

Filibusters and Chubbing

Posted At : May 23, 2011 10:00 AM | Posted By : TexasLRL

Related Categories: Legislative process

Near the end of the legislative session, delaying tactics such as filibusters and chubbing come into play as members seek to prevent the passage of bills, delay their consideration, or gain an advantage in negotiations.

What is a filibuster?

A filibuster is the prolonged discussion of a bill by an individual, intended to delay legislative action.

Are filibusters allowed in the Texas legislature?

Filibusters are permitted in the Senate but not in the House of Representatives.

Are there any rules for a filibuster?

Filibusters are governed by the **Senate rules** and by precedents interpreting the rules.

Rule 3.02 prohibits eating or drinking in the Senate chamber.

Rule 4.01 requires a member of the Senate to stand at his or her desk to address the Senate. The member speaking may not sit, lean, or use a desk or chair in any way. Bathroom breaks are not allowed.

Rule 4.03, which governs the interruption of a member who is speaking, allows other senators to raise objections if a speaker does not confine his or her remarks to the issue under consideration or if his or her voice is inaudible.

Is there a way to end a filibuster?

If a point of order is raised that the senator speaking has violated the rules for decorum or debate, the presiding officer will warn the senator twice; after a third violation, the Senate may vote on the point of order. If it is sustained, the senator speaking must yield the floor.

What is the longest filibuster?

Senator Bill Meier holds both the state and national record for his 43-hour filibuster on **SB 1275** during the 65th regular session in 1977. Senator Meier objected to a provision of the bill which would have prevented public inspection of the records of the Industrial Accident Board.

How common are filibusters?

Filibusters are not officially recorded in the Senate Journal, and they can be difficult to document, but they are not uncommon. The Legislative Reference Library has identified **more than 100 filibusters** in the last 72 years, including several record-breakers:

| Session | Beginning date | Senator | Bill | Length | Source |
|---------|----------------|---------|------|--------|--------|
| | | | | | |

| | | | | | |
|------------------|-----------|----------------------|------------|---|---|
| 65th R. S. | 5/2/1977 | Bill Meier | SB 1275 | 43 hours | <i>Houston Post</i> , 5/5/1977 "Filibuster sets record, but bill passes anyway" |
| 62nd, 3 C. S. | 6/27/1972 | Mike McKool | SB 1 | 42 hours, 33 min | <i>Houston Chronicle</i> , 6/28/1972 "McKool, glassy-eyed, but strong of voice, breaks filibuster record" |
| 62nd R. S. | 5/29/1971 | Don Kennard | HB 303 | 29 hours, 22 min | <i>Dallas Times-Herald</i> , 5/31/1971 "UT-Dallas bill gains nod despite record filibuster" |
| 54th R. S. | 5/17/1955 | Kilmer Corbin | SJR 1 | 28 hours 20 min | <i>Dallas News</i> , 5/18/1955 "Filibuster bars vote on water measure" |
| 54th R. S. | 3/30/1955 | Wayne Wagonseller | HB 162 | 28 hours, 6 min | <i>Texas Observer</i> 4/4/1955 ".. And new champion .." |
| 54th R. S. | 3/23/1955 | Jimmy Phillips | HB 140 | 23 hours and 35 or 45 minutes | <i>Texas Observer</i> , 3/28/1955 "Polka Dots and Orange Juice." |

What is chubbing?

Chubbing refers to the practice of one or more members of the legislature debating bills at great length to slow down the legislative process. It is frequently practiced on those legislative days which have deadlines near the end of session. Chubbing occurs in both the House and the Senate.

Why is this called chubbing?

The origin of the use of the word "chubbing" to refer to a tactic of talking at length to delay the consideration of legislation is not known.

It appears that the use of this term in Texas dates back at least to the 1950s. This usage may be unique to Texas. The *Oxford Dictionary of American Political Slang* lists the term as originating in Texas, and cites its appearance in newspapers and magazines. Texas newspapers articles from the early 1970s through the present describe the practice of chubbing, but give no information about the origin of the term.

The technique is also mentioned in several of the general books on Texas politics in the Library's collection; the earliest is from *The Texas Citizen: the Guide to Active Citizenship in the Lone Star State* by William Henry Gardner, published in 1955. In a section on delaying tactics Gardner writes "A number of maneuvers are employed by opponents of a bill to defeat it, or delay its passage. In the House, members may prevent a bill that is on the calendar from being taken up for floor consideration by a time-consuming stratagem known as chubbing, which consists of talking at length on a number of other irrelevant matters." Again, no background is provided.