

Gaslit Nation Transcript

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“Kill The Filibuster: The Adam Jentleson Interview”

<https://www.patreon.com/posts/kill-filibuster-48261344>

Interviewer:

Bottom line, do you think there is a practical vehicle by which you and your colleagues can get us a rise in the minimum wage this year? Do you think it can happen?

Senator Elizabeth Warren:

Well, of course, it can happen if we just get rid of the filibuster. Well, look, I know I've been singing this song for a long time about the filibuster, but watch what's happening. Mitch McConnell, right now, has a veto over our being able to do anything unless we can twist ourselves into pretzels and make it fit through reconciliation. So, now, the parliamentarian has said, "Sorry. That pretzel won't go in the bag." So, we can't do a minimum wage through reconciliation.

Senator Elizabeth Warren:

But if we say that we're going to get rid of the filibuster—we are going to go with majority rule the way the constitution holds for the house and the senate—and we can actually pass the things we need to pass, then this isn't an issue. Understand, it's not just minimum wage. It's voter protection. It's environmental crisis issues. It's immigration. It's universal child care. It's college. It's gun safety. It's the things we need to pass to make this country work. And I want to be clear: it's the things the majority of Americans strongly support. Americans didn't send us to Washington to be some debating society. They sent us here to get things done and that's what we should do. That means no veto for Mitch McConnell.

Sarah Kendzior:

I'm Sarah Kendzior, the author of the bestselling books, *The View From Flyover Country* and *Hiding in Plain Sight*.

Andrea Chalupa:

I'm Andrea Chalupa, a journalist and filmmaker, and the writer and producer of the journalistic thriller, *Mr. Jones*.

Sarah Kendzior:

This is Gaslit Nation, a podcast covering corruption in the United States and rising autocracy around the world.

Andrea Chalupa:

To help us make sense of it all, we have on today's show Adam Jentleson, a former Deputy Chief of Staff to Senator Harry Reid and also a columnist for GQ. Adam is the Executive Director of Battle Born Collective, a new organization that helps progressives navigate Washington and build change. He is the author of *Kill Switch: The Rise of the Modern Senate and the Crippling of American Democracy*, a book you absolutely must read in order to get inside the evil mind of today's Republican party, especially power hungry Mitch McConnell. Welcome to Gaslit Nation, Adam.

Adam Jentleson:

Thank you so much for having me. It's great to be here.

Andrea Chalupa:

All right. So, obviously, you've been on the inside. You can explain to us how the senate works. Why do we even have a senate—because there's a lot of talk on how unfair it is that all 50 states get two representatives, which gives a lot of power to states that simply don't have huge populations, the imbalance of the senate—why does this even exist in the first place?

Adam Jentleson:

Yeah, that's a great question. The concerns you raised about the unfairness of the Senate were actually raised at the time that it was created. I'll say a little more about that in a second, but the reason it exists at all is that the framers wanted a counterbalance to the rough and tumble House, which was designed as proportional representation where every seat was determined by about the same number of people.

Adam Jentleson:

So, the average House district today represents about 700,000 people. Bigger states have more House districts. California has 53 House districts and, therefore, 53 members in the House. Wyoming has one because the entire state of Wyoming is about the size of one House district. So, the framers didn't want this directly proportional chamber that was going to sort of be the direct representative of the people's will to be able to pass laws by itself. They wanted a counterbalance that would give the elite—sort of a version of the House of Lords—a stronger voice in the shaping of laws.

Adam Jentleson:

So, to the extent that you hear the Senate was invented as a cooling saucer and was meant to cool the passions of the majority, there is some truth to that because by its very nature, it was designed to perform that function. However, the senate that we have today has become far more of a generator of grid lock than the framers ever intended. We can get more into that.

Adam Jentleson:

The other thing I wanted to address first, though, was your point about the unfairness of how the Senate represents people. James Madison, who's the framer who is largely credited with creation of the Senate, shared your concern and thought this was very unfair himself. He adamantly opposed the idea of giving each state the same number of representatives at the time. At the constitutional convention, he pointed out that the biggest state then, which was Virginia, was about 10 times the size of the smallest state then, which was Delaware.

Adam Jentleson:

Madison, in a speech to the constitutional convention, said that giving a small state like Delaware the same amount of representation in the Senate as a state like Virginia would be a grave source of injustice. He used the word injustice. So, if Madison thought Virginia, which was 10 times bigger than Delaware, getting the same number of senators was injustice back then, he certainly would think that today, California, which is about 70 times bigger than the smallest state, Wyoming, getting the same number of senators would be an even more profound source of injustice.

Adam Jentleson:

So, it exists to be a cooling saucer, but it has always had this problem of unfair representation, which was addressed even at its inception and considered to be unjust at the time. So, that problem has only gotten worse over the past few centuries.

Andrea Chalupa:

Wow. Okay. So, I have a bunch of questions so I want to work out on this history. Who do we have to blame specifically for the Senate? Who are the scoundrels that got us the Senate? Name names.

Adam Jentleson:

Yeah. Well, the creation of the Senate itself was a product of the collective hive brain of the constitutional convention. The one thing I would say that was shared by all the framers—even the ones who objected to the unfairness of this—was a desire for the elite to have a stronger role in the shaping of laws. There's no question that that's true. They were very afraid, specifically, that the mob of the majority would come and take their property. This was the thing that they kept coming back to again and again throughout the debates over the creation of the Constitution.

Adam Jentleson:

So, it was the elite shaping the laws, it was the elite shaping the institution, and that concern was what led them to create the senate at all. What's crazy today, though, is that while that was a concern at the time, it's gotten so much worse. The principal reason that it's gotten worse has been the forces that have desired to oppress Black Americans throughout our history, first to preserve slavery and prevent abolition and then later to preserve Jim Crow and preserve that reign of terror.

Adam Jentleson:

Those forces of White supremacy took a senate that was already created to amplify the voices of the elite a little bit and made it amplify the voices of the elite—specifically to Southern White planter elite—they made it amplify those voices so much more powerfully than the framers ever intended. That's how we got the filibuster. The filibuster took this institution that was designed to be a cooling saucer and turned it into what I describe as a kill switch. It was designed to be thoughtful. It was designed to cool the passions a little bit, but it was never designed to stop things altogether. The filibuster and its evolution over the course of about 200 is what has come to allow people like Mitch McConnell to fully shut down our democracy and shut down any progress that they oppose.

Sarah Kendzior:

So, what exactly is the filibuster, for those who don't know?

Adam Jentleson:

So, the filibuster is almost certainly not what you think of when you think of the filibuster. I think when most people think of the filibuster, they think of Jimmy Stewart in *Mr. Smith Goes to Washington*, giving a long-winded speech on the senate floor, and representing the underdogs standing up against the powerful forces of corruption.

Adam Jentleson:

It's basically the opposite of that today. To deploy the filibuster, you don't need to speak on the senate floor, but it's even more powerful than it was back in the day when you didn't need to speak because in the days when you did need to speak, you could deploy the filibuster to block a bill for about as long as you could stand physically on the senate floor, hold the floor, and give a long-winded speech. Maybe you could work with a few allies to pass the baton back and forth, but there's a basic limitation of how long human beings can stand there and hold the floor. So, we're talking days, maybe weeks at the most.

Adam Jentleson:

When they were done, the Senate was a majority-ruled institution for the first 200 years of its existence, and whenever the people who were giving these long speeches got tired and sat down, the bill in question would come up for a majority rule vote, be voted up and down—up or down—and the Senate would move on.

Adam Jentleson:

Today, you don't have to give a speech, but what you can do is you can raise the number of votes that it takes to pass a bill from the simple majority—where it existed for most of the Senate's life—all the way up to 60 votes, which makes it virtually impossible pass anything in our polarized era.

Adam Jentleson:

So, without giving a speech, all you have to do is send an email to the cloakroom—which is sort of the nerve center on the senate floor of each party—and just by sending that email, without giving any speech at all, you increase the number of votes that it takes to pass the bill from a majority to 60 votes. So, the filibuster today is much stealthier than it was in the days of Mr. Smith Goes to Washington, and it is much more powerful because rather than just delaying a bill for as long as it takes for someone to give a long speech, it can actually stop a bill altogether by increasing the number of votes it takes to pass a bill.

Adam Jentleson:

So, we use this term a lot, and I think people do still think of this, talking filibuster, but reformers like me would be very happy in many ways to go back to the talking filibuster because you could delay a bill for a while, but, ultimately, you would still allow the majority to rule, which was how the Senate was supposed to be in the first place.

Sarah Kendzior:

All right. So, how do we get rid of this thing?

Adam Jentleson:

Well, there's a lot of bad news about the Senate, but the good news is that it's relatively easy to reform the rules if you decide that's what you want to do. All it takes to change senate rules is a vote of a majority of senators. So, in today's Senate, that would be 50 votes plus the Vice President Kamala Harris. Democrats just so happen to have exactly 50 votes in the Senate, so if all Democrats decided they wanted to reform the filibuster, either outright or start an incremental series of reforms, they could do so tomorrow.

Adam Jentleson:

This vote can happen at any time. It's been established as firm precedent over several decades—there's really no question about whether you can do it this way—and the idea behind it is that the Senate is supposed to evolve over the course of its lifetime. It was designed to change, and it's designed to be responsive to the will of a majority of itself.

Adam Jentleson:

So, if a majority of the Senate decides tomorrow that the sky is green, they can vote to say the sky green and all sky-related legislation will have to reflect the fact that the sky is green. By that same token, if they want to change the Senate back to a majority-vote institution—where it was for the majority of its existence—they could do that. It's as simple as a majority rule vote. Even though it takes 60 votes to pass bills, that can be overruled by a majority of the Senate to say, "That rule that requires 60 votes is now changed, and we're changing it back to a majority."

Sarah Kendzior:

So, is there any downside in getting rid of the filibuster?

Adam Jentleson:

Yeah. I mean, I think what some people would say is that if you make it easier to pass things, you're also making it easier for Republicans to pass things when they retake power. There's some truth to that, although I think you have to step back and look at this structurally and say, "Which side benefits more from making it easier to block things?" The simple fact is that conservatives, by the very nature of their party and what they're trying to accomplish, benefit more by making it easier to block big change. Progressives, by the flip side of that, suffer much more by making it harder to pass big change.

Adam Jentleson:

You see this from the time that Republicans were in power in the first year of the Trump administration when they controlled a trifecta and had the White House and the House and the Senate. They used their power to pass a few things, but they largely didn't pass a broad range of things. Much of the damage that Trump did was through his own actions, his words, through the judges he appointed who've been striking down progressive laws left and right, but they didn't pass a big wave of legislation. They got their tax cuts in 2017 and a few rollbacks here and there, but, generally, were pretty satisfied with their judges and their tax cuts.

Adam Jentleson:

I think the reason for that is that conservatives simply don't have a massive agenda that they want to pass. Once they do try to do things, they find it to be very hard because much of what they want to do is politically unpopular. When they tried to reform Obamacare, all they needed to do so was a majority because they did it through the reconciliation process—which we could talk about if you want. It's a hot topic right now. But because they did it through reconciliation, they only needed a majority. So, the filibuster was no help for Democrats in blocking it, and Republicans were unable to get a majority to repeal Obamacare because it was politically unpopular.

Adam Jentleson:

I think that's what they'll find with a lot of the things they try to undo. Progressive reforms have a tendency that once they go into effect, people like them and they become hard to undo. If you flip that

around and look at everything that Biden wants to pass, the vast bulk of his agenda (which is desperately needed) will be blocked by the filibuster if it remains in place.

Adam Jentleson:

So, if Biden wants to have a successful administration, if Democrats want to deliver the results they promised people on the campaign trail, they're going to have to face up to the fact sooner rather than later that this stuff can't pass if the filibuster remains in place, and filibuster reform is a necessity.

Sarah Kendzior:

Why are they hesitating to get rid of it—as you said, they could get rid of it tomorrow—especially given the last few years where you've had the House just sending all of these bills to die in the Senate? Don't they recognize the urgency of the situation?

Andrea Chalupa:

Especially the assault on voting rights. We have the John Lewis Voting Rights Act that needs to get passed.

Adam Jentleson:

Yeah. I mean, I think that that is ultimately what will bring the urgency to a head. I think the reason that they don't feel urgency right now is ... Well, look, I would say that most of the caucus does feel the urgency. I think a lot of attention goes to Senators Manchin and Sinema, who have been very vocal about their opposition to changing the filibuster, but the vast majority of the 50 Democrats in the caucus today want to get rid of the filibuster and they want to do it as soon as possible.

Adam Jentleson:

So, I think we're in a pretty decent situation from a vote counting perspective because you're starting at a baseline of maybe 40-45 votes that are already yesses for the filibuster. I think that voting rights—if nothing else does before—voting rights comes up, voting rights will be the issue that brings us to a head. I think that Biden is hopefully going to pass a lot of very good legislation during this time in office, but if he doesn't pass voting rights, much of the other good things that he does is going to be undone because if it's still really easy for Republicans to maintain power or to back power in an electoral system that's dramatically tilted in their favor, they are going to come back and undo a lot of what Democrats did and Democrats' time in power will be shorter than it would be otherwise.

Adam Jentleson:

I also think that some of the structural imbalances that we were talking about a minute ago with the Senate have to be rectified if progressives are going to be able to succeed long-term, and that means passing things like statehood for the District of Columbia and possibly Puerto Rico, if Puerto Rico wants it.

Adam Jentleson:

When you have Wyoming, a predominantly White state with just 600,000 people in it getting the same number of senators as California, one way to rectify that imbalance is to extend senate representation to areas that are predominantly Black and Brown that don't have any representation right now and that which deserve it.

Adam Jentleson:

There aren't comparable states. This isn't just about getting Democrats more senators. It just so happens that there aren't comparable areas that would vote Republican that don't have representation, like they already have two Dakotas. There aren't places that are crying out for that right now. So, I think that that is what is ultimately going to make the caucus feel the urgency, and I do think that is ultimately what is going to make this reform happen.

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Sarah Kendzior:

Now that we're coming up on a year of the new normal, it sometimes feels like we'll never get our old lives back. The uncertainty of not knowing when this will end is frustrating and a little scary. We all miss our old routines and being able to see our friends and family. Now more than ever, therapy is a way to find our way out when things feel especially dark. Just talking through fears and anxiety can make you breathe easier and feel hope again. Talkspace is the number one online therapy platform that has thousands of licensed therapists trained in over 40 specialties, including anxiety, depression, relationships and more.

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Sarah Kendzior:

So, you cited there are 45 senators that are onboard with this already. Who are the holdouts in the Democratic party?

Adam Jentleson:

Well, the top two holdouts are Joe Manchin of West Virginia and Kyrsten Sinema of Arizona. They've been very vocal. I think there's another ring of people who I would describe as reform-curious, who started out opposed but have really over the last six months to a year been very clear that they are intentionally throwing the door open to reform if Republicans continue to be obstructionists—and we know the Republicans will continue to be obstructionists. So, that's people like Chris Coons, Jon Tester, folks of that ilk who previously said they were opposed to getting rid of the filibuster, but since then have said, "Listen, if Republicans are obstructionists, I'm ready to get rid of it" and I think Republicans are making a case for them.

Adam Jentleson:

Joe Manchin and Sinema are in a different category because they've said, "Come hell or high water, I will defend the filibuster," but I personally don't put a whole lot of stock in those statements. I think the

path to reform is paved with senators swearing up and down that they're not going to do it. My old boss, Senator Reid, was on the record very clearly saying he would never reform the senate rules, and then he reformed the senate rules.

Adam Jentleson:

So, being on both sides of this issue is sort of a rite of passage. Mitch McConnell, even though he now is a big filibuster defender, in 2005, he was the Floor General for President George W. Bush's effort to get rid of the filibuster when there's a big fight over judges back in 2005. So, everybody's been on both sides of this issue, and I think that there's always the out of saying, "You tried your best. You wanted there to be bipartisanship, but Republicans were so obstructive that they left you no choice."

Adam Jentleson:

I also think there's a broad range of types of reform that can be categorized as changes to the filibuster or updates or restorations of the talking filibuster that would not qualify as elimination, that would be things that Manchin and Sinema could get onboard with. They could even argue that they saved the filibuster by restoring it back to where it was in the Mr. Smith Goes to Washington days.

Adam Jentleson:

So, once Republican obstruction continues to block Biden's agenda, they're going to have to find a way to get the Yes because the basic success or failure of the Biden administration and of all their Democratic colleagues who are on the ballot in 2022 is going to be on the line. As difficult as Manchin and Sinema can be and as frustrating as they can be to progressives, at the end of the day, they are Democrats and they like being in the majority, and they're not going to want to see Democrats lose the majority because they couldn't deliver results. So, I think, ultimately, even they are going to have to find a way to climb down from the limb they have gotten themselves on.

Sarah Kendzior:

Yeah, it's a strange limb to be on. I just don't understand how it benefits them in any way to want to preserve the filibuster, in part because their constituents are likely not thinking about this. As we alluded to in the beginning of the show, a lot of people don't know what this is or how it works and they're more concerned with the agenda that they voted for—with the Democratic agenda. If it's being obstructed, that is going to turn people away from the Democratic Party. So, just out of self-interest, what possible benefit is there for Manchin or Sinema or other opponents?

Adam Jentleson:

So, I think that they miscalculated a little bit here. I think that they expected there to be a more vocal constituency championing the filibuster and lauding and applauding their support for it. One of the most interesting dynamics that I've observed in the past few weeks is how quickly filibuster reform has become almost a consensus position. As someone who's been working on this issue for a long time, my mind was completely boggled when David Brooks came out and said, "You know, Democrats shouldn't rush and get rid of it, but if Republicans obstruct, they should do it," and then you had David Frum, the former Bush speechwriter, argue for filibuster reform, and folks like Max Boot, the neoconservative on foreign policy, say that filibuster reform is necessary.

Adam Jentleson:



So, I don't agree with those guys on pretty much anything, but I would certainly agree with them on this, and I think that that is reflective of the fact that this constituency that Manchin and Sinema expected to be there applauding their stand supposedly in favor of senate tradition just doesn't exist. So, they really are out on a limb and they really are exposed. If they were defending senate tradition and people were applauding them and saying, "This is great," I think it would be thing, but as it is, I think defending this arcane rule that is preventing them from delivering results for the people they represent when *nobody* is applauding them for it and even David Brooks is telling them to get on with it and get rid of it, I don't think that's a tenable position for very long at all. I think they're going to have to find a way to get off it.

Andrea Chalupa:

How do we pressure them? How does this process play out? Do we have to watch this gridlock carry out for several more months up to a year? By then, just the frustration is going to be hurting Democrats going into the 2022 election. So, how does this process play out to get rid of the filibuster, and what should the public do—what should voters do—to light this fire and get this filibuster abolished?

Adam Jentleson:

Well, I think there's going to be an interesting inflection point in a few weeks because Democrats are currently using this process called reconciliation, which is an end run around the filibuster. It's pretty narrow. A lot of bills will never make it through this fast track. It was designed to only be used for limited categories of legislation and things like civil rights and voting rights will never be able to make it through the reconciliation track.

Adam Jentleson:

So, Democrats are using this fasttrack to pass COVID relief so that it can get around the filibuster and pass with 51 votes. I think that's a fine and appropriate use since they got a late start with the special elections in Georgia, they need to move this fast, it's a pandemic, all these reasons. So, fine. Use reconciliation for that.

Adam Jentleson:

But I think there's a lot of discussion of using reconciliation again for a much bigger package of very popular bills, and one of the places I think people can apply pressure is to say, "Don't do it. Don't use reconciliation for an infrastructure bill. Take that bill straight to the floor instead, and if Republicans block it, then reform the rules." It's really that simple.

Adam Jentleson:

The arguments for reconciliation is the idea that it can be used to deliver big results fast, but that's misleading. It actually takes a very long time. If you use it for infrastructure, you're probably not going to get the bill until April or May. Whereas if you brought it to the senate floor, it could be on the floor next week.

Adam Jentleson:

So, I think that pressuring Biden and Senate Democrats to change their plans and to bring all of these bills straight to the floor and forcing Republicans to block them—and then if they block them, changing the rules now—would be an important inflection point. I think that if Democrats don't do that, then you're right, we are going to see ourselves slide into the summer with the filibuster still in place and still blocking things like voting rights, and that creates a lot of problems because not only do you potentially

lose a lot of political capital—who knows what Biden's political standing is going to look like a few months from now, hopefully, it's good, but, generally, presidents decline in popularity as the time goes on.

Adam Jentleson:

But the other problem is that a lot of these voting rights need to be passed very soon so that they go into effect for 2022. Experts say that you have maybe six months or so in which you can pass them when they will actually be effective for 2022. So, if you start to fall outside that six-month window, then you're looking at a 2022 midterm election that is going to be held with a playing field that is dramatically tilted towards Republicans. We've seen the reports of what Republicans are already doing in the states to try to triple down on voter suppression.

Adam Jentleson:

So, that's the reason I think this next decision point about whether to use reconciliation again and by using reconciliation basically punt on the question of the filibuster is very important. I think if we punt again, filibuster reform is still possible, but it's going to be harder and it's going to potentially be delayed long enough that voting rights won't be able to be passed in time to be effective for 2022.

Andrea Chalupa:

Ugh. Dear God. So, what can people at home listening—American voters—what can they do to put pressure on Democrats to act with urgency and get rid of the filibuster so we can have voting protection expanded to protect the 2022 midterms?

Adam Jentleson:

I think the simplest thing you can do is call your senators and tell them that you want the filibuster to be abolished. I think this is something that anybody with a Democratic senator can do. It doesn't matter what state they're in. It doesn't even matter if they're already in favor of the filibuster. I think having them hear from you and telling them that you think this matter is urgent and pushing them to be a leader in their caucus about it is a very good thing to do as well.

Adam Jentleson:

I think the reason that that's good is that right now, senators feel like this is a back burner issue. They think the public doesn't care about it. It's this obscure question of senate process and procedure and I think demonstrating that there is a public knowledge of this—a public awareness—and that their constituents are keeping an eye on them and wanting them to be a leader on this issue, I think, would be a very effective thing to do.

Adam Jentleson:

Look, I used to work in the Senate. I can say from experience that phone calls really do matter. Senators really do notice when a certain issue starts generating a lot more calls than other issues. So, I think having the filibuster rise up as a critical issue that senators are being pressed to lead on would be a very effective thing to happen right now.

Sarah Kendzior:

I'll definitely be sure to give Josh Hawley and Roy Blunt a call. I'm sure they'll be super interested in my perspective, but thank you. I mean, that's very good advice. One thing just coming from a state that's sort of a microcosm of all of our national problems and a foreshadowing of an apocalyptic GOP-dominated future, the state of Missouri, one thing that's worrying me about 2022 besides the attack on voting rights and what will happen if this filibuster is not passed, is the demoralization that a lot of Democrats are feeling after four years of Trump, after dealing with Mitch McConnell, and then now, you finally have the Democrats taking the House, the Senate, the presidency, and yet they still are often acting with hesitancy or not with the kind of forthright urgency that the moment seems to require.

Sarah Kendzior:

A couple examples of this are the COVID relief checks going from the promise of \$2,000 to \$1,400, which they're saying is a misunderstanding by the public, but when you campaign on \$2,000, it's pretty easy to see why the public would misunderstand that. The other, of course, is the very short impeachment trial for a violent insurrectionist attack on the Capitol, and then the debacle about witnesses—whether to call them or not, seeming like they're going to call them and then backing down a bit.

Sarah Kendzior:

There's still this sense that the Democrats are not fighting hard enough against a very violent, very anti-constitutional GOP. I mean, I'm just curious. What are your thoughts about this and how does the filibuster play into that?

Adam Jentleson:

So, I'm glad you brought that up because this is actually one of the sort of insidious dynamics of the filibuster, which is that it gives Democrats a way to avoid accountability for their own actions and their own leadership and urgency, because as long as it takes 60 votes to do anything in the senate—I mean, how many times have you heard that excuse that, "Well, listen. I'm with you as a Democrat, but it takes 60 votes to get things done in the Senate and Republicans are the ones blocking this." It's the most commonly used out, in my experience, that Democrats use to try to tell progressives not to hold them responsible for things failing to get done.

Adam Jentleson:

We can't help the fact that removal from office takes 67 votes. That's in the Constitution, and that would have required a constitutional amendment to change. But you can change the fact that it takes 60 votes to do pretty much everything else in the senate because it's not in the Constitution. It was not a part of the original Senate, and it only takes 50 votes to change that rule.

Adam Jentleson:

So, count the number of times that you've heard Democrats use that as an excuse and say, "Well, I'd love to pass a public option. I'd love to pass this immigration bill. I'd love to pass a bill to raise taxes on the wealthy," whatever it is, and saying, "Me, as a Democrat, I'd do it, but I can't get 60 votes." Well, getting rid of the filibuster will remove that excuse, take it off the table, and say, "We expect you as a Democrat to stay true to progressive values. Don't tell us it's Republicans' fault on this one because in this case, you can now pass things with a majority of Democrats."

Adam Jentleson:

So, I think getting rid of that fig leaf, getting rid of that excuse, will be very healthy for our process because we can see who's willing to actually stand up for the principles that they claim to believe in.

Andrea Chalupa:

So, in your book, Kill Switch, you describe the political birth or whatever of Mitch McConnell, how Mitch McConnell won his first senate election in Kentucky. It was basically through ads produced by Roger Ailes lying about his opponent and it worked. The whole gaslighting PR campaign won the election for McConnell and he's been on that gaslighting train ever since, it seems. You just see this ruthless pragmatism for McConnell doing whatever needs to be done to get in power and stay in power. How stunning it was to read how he, at a time before he came to power, he was actually in favor of campaign finance reform, and then he came out against it because he needed it in order to stay in power. He needed all that money. So, could you talk a little bit about McConnell, the opponent, and what we're up against, what our democracy is up against in terms of the Republican Party today and McConnell's role in it, and Chuck Schumer and other Democratic leaders, and what your opinion is on their handling of meeting this challenge and whether you think Chuck Schumer is the right senate majority leader for this time?

Adam Jentleson:

So, McConnell's guiding principle in every instance is he will do whatever it takes to acquire more power for himself. I think other Senate Republicans are lucky because, usually, acquiring more power for himself means helping them get reelected so that they can build a senate majority and put McConnell in the majority leader seat. I think if their interests didn't align, he would quickly throw them all overboard, but that is how he acquires power, is by winning elections for Senate Republicans and so that's what he does.

Adam Jentleson:

No, you're right. I mean, I think the fascinating thing about his career is he was a reformer. I mean, he was sort of a liberal Republican in his early iteration of his identity, and he quickly shifted gears once he realized how useful money could be to further his own political interests. But the hallmark of his career is doing things to win that other people thought were outside of the bounds of normal political discourse at the time.

Adam Jentleson:

That campaign finance fight was a great example of this because what he did was he took the unpopular positions that other Republican senators didn't want to take and he took the heat for them, and that helped him acquire power. Campaign finance has always been a very popular issue. It's been popular to want to get money out of politics. It is unpopular to say you want more money in politics, but McConnell was willing to say that out loud in a way that other politicians didn't want to do.

Adam Jentleson:

They privately wanted there to be more money in politics, but they weren't stupid enough to come out and say it. But McConnell did, and by doing so, he won a lot of credit with his fellow Republicans because they were happy that he was out here advocating for this position so that they could all go and pretend that they were in favor of campaign finance reform.

Adam Jentleson:

This was a formative experience for him, and he realized that he could acquire power by taking the heat, by being the unpopular guy. This is why you see him leaning into things like the cocaine Mitch meme or the idea embracing the description of him as the grim reaper for legislation. He leans into these negative stereotypes because being the villain himself allows other senators to have running room and get some distance.

Adam Jentleson:

So, he is a vicious operator and completely ruthless. I do think that he's vulnerable now in a way he has not been in several years because he's vulnerable from the right. Trump gave him cover, despite all of his bull talk occasionally of breaking with Trump or maybe criticizing this tweet or that tweet that Trump put out over the last four years.

Adam Jentleson:

Overall, he just hewed to Trump every step of the way, certainly in the two impeachment trials and protecting him there. In return, Trump protected him from the right wing. Aside from a few occasions where they publicly disagreed, never really tried to gin up his supporters against McConnell. That's changing now. They've split irrevocably it seems, and Trump has made clear that he opposes McConnell and directed his supporters to also oppose McConnell.

Adam Jentleson:

I think that's significant. I mean, when McConnell is vulnerable from the right, he often doesn't respond well. In the year 2015 through early 2016, he was in a similar situation where this was sort of the rise of the Tea Party in the Senate, the rise of Ted Cruz and several other allies who he'd gain by this time. That year, the tea party succeeded in ousting John Boehner from the speakership and once they did that in fall of 2015, they turned their sights on McConnell and said, "You're next."

Adam Jentleson:

That was a difficult period for him. He saved himself by blocking Garland's nomination and winning plaudits from the right for that maneuver, and then Trump came into office and basically gave him comfort for four years. So, with Trump out of the White House and turning on McConnell, I think it will be interesting to see a McConnell response and this vulnerability from the right is what has historically caused him to make some missteps.

Adam Jentleson:

As for Schumer, I think Schumer is learning. I think Senator Reid was certainly a match for McConnell when it comes to understanding power and how to use it. I think Senator Schumer is probably not there yet, but is getting there. To be fair, I think it's useful to point out that Senator Reid took a while to get there. He was not a favorite of the left in his early years. As a majority leader, he was criticized because he was pro-gun, he was pro-life. It took him a while to come around on getting out of the Iraq war, but he learned to embrace the left and to listen to them and to work with them as allies and not antagonists.

Adam Jentleson:

So, my hope is that Senator Schumer will get there on an accelerated timetable in the next few months because I think the entire success of his speakership—sorry, his leadership—depends on forming that close bond with the left that Senator Reid had and working with them closely as allies in the fights ahead.

Sarah Kendzior:

So, you brought up before Democrats using Republican obstructionism and the filibuster as an excuse to not actually pass the agenda that their voters desire. So, I'm curious whether you think the behavior of the House, and in particular Speaker Nancy Pelosi, would change if the filibuster is eliminated. I mean, as a side note, one of the reasons I'm interested in this is because I noticed that you were attacked on Twitter by Pelosi's Deputy Chief of Staff, Drew Hammill, for writing your very wonky book about senate procedure, which seems like a really strange thing for somebody to viciously attack you for. It's almost as if they're threatened by the concept of having to be accountable to their voters. So, I was just curious what you thought of how this would affect Democrats in the House.

Adam Jentleson:

That was an interesting experience. I also found it interesting, the level of vitriol that it seemed to provoke. I've actually known Drew for a long time. I know he didn't really mean it, he may have just been having a bad day. Suffice to say, I think the point you're raising is correct that everybody hides behind this excuse. So, it has many downstream effects. When Pelosi is negotiating with her own caucus and trying to get progressives to back off some demand that they're making, one of the things that she will say is that, "We shouldn't bother with this because it's never going to pass the Senate," and they'll use the Senate as a reason to try to make policy pull it to the center and pull it to the right.

Adam Jentleson:

Getting rid of the filibuster has a clarifying effect in so many ways because Democrats holding majorities are responsible for what they pass. They can't put the blame off on anybody else. Democrats in the Senate can't put the blame off on Republicans and Democrats in the House can't put the blame off on the Senate.

Adam Jentleson:

The thing about it is this kind of sounds alien to us, but this is the way it was supposed to be. For the first 200+ years of its existence, the Senate was a majority-ruled body and policies passed or failed based on whether they could get a majority in the House, a majority in the Senate and be signed by the President. That's it. That's a lot of checks. Those are more checks and balances—especially when you throw in the judiciary—than most other countries have, and that's with the filibuster out of the picture.

Adam Jentleson:

It was only civil rights that was blocked by the filibuster up and through the 1960s and into the 1970s. Every other single policy that came before the Senate passed or failed based on whether it could muster a majority. So, you know, it is not crazy to say that this shield should be removed because it wasn't actually there for most of the Senate's existence, but it does give everybody an excuse to not actually fight for the things that they claim to believe in. I think we'd be better off if that excuse was taken off the table.

Sarah Kendzior:

Yeah. Absolutely. The filibuster is a monument to White supremacy. So, if these members of Congress, especially on the Democratic side, are serious about Black Lives Matter—a movement that forced them to finally pay attention in 2020 with all the protests and horrific viral assassination videos—shouldn't that be leading the fight, that just get rid of this token of White supremacy, that's all it is?

Adam Jentleson:

Yes. I think it should be leading the fight. I think that if this does come down to voting rights, there will be a certain amount of poetic justice there if that is the issue on which we are able to abolish this vestige of White supremacy. I mean, look, it is the empowerment...What the filibuster does is it empowers a minority of predominantly White, predominantly reactionary conservatives to block everything that the diverse majority of this country wants to do. It was designed to give a power to that specific minority— numerical minority, not racial or ethnic minority—intentionally.

Adam Jentleson:

It emerged in the middle of the 19th century predominantly to protect the planter class and to prevent the abolition of slavery. It was strengthened in the Jim Crow era to prevent the march of civil rights. One thing I would point out here is that we've been led—we've been gaslit—to believe that America wasn't ready for civil rights until it started passing bills in the late '50s and then the first major civil rights bill in 1964, but that's not true.

Adam Jentleson:

There were civil rights bills, particularly anti-lynching laws, anti-poll tax laws, and even anti-workplace discrimination laws, that had majority support in the House, majority support in the Senate, overwhelming public support, and the support of presidents of both parties. This was in the 1920s, 1930s, and 1940s. The only thing that stopped them from passing was the senate filibuster.

Adam Jentleson:

When Gallup first polled the issue of anti-lynching laws in 1937, it found public support at 72%. It even had a majority support in the South. When it polled anti-poll tax laws in the 1940s, it found public support upwards of 60%. So, America was ready for change on civil rights. The only reason these bills didn't pass is because the filibuster was applied to them by a minority of White supremacist southerners in the Senate, and they blocked it. So, we should absolutely get rid of it. It continues today to empower predominantly White, predominantly reactionary conservatives over everybody else in the country, and it would be poetic justice to get rid of it on civil rights since that is the issue, more than any other issue in American history, that it has harmed the most.

Andrea Chalupa:

So, your boss Harry Reid was very outspoken in 2016 about the Kremlin's attack on our democracy. He famously, twice, called on James Comey, then FBI Director, to alert the public on what Comey knew. Could you talk about that?

Adam Jentleson:

Yeah. I mean, I think that most of what he knew has been publicly reported at this point, but, I mean, I think that the long and short of it is that he was freaked out to use, for lack of a better term. He, I think, was freaked out by Russia's activity. He was freaked out by what he saw as very close connections between Russia and the Trump campaign that I think had been born out, particularly by the Senate Intelligence Committee report. He was freaked out by what he also saw as James Comey's lack of urgency about the issue.

Adam Jentleson:

So, his effort to speak out in the summer of 2016 was an effort to raise all three of these issues and to try to generate some urgency behind them. He would say, if he were here today, that he did his best. He was in the minority on feeling the urgency about these issues and he tried to do what he could to raise the awareness of the public and get as much information out into the public sphere as he could.

Sarah Kendzior:

Yeah. I mean, he was really alone in that. I was deeply appreciative of his efforts and I was also horrified to see that somebody in his position of power could issue such a horrifying warning, where he was warning that Russia had the intention of falsifying election results before the election. Thankfully, he put this in an open letter so the entire country could see it. It got almost no news coverage and, to my knowledge, he wasn't really backed up by other members of Congress either. Do you know why?

Adam Jentleson:

Yeah. I mean, if I'd attribute it to anything, I think that there was this sense that Hillary was going to win and none of this was going to matter. I think that that was what was behind the Obama administration's handling of the issue and decision to go a little gentle on it. I think that turned out to be the wrong call, but I think that the idea was that, as bad as what was happening was, Hillary was going to win, and so Russia wasn't going to actually influence the election—as crazy as that seems in retrospect, but that was the thinking at the time—and then Hillary would get in and she would fix it all.

Adam Jentleson:

Unfortunately, that didn't turn out to be the case, but I do think that that overconfidence is what led people to underestimate the extent of the threat and miscalculate on how to respond.

Sarah Kendzior:

Andrea, you want to do the big final question?

Andrea Chalupa:

Yes. So, our big [laughs]... So, the real reason Sarah and I invited you on to the show is this. So, Gaslit Nation is very much like a mullet. The public show we do every week is our serious side—the business in the front—and then the Patreon bonus episodes we do are the party in the back, where Sarah and I like to talk about our search for intelligent life out in the universe to take us off this planet. So, we want to know, what did you learn, if anything, during your time working for Senator Reid of Nevada about Area 51?

Adam Jentleson:

[laughs] So, I can honestly say that I learned nothing.

Andrea Chalupa:

Damn it.

Sarah Kendzior:

Sure, you did.

Adam Jentleson:



I have a funny story now, which is that I ... and the reason I'm sure about this is that as I'm sure you know given your interest in this topic, Senator Reid has been pretty vocal about trying to raise awareness about some of the-

Sarah Kendzior:

Extraterrestrials! Sorry. Go on. [laughs]

Adam Jentleson:

Yes. So, the first time I saw him after ... He retired in early 2017 and moved back to Nevada. The first time I saw him, again after he retired, was later that year, and we'd been looking for a reason to get together and he said, "Hey, why don't you come out and help me. I've got some interviews that I'm doing. It will be like old times. We'll catch up." One of them was with the New York Times.

Adam Jentleson:

So, I was like, "Okay. Fine." I fly out and I'm just thinking, "Oh, these are probably your normal interviews on politics or whatever Trump was doing at the time."

Adam Jentleson:

So, I go in, I see him. It's about 10 minutes before the reporter Helene Cooper comes in and I can say this because I don't think Helene would object. So, we're catching up and making small talk and I just casually asked him what the topic of the interview is. He says, "Oh, it's about the things that I knew about government research into extraterrestrial life during my time in the Senate."

Adam Jentleson:

I was like, "What!?" My eyes just bugged out and I didn't know how to ... I'd prepped him for interviews on pretty much every topic under the sun. I didn't know how to prep him for that interview. I basically just sat there and listened to the interview and learned more about this topic than I'd never known before. It was definitely the most interesting interview I've ever done with him.

Sarah Kendzior:

Do you think he'll ever reveal everything he knows, because he puts out these tantalizing tweets, "The truth is out there," and Andrea and I want to know the truth?

Adam Jentleson:

I hope so. I have no insight into that. He's generally not a person who holds stuff back. So, I think there's some hope there.

Sarah Kendzior:

All right.

Andrea Chalupa:

So, what do you know?! {laugh} What did he say in the interview?

Adam Jentleson:

I mean, Helene reported all the good stuff. I think he believes this stuff is real. I think that he wants there to be more disclosure and more transparency about what is known, but he seems very convinced by what he's seen and what he knows.

Andrea Chalupa:

Great. We'll take that. All right. This was a fantastic discussion, Adam, and everybody should read your book, Kill Switch, especially to make sense of what we're up against and the stakes and how to get through this challenging time in our country's history. So, thank you so much for being on the show. You're welcome back anytime, and please go check out Kill Switch, everyone.

Adam Jentleson:

Thanks so much. It's great to be here.

Andrea Chalupa:

Our discussion continues and you can get access to that by signing up on our Patreon at the Truth Teller level or higher.

Sarah Kendzior:

We want to encourage you to donate to your local food bank, which is experiencing a spike in demand.

Andrea Chalupa:

We also encourage you to donate to the International Rescue Committee, a humanitarian relief organization helping refugees from Syria. Donate at [rescue.org](https://rescue.org). If you want to help critically endangered orangutans already under pressure from the palm oil industry, donate to The Orangutan Project at the [orangutanproject.org](https://orangutanproject.org).

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