sharpen their arguments, and engage in discussion aimed at winning over skeptics of their legislative proposals. The filibuster, as such, does not merely slow the pace of lawmaking. As Marcus (2010) explains, the filibuster also "enhances the opportunity for real debate" and thereby ensures the enactment of "a better end product."

Critics of the filibuster see things very differently. Rather than stimulating discussion, they argue, the primary effect of the filibuster is to block policy change. As a result, substantive policy debates in the Senate give way to political posturing and nearly constant electioneering, rendering the floor of this putatively deliberative body nearly devoid of meaningful exchange. As Fredrickson (2020) argues, "for decades, the filibuster has ceased to serve the purpose of allowing contrary ideas to be aired and promoting debate. The simple threat of objection simply ends all discussion." And according to Klein (2020), "The irony of the modern filibuster is that it rarely includes debate, and often prevents it. Indeed, senators often filibuster the motion to begin debate on legislation, which reveals how thin the commitment to deliberation actually is."

Which perspective is closer to the truth? It is hard to say. Although the existing scholarly literature broadly recognizes

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Replication files are available in the *JOP* Dataverse (https://dataverse.harvard.edu/dataverse/jop). The empirical analysis has been successfully replicated by the *JOP* replication analyst. An appendix with supplementary material is available at https://doi.org/10.1086/724969.

1. Cong. Rec., 9th Session, 1st Session, Vol. 121, Pt. 1, pp. 940, 942. For further elaboration on this point, see Arenberg and Dove (2012).

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the relevance of supermajoritarian rules for legislative discussion and debate, no empirical study has systematically evaluated their relationship to one another. Participants in popular debates over the filibuster, meanwhile, only supply impressions that invariably align with their normative arguments.

This article initiates the process of building an empirical foundation for assessing these competing claims. To do so, it tracks patterns of legislative discussion before and after the filibuster underwent significant changes in the nineteenth, twentieth, and twenty-first centuries. Making use of multiple sources of variation in the filibuster, measures of legislative discussion, and identification strategies, we recover reasonably consistent findings. In the preponderance of analyses, we do not find any credible evidence that the filibuster enhances legislative discussion and debate. Where significant differences are observed, they nearly always suggest that strengthening (weakening) the filibuster coincides with a reduction (increase) in legislative discussion.

The filibuster may detract from legislative discussion, or it may have no meaningful effect at all. But it does not appear to increase the volume—and hence, one might reasonably infer, the quality—of legislative deliberations on the floors of Congress. Arguments on its behalf, we conclude, must rest on alternative grounds.

DATA

To assess the merits of these competing arguments, we build a variety of data sets that link multiple changes in the filibuster with multiple measures of legislative discussion. We exploit five sources of variation in the rules and norms governing the filibuster:[2] the 1917 adoption of Senate Rule XXII, which established cloture and thereby limited the ability of a single senator to hold the floor indefinitely; the 1975 reduction in the number of votes needed to invoke cloture from two-thirds to three-fifths; Mitch McConnell's assumption of leadership in the Senate in 2007, when the norms governing the use of the filibuster relaxed significantly (Mann and Ornstein 2012) and the number of filibusters increased dramatically (see fig. A.1); and the elimination of the "disappearing quorum" in the House in the late nineteenth century, which, according to Krehbiel (2017, 352), functioned as a form of "background supermajoritarianism." With the exception of the 2007 shift in norms, all of these changes weakened the filibuster and hence, if its advocates are correct, should have coincided with a decrease in legislative discussion.

We also deploy multiple measures of legislative discussion, including the total volume of House and Senate floor speeches delivered by each senator and House representative in the 43rd–114th Congresses (1873–2016), as consolidated by Gentzkow, Shapiro, and Taddy (2018);[3] the length of time devoted to landmark laws enacted by Congress, as determined by Mayhew (1991), and all elements of majority party agendas, regardless of whether they ultimately became law, as compiled by Curry and Lee (2020);[4] and the number of words each senator delivered on the floor about every appellate and district court nominee during the Obama administration (2009–16).[5]

ANALYSIS

Two classes of identification problems confront this project. First, changes in filibuster rules and norms may coincide with changes in other practices and procedures, such as how filibusters are tracked or the amount of time allotted to debate, which themselves covary with our measures of legislative discussion. Second, and as already indicated, the topics of Senate debate—be they bills or nominees—may depend on the rules of consideration. Changes in these rules, therefore, may alter the subjects of the congressional agenda, further complicating our efforts to estimate the effects of the filibuster on specific topics of legislative discussion.[6]

To address these identification challenges, we deploy a variety of strategies that intermittently exploit within-member variation in speech patterns, leverage the House as a control group, limit the sample to particular classes of congressional activity, vary the windows of analysis, and control for observable features of Senate votes. Despite their variable strengths

2. While arguably the most important, these five sources of variation do not exhaust the full complement of procedural changes to the filibuster. Carve-outs in 1970 for trade and in 1974 for budgetary reconciliation bills, e.g., are excluded. For a longer list, see Binder and Smith (1997), table 1-1.

3. On inspection, we found that speeches with fewer than 30 words were generally procedural, such as members yielding time, appreciating the speaker, recording a vote, etc. We therefore dropped these speeches and then calculated the remaining number of words spoken by each legislator in a given year.

4. From both samples, we drop all reconciliations bills, which are not subject to a veto. Including them in the analysis, we note, has no bearing on our main substantive findings. In both samples, we identified the dates when the House and Senate reported every bill out of the legislative committees, discussed the bill on the floor, cast votes, and considered conference reports to resolve chamber differences. We then calculated the total number of days spent on each bill. Because congress.gov provides scheduling information at the daily level, we cannot calculate the precise amount of time spent on a bill within any day.

5. Among 323 confirmed judicial nominees, 207 were confirmed before the filibuster was eliminated for judicial nominees, and 116 were confirmed afterward. Using an automated algorithm, we filtered all senatorial floor speeches about each nominee and then validated them by human reading.

6. When considering the larger public benefits of enhanced discussion, this latter concern no longer arises, as agenda changes are properly understood as occurring posttreatment.

and weaknesses, which we clarify below, these strategies collectively yield reasonably consistent findings of the effects of the filibuster on legislative discussion.

All floor speeches

To begin, we assess how changes in the filibuster correlate with the overall volume of legislators' speeches. Here, we limit the analyses to four of our sources of variation in the filibuster: the cloture adoption in 1917, the cloture threshold change in 1975, norm changes in 2007, and the House filibuster rule changes in 1889 and 1893. To account for unobserved heterogeneity of legislators, we exploit within-member variations in speech patterns. Because the filibuster rule changes in 1917 and 1975 as well as the norm change in 2007 focused narrowly on the Senate, and because the rule changes in 1889 and 1893 were limited to the House, we treat legislators in the adjoining chamber (the House in 1917, 1975, and 2007 and the Senate in 1889 and 1893) as control groups.[7]

We implement the following difference-in-differences design:

$$\text{Log(Word Counts}_{i,t}) = \alpha_i + \delta_t + \beta\text{Filibuster Rule/Norm Change}_{i,t} + \varepsilon_{i,t},$$

where subscript i denotes each individual legislator and t denotes the year. The dependent variable is the log number of words spoken by a legislator in a given year;[8] α_i represents legislator fixed effects, which account for all time-invariant individual characteristics of their baseline speech patterns and their correlates; and δ_t represents year fixed effects, which flexibly control for secular changes in legislative discussion over time. Legislators who switched chambers are given two identifiers. The filibuster rule or norm change is the key treatment, which in each regression applies to only one chamber and which is coded 1 in those years after the rule or norm changed. The coefficient β tells us how the rule or norm change correlates, on average, with legislative discussion by each treated lawmaker.[9] Since rule and norm changes are applied at the chamber level, we report the standard errors clustered at the chamber-by-session level. Finally, we estimate these regressions over incrementally larger time windows that vary from one to five congressional sessions immediately before and after the rule or norm change.

Table 1 presents our main results. When examining discussion trends around 1917, when the Senate first established the cloture rule, we find very little evidence of broader changes in discussion patterns, a finding that is consistent with Burdette's (1940, 7) observation that "the provision authorizing cloture has had less effect on filibustering than might have been anticipated." Very little also appears to have changed around 1975, when the Senate lowered the threshold from two-thirds to three-fifths. For all window sizes, we recover null results with point estimates that hover around zero.

Given the sharp increase in the use of the filibuster in 2007, we might expect more discussion and debate on the Senate floor. The empirical evidence, however, does not bear this out. In the aftermath of McConnell's rise to power, we find significantly lower levels of legislative discussion. Depending on the size of the windows examined, we find that speeches declined by somewhere between 13.9% and 28.1%. The new norm of subjecting nearly every bill to a filibuster did not encourage legislative discussion; if anything, it appears to have depressed it.[10]

This pattern of findings carries over into the nineteenth century. As the bottom panel of table 1 shows, legislators spoke more in the aftermath of the disappearing quorum's elimination than they did before. Apart from the one-session window, all estimates are positive, although none are statistically significant.[11]

These results appear reasonably constant across a variety of subpopulations. As shown in tables A.3–A.8, similar findings are recovered from models that separately examine the deliberative practices of Democrats and Republicans, of members of the majority and minority parties, and of ideological moderates and extremists. Throughout, we do not see any clear evidence that the filibuster enhances legislative discussion.

Legislation

The preceding analyses aggregated all floor speeches to the member-by-year level. We now focus on the amount of time

7. Given the possibility of spillovers, of course, the adjoining chamber never functions as a pure control group. The strength of this research design, as such, hinges on the relative degree of independence across the House and Senate.

8. Models that characterize the dependent variable in levels without the log transformation yield findings that broadly conform with those reported here. Where differences arise, as shown in table A.1, they run contrary to the claims of advocates of the filibuster.

9. Our estimates of the effect of the filibuster crucially depend on the parallel-trends assumption. Reassuringly, in the period leading up to the rule change, as shown in fig. A.2, the two time series track each other well.

10. It is possible, of course, that the norm change did not take hold immediately upon McConnell's assumption of the majority party leadership. We therefore also estimated models that set the cut point at mid-2007, early 2008, and mid-2008 (see table A.2). In none of these models do we find any evidence that the expanded use of the filibuster enhanced legislative discussion.

11. Recall that the House killed the filibuster at the beginning of the 51st Congress, reinstated it in the 52nd Congress, and then permanently eliminated it in the 53rd. Consequently, the estimates in table 1 cols. 4 and 5, which incorporate all of this variation, may be preferred.

Table 1. Congressional Floor Speech Length and Rule Changes on the Filibuster

	1 Session (1)	2 Sessions (2)	3 Sessions (3)	4 Sessions (4)	5 Sessions (5)
Cloture adoption in 1917	.105	−.041	.010	−.043	−.079
	(.287)	(.541)	(.407)	(.376)	(.340)
N	2,473	5,206	7,835	10,126	12,253
Cloture reduction in 1975	−.019	−.103	.008	.031	.034
	(.027)	(.083)	(.253)	(.206)	(.183)
N	2,126	4,261	6,478	8,608	10,745
Norm change in 2007 to use filibuster more expansively	−.139***	−.206***	−.281***	−.231	−.207
	(.010)	(.046)	(.057)	(.159)	(.144)
N	2,144	4,279	6,535	8,675	10,810
House disappearing quorum eliminated in 1889, 1893	−.283	.313	.367	.472	.435
	(.731)	(.852)	(.399)	(.385)	(.351)
N	1,650	3,293	5,311	7,053	9,150

Note. Dependent variable: log word counts. The table presents 20 models, and these regressions are estimated via ordinary least squares. All models include legislator and year fixed effects. Robust standard errors clustered by chamber of each session are in parentheses.
* $p < .1$.
** $p < .05$.
*** $p < .01$.

each chamber spent discussing and debating landmark legislation and elements of the majority party agendas. Using ordinary least squares, we estimate the following regression:

$$\begin{aligned}\text{Senate Days}_i = {} & \beta_0 + \beta_1 \text{Filibuster Norm Change}_i \\ & + \beta_2 \text{House Days}_i \\ & + \beta_3 \text{Introduced in Senate}_i + \varepsilon_i,\end{aligned}$$

where subscript i now represents each bill, the dependent variable is the number of days spent in the Senate discussing a given bill, and the key variable of interest identifies those bills that were considered after the change in filibuster norms. We include controls for the number of days spent in the House discussing each bill as well as an indicator for whether a bill was first introduced in the Senate. As in the previous section, we estimate these regressions during five different time windows. Because detailed scheduling data are only available after 1980, we limit our analysis to the 2007 change in norms.

Table 2 presents the results. For landmark legislation, the positive coefficients indicate that somewhere between 0.5 and 2.5 more days were spent discussing landmark bills in the aftermath of the norm change. None of the point estimates, however, even approach conventional levels of statistical significance. Moreover, the size of the point estimates is smaller for the longer windows, which included larger numbers of observations and, consequently, more precise estimates. For majority party agendas, which include a mixture of bills that failed and passed, the coefficients remain statistically insignificant and are even smaller in magnitude.

When disaggregating the majority party agendas, we find that the Senate spent less time on bills that were not enacted into law in the aftermath of the norm change and no difference on successfully enacted bills (tables A.9 and A.10). For both samples of bills, similar results are recovered when we include additional covariates for divided government, divided chambers, and measures of Senate polarization (table A.11). On net, we do not find any evidence that the Senate's more expansive reliance on the filibuster coincided with an increase in legislative discussion.

Judicial nominees

Our final analysis focuses on the 2013 elimination of the filibuster for nominees to the federal judiciary. As explained in the appendix and accompanying tables, this rule change coincided with a slight, but statistically insignificant, decline in the length of senators' floor speeches on appellate and judicial nominees. When disaggregating the data, we find that effects vary markedly for appellate and district court nominees. These latter findings, however, do not hold up to a variety of robustness checks and placebo tests. We do not recover any compelling evidence that the elimination of the filibuster systematically altered the volume of senatorial discussions about Obama's nominees.

CONCLUSION

While a robust literature documents the filibuster's relevance for coalition building and lawmaking (see, e.g., Binder and

Table 2. Time Spent on Landmark Legislation and Majority Party Agendas

	1 Session (1)	2 Sessions (2)	3 Sessions (3)	4 Sessions (4)	5 Sessions (5)
Landmark legislation:					
Filibuster norm change	2.452	2.153	1.262	.522	.513
	(2.622)	(1.928)	(1.650)	(1.433)	(1.337)
Considering days in House	.897**	.300	.340**	.329**	.282*
	(.320)	(.194)	(.162)	(.147)	(.143)
Introduced in Senate	5.688	5.023*	4.519*	4.633**	4.854***
	(3.660)	(2.746)	(2.386)	(2.005)	(1.751)
Constant	1.059	4.774*	4.719**	4.927***	5.389***
	(3.255)	(2.417)	(2.042)	(1.839)	(1.782)
N	23	44	64	76	89
Majority party agendas:					
Filibuster norm change	.662	1.341	−.358	.094	.747
	(2.115)	(1.567)	(1.178)	(.953)	(.800)
Considering days in House	.792***	.546***	.491***	.532***	.455***
	(.198)	(.131)	(.101)	(.087)	(.066)
Introduced in Senate	2.236	4.764**	5.184***	6.359***	6.864***
	(2.609)	(2.116)	(1.584)	(1.227)	(1.037)
Constant	1.599	1.760	1.955*	1.286	.968
	(1.929)	(1.341)	(1.074)	(.867)	(.693)
N	29	56	81	111	143

Note. Dependent variable: considering days in Senate. Regressions are estimated via ordinary least squares. Budget reconciliation bills are excluded. Standard errors are in parentheses.

* $p < .1$.

** $p < .05$.

*** $p < .01$.

Smith 1997; Koger 2020; Wawro and Schickler 2006), this article provides the first systematic evidence of its effects on congressional discussion and debate. Relying on a wide variety of measurement and identification strategies, we do not find any evidence that the filibuster enhances the Senate's consideration of laws or judicial nominees. Most of our analyses suggest that changes in the filibuster did not significantly alter the volume of speeches or time devoted to congressional debate. Where differences are observed, they usually indicate that the filibuster detracts from, rather than bolsters, public discussion on the floors of Congress. On the floors of Congress, at least, the filibuster does not encourage senators to slow down, scrutinize the merits of proposed laws and judicial nominees, and participate in what Mayhew (2000) calls the "public sphere." If anything, it may degrade legislative discussion.

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The Filibuster and Legislative Discussion

Shu Fu and William G. Howell

Online Appendix

Supplementary Analysis: Judicial Nominees

Supplemental Material (not copyedited or formatted) for: Shu Fu, William G. Howell. 2023. "The Filibuster and Legislative Discussion." The Journal of Politics 85(4). DOI: https://doi.org/10.1086/724969.

Figure A.1: Number of Cloture Motions Filed over Time (1917-2020)

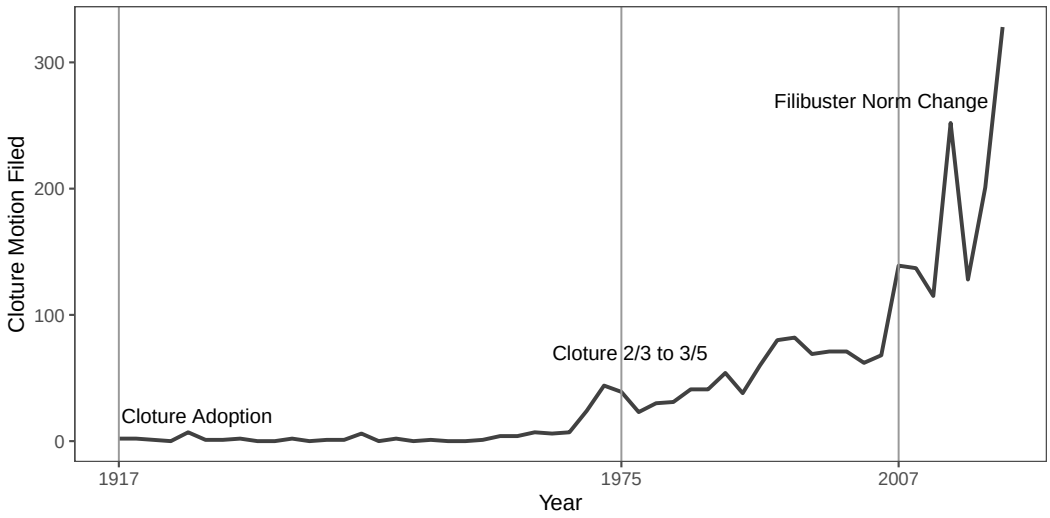
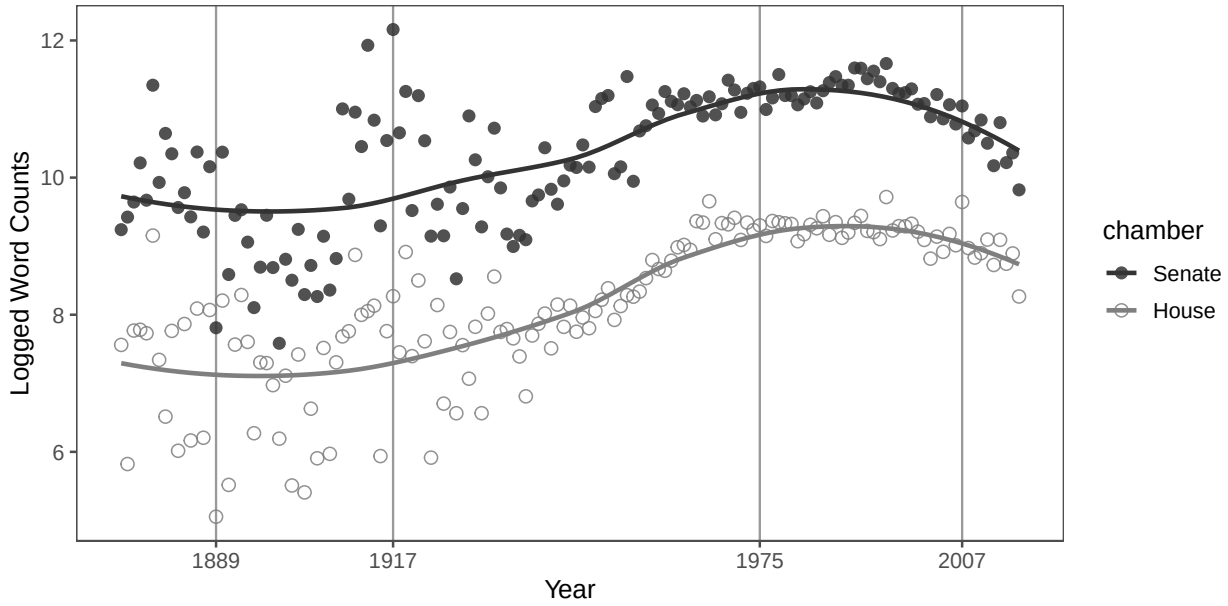


Figure A.2: Average Logged Number of Words Spoken on the Floor per Legislator per Year



Notes: This figure accounts for the changing number of seats in both chambers over the years. Each dot is the yearly sum of logged word counts divided by the number of seats in each chamber. The fit line is drawn by the non-parametric LOESS.

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Table A.1: Congressional Floor Speech Length and Rule Changes on the Filibuster (Unlogged Dependent Variable)

	Dependent Variable: Word Counts				
	1 session (1)	2 sessions (2)	3 sessions (3)	4 sessions (4)	5 sessions (5)
	Cloture Adoption in 1917				
Cloture Adoption	−11,035	−8,376**	−1,099	−2,002	−2,312
	(8,819)	(3,798)	(6,085)	(5,956)	(5,708)
Observations	2,473	5,206	7,835	10,126	12,253
R^2	0.749	0.626	0.612	0.594	0.592
	Cloture Reduction in 1975				
Cloture Reduction	−939***	4,577	9,906	12,965**	14,178**
	(209)	(3,592)	(6,510)	(6,058)	(5,651)
Observations	2,126	4,261	6,478	8,608	10,745
R^2	0.875	0.828	0.712	0.716	0.715
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change	−524***	−13,827*	−18,146***	−17,481***	−16,391***
	(166)	(7,141)	(6,122)	(5,419)	(5,104)
Observations	2,144	4,279	6,535	8,675	10,810
R^2	0.863	0.789	0.785	0.704	0.709
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	6,244	3,308	2,639	4,342	4,004
	(4,438)	(6,036)	(2,773)	(3,059)	(2,787)
Observations	1,650	3,293	5,311	7,053	9,150
R^2	0.773	0.667	0.659	0.615	0.610

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.

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Table A.2: Congressional Floor Speech Length and Filibuster Norm Change (Different Cut Points around 2007)

	Dependent Variable: Word Counts				
	1 session (1)	2 sessions (2)	3 sessions (3)	4 sessions (4)	5 sessions (5)
	Early 2007 as the Cut Point				
Filibuster Norm Change	-0.139^{**}	-0.206^{**}	-0.281^{**}	-0.231	-0.207
	(0.010)	(0.046)	(0.057)	(0.159)	(0.144)
Observations	2,144	4,279	6,535	8,675	10,810
R^2	0.863	0.789	0.785	0.704	0.709
	Mid 2007 as the Cut Point				
Filibuster Norm Change	0.068	-0.037	-0.071	-0.081	-0.090
	(0.101)	(0.081)	(0.123)	(0.098)	(0.103)
Observations	2,269	4,554	6,992	9,256	11,357
R^2	0.835	0.775	0.750	0.740	0.747
	Early 2008 as the Cut Point				
Filibuster Norm Change	0.133^{*}	-0.035	-0.135	-0.141	-0.139
	(0.077)	(0.098)	(0.214)	(0.191)	(0.179)
Observations	2,144	4,282	6,536	8,674	9,737
R^2	0.838	0.786	0.695	0.698	0.704
	Mid 2008 as the Cut Point				
Filibuster Norm Change	0.121	0.038	-0.014	-0.037	
	(0.081)	(0.078)	(0.121)	(0.096)	
Observations	2,268	4,554	6,999	9,255	
R^2	0.840	0.770	0.745	0.738	

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each congressional session for models that set early 2007 and early 2008 as the cut point; robust standard errors clustered by chamber of each two years for models that set mid 2007 and mid 2008 as cutpoint.

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Table A.3: Congressional Floor Speech Length and Rule Changes on the Filibuster (Majority Party Only)

	Dependent Variable: Word Counts				
	1 session (1)	2 sessions (2)	3 sessions (3)	4 sessions (4)	5 sessions (5)
	Cloture Adoption in 1917				
Cloture Adoption	0.048	0.070	0.229	−0.0002	−0.034
	(0.283)	(0.462)	(0.351)	(0.344)	(0.310)
Observations	1,337	2,991	4,646	5,897	7,120
R^2	0.729	0.655	0.641	0.628	0.627
	Cloture Reduction in 1975				
Cloture Reduction	−0.008	−0.038	0.046	0.086	0.121
	(0.011)	(0.066)	(0.275)	(0.220)	(0.188)
Observations	1,300	2,627	3,956	5,163	6,536
R^2	0.882	0.830	0.721	0.728	0.728
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change			−0.515***	−0.574	−0.357
			(0.114)	(0.353)	(0.266)
Observations			3,547	4,684	5,855
R^2			0.816	0.742	0.743
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	0.843	1.561	0.765*	0.803*	0.830**
	(0.984)	(1.426)	(0.439)	(0.423)	(0.351)
Observations	878	1,909	3,158	4,225	5,458
R^2	0.857	0.721	0.689	0.670	0.657

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.

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Table A.4: Congressional Floor Speech Length and Rule Changes on the Filibuster (Minority Party Only)

	Dependent Variable: Word Counts				
	1 session (1)	2 sessions (2)	3 sessions (3)	4 sessions (4)	5 sessions (5)
	Cloture Adoption in 1917				
Cloture Adoption	0.230	−0.052	0.116	0.053	0.031
	(0.293)	(0.655)	(0.520)	(0.454)	(0.421)
Observations	1,136	2,215	3,189	4,229	5,133
R^2	0.774	0.724	0.697	0.664	0.648
	Cloture Reduction in 1975				
Cloture Reduction	−0.051	−0.237	−0.085	−0.089	−0.038
	(0.064)	(0.147)	(0.235)	(0.199)	(0.179)
Observations	826	1,634	2,522	3,445	4,209
R^2	0.867	0.833	0.703	0.715	0.714
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change			−0.367***	−0.219	−0.127
			(0.063)	(0.461)	(0.283)
Observations			2,988	3,991	4,955
R^2			0.842	0.745	0.746
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	1.070	1.205	0.802	0.692	0.638
	(1.277)	(1.396)	(0.589)	(0.541)	(0.474)
Observations	772	1,384	2,153	2,828	3,692
R^2	0.838	0.713	0.716	0.662	0.665

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.

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Table A.5: Congressional Floor Speech Length and Rule Changes on the Filibuster (Democratic Party Only)

	Dependent Variable: Word Counts				
	1 session	2 sessions	3 sessions	4 sessions	5 sessions
	(1)	(2)	(3)	(4)	(5)
	Cloture Adoption in 1917				
Cloture Adoption	0.060	0.067	0.163	0.144	0.069
	(0.283)	(0.446)	(0.333)	(0.315)	(0.297)
Observations	1,337	2,991	4,646	5,897	7,120
R^2	0.729	0.655	0.641	0.628	0.627
	Cloture Reduction in 1975				
Cloture Reduction	0.001	−0.033	0.054	0.061	0.025
	(0.011)	(0.068)	(0.277)	(0.224)	(0.197)
Observations	1,300	2,627	3,956	5,163	6,536
R^2	0.882	0.830	0.721	0.728	0.728
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change	−0.167***	−0.252***	−0.314***	−0.279	−0.249
	(0.010)	(0.046)	(0.054)	(0.187)	(0.168)
Observations	1,064	2,192	3,270	4,291	5,255
R^2	0.884	0.802	0.795	0.702	0.706
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	−0.450	0.241	0.356	0.454	0.428
	(0.709)	(0.855)	(0.365)	(0.344)	(0.325)
Observations	803	1,761	2,924	3,599	4,541
R^2	0.745	0.651	0.638	0.580	0.587

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.

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Table A.6: Congressional Floor Speech Length and Rule Changes on the Filibuster (Republican Party Only)

	Dependent Variable: Word Counts				
	1 session (1)	2 sessions (2)	3 sessions (3)	4 sessions (4)	5 sessions (5)
	Cloture Adoption in 1917				
Cloture Adoption	0.230	−0.175	−0.180	−0.273	−0.272
	(0.293)	(0.661)	(0.507)	(0.460)	(0.405)
Observations	1,136	2,347	3,784	5,023	6,228
R^2	0.774	0.650	0.636	0.620	0.619
	Cloture Reduction in 1975				
Cloture Reduction	−0.051	−0.237	−0.085	−0.026	0.021
	(0.064)	(0.147)	(0.235)	(0.213)	(0.193)
Observations	826	1,634	2,522	3,460	4,242
R^2	0.867	0.833	0.703	0.711	0.716
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change	−0.124***	−0.179*	−0.259***	−0.188	−0.168
	(0.011)	(0.094)	(0.090)	(0.156)	(0.138)
Observations	1,072	2,071	3,238	4,349	5,514
R^2	0.844	0.785	0.780	0.712	0.717
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	−0.131	0.293	0.354	0.466	0.418
	(0.764)	(0.899)	(0.494)	(0.474)	(0.417)
Observations	836	1,500	2,290	3,301	4,326
R^2	0.802	0.686	0.685	0.653	0.634

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.

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Table A.7: Congressional Floor Speech Length and Rule Changes on the Filibuster (Moderate Legislators Only)

	Dependent Variable: Word Counts				
	1 session	2 sessions	3 sessions	4 sessions	5 sessions
	(1)	(2)	(3)	(4)	(5)
	Cloture Adoption in 1917				
Cloture Adoption	0.185	0.099	0.197	0.085	0.080
	(0.353)	(0.539)	(0.438)	(0.400)	(0.375)
Observations	1,227	2,564	3,851	4,993	6,054
R^2	0.761	0.643	0.635	0.617	0.617
	Cloture Reduction in 1975				
Cloture Reduction	0.032**	−0.155	−0.053	−0.048	−0.079
	(0.015)	(0.144)	(0.258)	(0.205)	(0.189)
Observations	1,050	2,116	3,225	4,293	5,370
R^2	0.873	0.830	0.734	0.746	0.742
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change	−0.172***	−0.209***	−0.307***	−0.291*	−0.260*
	(0.003)	(0.078)	(0.093)	(0.166)	(0.151)
Observations	1,089	2,166	3,291	4,368	5,443
R^2	0.866	0.801	0.789	0.715	0.719
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	−0.406	0.438	0.322	0.452	0.389
	(0.644)	(0.879)	(0.399)	(0.404)	(0.374)
Observations	805	1,611	2,606	3,472	4,503
R^2	0.793	0.691	0.672	0.631	0.630

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.
5. Moderate legislators have DW-NOMINATE scores within the interquartile range of their congressional sessions.

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Table A.8: Congressional Floor Speech Length and Rule Changes on the Filibuster (Extreme Legislators Only)

	Dependent Variable: Word Counts				
	1 session	2 sessions	3 sessions	4 sessions	5 sessions
	(1)	(2)	(3)	(4)	(5)
	Cloture Adoption in 1917				
Cloture Adoption	0.019	−0.222	−0.187	−0.179	−0.235
	(0.244)	(0.570)	(0.402)	(0.371)	(0.330)
Observations	1,255	2,654	4,002	5,154	6,225
R^2	0.741	0.630	0.615	0.598	0.591
	Cloture Reduction in 1975				
Cloture Reduction	−0.082	−0.073	0.052	0.073	0.100
	(0.056)	(0.134)	(0.286)	(0.238)	(0.212)
Observations	1,092	2,180	3,304	4,391	5,479
R^2	0.879	0.831	0.698	0.699	0.701
	Norm Change in 2007 to Use Filibuster More Expansively				
Filibuster Norm Change	−0.100***	−0.133***	−0.169***	−0.119	−0.108
	(0.016)	(0.047)	(0.046)	(0.165)	(0.151)
Observations	1,112	2,220	3,391	4,496	5,590
R^2	0.857	0.780	0.785	0.696	0.701
	House Disappearing Quorum Eliminated in 1889, 1893				
Filibuster Eliminated in House	−0.226	0.218	0.403	0.506	0.482
	(0.880)	(0.895)	(0.437)	(0.419)	(0.382)
Observations	855	1,710	2,742	3,622	4,698
R^2	0.764	0.660	0.663	0.621	0.611

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. All models include legislator and year fixed effects.
4. Robust standard errors clustered by chamber of each session.
5. Extreme legislators have DW-NOMINATE scores outside the interquartile range of their congressional sessions.

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Table A.9: Time Spent on Successfully Enacted Elements of Majority Party Agendas (Successful Bills Only)

	Dependent Variable: Considering Days in Senate				
	1 session	2 sessions	3 sessions	4 sessions	5 sessions
	(1)	(2)	(3)	(4)	(5)
Filibuster Norm Change	3.124	1.962	−1.535	−0.212	3.624
	(2.773)	(4.295)	(3.720)	(3.199)	(2.349)
Considering Days in House	0.746**	0.336	0.276	0.333**	0.264**
	(0.322)	(0.212)	(0.182)	(0.158)	(0.125)
Introduced in Senate	3.608	3.878	4.645*	4.466**	5.340***
	(3.583)	(2.898)	(2.628)	(2.122)	(1.847)
Divided Government		−1.005	1.437	0.100	−2.685*
		(3.637)	(3.254)	(2.167)	(1.594)
Divided Chambers			−4.823	−4.763*	−1.642
			(3.531)	(2.494)	(1.887)
Senate Polarization		107.203	117.248	92.171	0.670
		(103.592)	(99.909)	(76.109)	(45.332)
Constant	2.597	−69.134	−75.040	−58.329	4.711
	(3.818)	(71.227)	(68.729)	(52.256)	(31.177)
Observations	17	31	38	48	61
R^2	0.307	0.217	0.218	0.224	0.222

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Budget reconciliation bills are excluded.

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Table A.10: Time Spent on Failed Elements of Majority Party Agendas (Failed Bills Only)

	Dependent Variable: Considering Days in Senate				
	1 session	2 sessions	3 sessions	4 sessions	5 sessions
	(1)	(2)	(3)	(4)	(5)
Filibuster Norm Change	1.537	0.277	−0.031	−3.014*	−3.093**
	(1.462)	(1.804)	(1.287)	(1.780)	(1.333)
Considering Days in House	−0.268	0.351***	0.302***	0.364***	0.447***
	(0.241)	(0.110)	(0.073)	(0.116)	(0.085)
Introduced in Senate	4.610*	0.897	2.474**	6.580***	6.999***
	(2.329)	(2.040)	(1.014)	(1.316)	(1.042)
Divided Government		0.550	0.443	−0.086	−0.424
		(1.397)	(1.054)	(1.243)	(0.994)
Divided Chambers			0.125	0.638	0.684
			(0.918)	(1.253)	(0.919)
Senate Polarization		−44.026	−46.516	46.579	56.831**
		(48.225)	(40.396)	(43.418)	(24.590)
Constant	0.000	30.950	32.874	−31.013	−38.272**
	(0.976)	(33.148)	(27.783)	(29.778)	(16.801)
Observations	12	25	43	63	82
R^2	0.431	0.476	0.480	0.409	0.526

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Budget reconciliation bills are excluded.

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Table A.11: Time Spent on Landmark Legislation and Majority Party Agendas (Congressional Session Related Covariates Included)

	Dependent Variable: Considering Days in Senate				
	1 session	2 sessions	3 sessions	4 sessions	5 sessions
	(1)	(2)	(3)	(4)	(5)
	Landmark Legislation				
Filibuster Norm Change	2.452	0.655	−0.767	0.211	0.439
	(2.622)	(3.304)	(3.119)	(2.728)	(2.062)
Considering Days in House	0.897**	0.331	0.372**	0.349**	0.287**
	(0.320)	(0.206)	(0.168)	(0.151)	(0.144)
Introduced in Senate	5.688	5.150*	4.759*	4.613**	4.636**
	(3.660)	(2.814)	(2.442)	(2.023)	(1.790)
Divided Government		0.852	1.648	1.383	1.087
		(2.476)	(2.463)	(1.923)	(1.615)
Divided Chambers			−2.423	−2.740	−2.381
			(2.714)	(2.067)	(1.645)
Senate Polarization		47.297	52.914	2.028	−4.890
		(101.076)	(105.062)	(73.323)	(41.278)
Constant	1.059	−28.185	−31.798	3.672	8.918
	(3.255)	(70.311)	(72.913)	(50.691)	(28.361)
Observations	23	44	64	76	89
R^2	0.306	0.108	0.105	0.121	0.114
	Majority Party Agendas				
Filibuster Norm Change	0.662	0.012	−2.045	−1.882	0.110
	(2.115)	(2.921)	(2.180)	(1.808)	(1.343)
Considering Days in House	0.792***	0.550***	0.482***	0.530***	0.459***
	(0.198)	(0.134)	(0.100)	(0.085)	(0.065)
Introduced in Senate	2.236	4.802**	5.010***	6.321***	6.911***
	(2.609)	(2.174)	(1.567)	(1.215)	(1.024)
Divided Government		−0.458	0.884	−0.150	−1.730*
		(2.377)	(1.868)	(1.245)	(0.945)
Divided Chambers			−3.272*	−2.422*	−0.884
			(1.754)	(1.323)	(0.981)
Senate Polarization		58.111	65.231	81.968*	33.212
		(74.126)	(64.059)	(43.854)	(25.464)
Constant	1.599	−38.221	−42.284	−54.371*	−20.722
	(1.929)	(50.984)	(44.080)	(30.093)	(17.445)
Observations	29	56	81	111	143
R^2	0.401	0.311	0.352	0.393	0.404

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Budget reconciliation bills are excluded.
4. Senate Polarization is measured by the absolute difference between the median first-dimension DW-NOMINATE scores of the two parties.

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Supplementary Analysis: Judicial Nominees

In this supplementary section, we examine the Senate floor speeches about the 323 nominees who Obama nominated to the federal district or appellate courts during his time in office. To do so, we exploit within-Senator variation in speech patterns via the following regression:

$$\text{Log}(\text{Number of Words}_{i,j} + 1) = \alpha_i + \beta_1 \text{Elimination of Filibuster}_j + \beta_2 \text{District Court}_j + \beta_3 \text{Same States}_{i,j} + \epsilon_{i,j},$$

where subscript i again refers to each individual Senator and subscript j refers to each judicial nominee. The dependent variable is the log number of words that each Senator delivered on the floor about each judicial nominee. The independent variable, Elimination of Filibuster, is identified by judicial nominees whose confirmation date is later than November 21, 2013, when the filibuster was eliminated. We also include indicator variables for district court nominees as well as whether a nominee is being considered for an appointment in a Senator's home state. The inclusion of α_i accounts for all sources of time-invariant heterogeneity of individual Senators. In addition to controlling for the level of the considered nomination, we also run separate regressions for district and appellate court nominees.

Table A.12 presents the results. After eliminating the filibuster for appellate and judicial nominees, we find, the volume of Senators' speeches declined by an average of roughly 2 percent, an effect that is not statistically significant. Unsurprisingly, Senators speak at much greater length about nominees for openings in their home states. And having controlled for this quantity, we see no residual difference in speech patterns for district and appellate court nominees.

When disaggregating the data, we find that effects vary markedly for appellate and district court nominees. As columns 2 and 3 show, the length of speeches increased by 6 percent for appellate court nominees after the filibuster was eliminated, whereas speeches for district court nominees declined by slightly more than 3 percent. For a variety of reasons, however, we are not inclined to put too much stock in either of these findings. To begin, the estimated effect in column two is fragile. When estimating this regression in levels rather than logs, the point estimate diminishes markedly in magnitude and is no longer statistically significant at the 95% confidence level (see Online Table A.13). Moreover, the reported finding is largely driven by three nominees to the U.S. Court of Appeals for the D.C. Circuit: Patricia Millett, Robert L. Wilkins, and Nina Pillard.[1] If these three observations are dropped from the analysis, as shown in Online Table A.14, the recovered point estimate shrinks by nearly 90 percent and is no longer statistically significant at the 95% confidence level. Alternatively, when expanding the pool of observations to also include nominees

[1] All three candidates had previously been considered for nomination, but Democrats lacked the votes to invoke cloture. After the filibuster was eliminated, Obama nominated them once again. While facing significant Republican opposition, all three were confirmed, but not without substantial debate.

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who were not confirmed, as we do in Online Table A.15, the point estimate again shrinks in magnitude and does not even approach standard thresholds for statistical significance.

For at least two reasons, meanwhile, the estimated effect for district court nominees may be spurious. When the Republican Party assumed control of the Senate in 2015, its leadership refused to even consider numerous judicial nominees. As a result, as shown in Online Figure A.3, the Senate confirmed dramatically fewer appointees; and those who were confirmed, as shown in Online Figure A.4, received less support. If we restrict the analysis to the six years of the Obama administration when Democrats maintained control of the Senate,[2] as shown in Online Table A.16, the estimated effect of the filibuster's elimination on legislative discussion shrinks considerably and is no longer statistically significant.

It also is possible that the recovered estimate is an artifact of term effects, as nominees considered late in a president's tenure in office attract, as a matter of course, less discussion. To investigate this possibility, we replicated our analysis for all district and appellate court appointees during George W. Bush's administration, which also confronted a Senate controlled by co-partisans for six years and then the opposition for the final two. By splitting the data at exactly the same break-point in his second term—specifically, November 21, 2005—we conduct a simple placebo test. As we show in Online Table A.17, nominees considered after this date were discussed at shorter length than were those considered before. The negative effect in Table A.12, as such, may have less to do with the filibuster's elimination than with Senators' general tendency to deliberate less on nominees who appear before them in the later stages of a presidential administration.

[2]If the Republican Party's refusal to consider Obama's nominees was a direct response to the Democrats' prior actions on the filibuster, these downstream political strategies (and their associated outcomes) might appropriately be understood as post-treatment and therefore warrant inclusion in the analysis. Our own sense, though, is that the new Majority Leader's actions derived from a more general effort to block Obama at every turn; and that they would have occurred even if the filibuster had been maintained.

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Figure A.3: Number of Judicial Nominees Confirmed in the Obama Administration

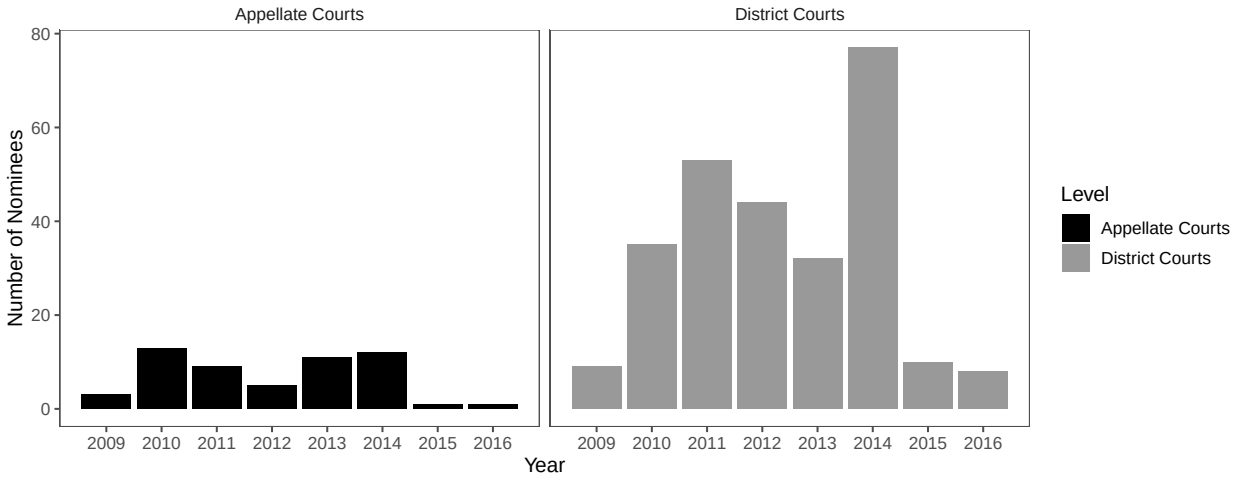

Figure A.4: Confirmation Votes for Obama's Judicial Nominees

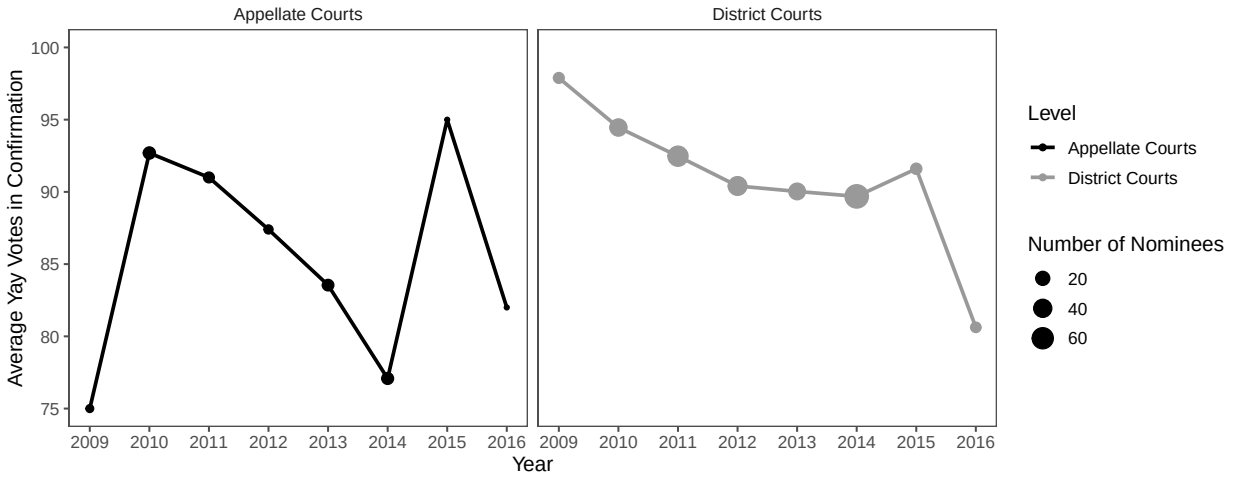

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Table A.12: Discussion of Judicial Nominees and Elimination of the Filibuster in 2013

	Dependent Variable: Log Word Counts		
	All Courts	Appellate Courts	District Courts
	(1)	(2)	(3)
Elimination of Filibuster	−0.016	0.065***	−0.032**
	(0.014)	(0.010)	(0.016)
District Courts	−0.009		
	(0.036)		
Same States	1.278***	0.622***	1.795***
	(0.194)	(0.030)	(0.275)
Senator FE	✓	✓	✓
Unique Senator	155	155	155
Unique Nominee	323	55	268
Observations	50,065	8,525	41,540
R^2	0.371	0.355	0.416

Notes: The regressions are estimated via ordinary least squares. Robust standard errors clustered by each session. *p<0.1; **p<0.05; ***p<0.01.

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Table A.13: Discussion of Judicial Nominees and Elimination of the Filibuster in 2013 (Unlogged Dependent Variable)

	Dependent Variable: Word Counts		
	All Courts	Appellate Courts	District Courts
	(1)	(2)	(3)
Elimination of Filibuster	−5.555*	1.413	−6.981*
	(3.298)	(11.440)	(3.606)
District Courts	−30.168***		
	(10.837)		
Same States	142.950***	54.575***	206.777***
	(30.965)	(3.831)	(43.128)
Senator FE	✓	✓	✓
Unique Senator	155	155	155
Unique Nominee	323	55	268
Observations	50,065	8,525	41,540
R^2	0.235	0.364	0.354

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Robust standard errors clustered by each session.

Table A.14: Legislative Discussion of Judicial Nominees in Appellate Courts

	Dependent variable: Log Word Counts	
	Appellate Courts	Appellate Courts (Three Nominees Excluded)
	(1)	(2)
Elimination of Filibuster	0.065***	0.008*
	(0.010)	(0.004)
Same State	0.622***	0.644***
	(0.030)	(0.013)
Senator FE	✓	✓
Unique Senator	155	155
Unique Nominee	55	52
Observations	8,525	8,060
R^2	0.355	0.388

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Robust standard errors clustered by each session.

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Table A.15: Legislative Discussion of all Obama's Judicial Nominees (Failed Nominees Included)

	Dependent Variable: Log Word Counts		
	All Courts (1)	Appellate Courts (2)	District Courts (3)
Elimination of Filibuster	−0.029	0.017	−0.038**
	(0.023)	(0.071)	(0.018)
District Courts	0.002		
	(0.037)		
Same State	1.110***	0.528***	1.602***
	(0.191)	(0.063)	(0.315)
Senator FE	✓	✓	✓
Unique Senator	155	155	155
Unique Nominee	380	68	312
Observations	59,055	10,540	48,515
R^2	0.320	0.291	0.365

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Robust standard errors clustered by each session.

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Table A.16: Legislative Discussion of Obama's Judicial Nominees (During the First 6 Years, 2009–2014)

	Dependent Variable: Log Word Counts		
	All Courts (1)	Appellate Courts (2)	District Courts (3)
Elimination of Filibuster	0.006	0.066***	−0.009
	(0.009)	(0.013)	(0.015)
District Courts	−0.047***		
	(0.009)		
Same State	1.078***	0.620***	1.485***
	(0.072)	(0.041)	(0.067)
Senator FE	✓	✓	✓
Unique Senator	155	155	155
Unique Nominee	323	53	250
Observations	32,860	6,355	26,505
R^2	0.317	0.336	0.360

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Robust standard errors clustered by each session.

Table A.17: Placebo Test of Legislative Discussion of Judicial Nominees (Suppose a Filibuster Rule Change in Nov 21, 2005)

	Dependent Variable: Log Word Counts		
	All Courts (1)	Appellate Courts (2)	District Courts (3)
Elimination of Filibuster	−0.045	−0.185	−0.014**
	(0.051)	(0.238)	(0.006)
District Courts	−0.246*		
	(0.128)		
Same State	1.041***	0.563***	1.520***
	(0.159)	(0.109)	(0.248)
Senator FE	✓	✓	✓
Unique Senator	153	153	153
Unique Nominee	322	61	261
Observations	43,148	8,174	34,974
R^2	0.216	0.226	0.299

Notes:
1. *p<0.1; **p<0.05; ***p<0.01.
2. The regressions are estimated via ordinary least squares.
3. Robust standard errors clustered by each session.