The Filibuster As Populist Transcendence: The Deliberative, Dramatic, And Spectacular Forms Of Talking A Bill To Death

Evan Layne Johnson
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THE FILIBUSTER AS POPULIST TRANSCENDENCE: THE DELIBERATIVE, DRAMATIC, AND SPECTACULAR FORMS OF TALKING A BILL TO DEATH

by

EVAN JOHNSON

Under the Direction of James Darsey, PhD

ABSTRACT

This dissertation aims to map the evolutionary history of the talking filibuster as a rhetorical form. Since Senators can forego a talking filibuster and obstruct a bill with a secret hold, filibustering is a strategic rhetorical choice. In addition to the textuality of filibustering, then, what performative and symbolic rhetorical work is done by the filibuster that secret holds do not do? I argue that the filibuster is a form of populist transcendence, an innovative rhetorical technique for transcending senatorial elitism. Chapter two studies Robert La Follette and his era: the fin de siècle. This populist agrarian used lengthy deliberation and filibustering as “temporal republicanism” to slow legislative proceedings during the social acceleration of the industrial age. In response to La Follette’s deliberative filibusters, Senate rules were changed to stymie
him. With deliberation restricted, filibustering Senators had to create and maintain a scene to hold the floor. Chapters three and four study Huey Long and "Frank Capra’s Mr. Smith Goes to Washington," the personae they adopted, and the suffering they underwent to create their dramatic filibusters. However, Frank Capra’s film over-dramatized the visuals and motorized the pacing of the filibuster to create a spectacular caricature of the form for mass entertainment. Finally, in our social-media age, the filibuster has taken on a hybrid form: synthesizing spectacular drama with deliberation. Chapter five studies Wendy Davis and her ability to interact with citizens through social media. The co-creation of the filibuster by senators and citizens produced identification, empathy, deliberation, and dramatic political action when citizens went to the Texas capitol and shouted from the gallery to kill the bill. Using Jacques Rancière, I find that this new form of filibustering blurs the line between actors and audience and can emancipate spectators. Thus, social media is re-enlivening both the dramatic and deliberative aspects of filibustering. Overall, the filibuster began as a deliberative form, became a dramatic form, and now within the social media spectacle, deliberation and drama are synthesizing.

INDEX WORDS: Filibustering, Populism, Deliberation, Dramatism, Spectacle, Emancipation
THE FILIBUSTER AS POPULIST TRANSCENDENCE: THE DELIBERATIVE,
DRAMATIC, AND SPECTACULAR FORMS OF TALKING A BILL TO DEATH

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy
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2018
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by

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Office of Graduate Studies
College of Arts and Sciences
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August 2018
DEDICATION

To my inspiring grandparents Johnson, Harvey and Marlys (Marlie) passed away while I completed my doctorate. Their great loves were nature, music, poetry, family, and each other.

This process would not have been possible without MaLeah’s incomparable love and support.

To my nuclear and extended family: I thank my parents for their love of literature, history, and the Divine, and for teaching me that the good life is the simple life. To my father, who read drafts and is the Iron Horse—teaching in same school district for 37 years and working as the union representative for over a decade. To my mother, who never stopped mailing cards and letters—I would drive cross-country to be at your holiday table. To my sister, who kept calling. To my brother, who kept writing poetry. To great aunt Shirley, who never stopped praying. To aunt Lisa, who never stopped networking. To aunt Nance, who still gives adult nephews a nice bill in their birthday card. To my in-laws, who let me move cross-country with their daughter—twice. To everyone back home who has tried to make sure I don’t lose my rustic common sense with all this book learnin’. To our local “family” at the Atlanta Vineyard Church. To my students and their verve. To all who encouraged me personally and professionally on this journey. And finally, to my earlier self, the late bloomer who couldn’t read until age seven, and once vowed “I’ll never learn to read!” We showed him.
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My committee deserves much thanks. Elizabeth Burmester’s seminars on Roman, Medieval and Renaissance rhetoric inspired my thinking on this project. Thanks to the GSU English Dept writ large for maintaining a robust four-course sequence on the Rhetorical Tradition. Although Nathan Atkinson could not complete the journey, he survived my Comps and Prospectus committees, and the Wendy Davis chapter originated in his Critical Theory course. To Professor Burgchardt, I commend your early scholarship on Robert La Follette and your recent work on film. I am also grateful for your Rhetorical Criticism textbook; as an unmoored MA student at Syracuse, it was a port in the storm. Thanks to Tim Barouch for eagerly joining a short committee. Your kindness and work ethic are admirable. Thank you to all the other professors at GSU who strengthened my writing—especially Mary Stuckey and Michael (M. Lane) Bruner. Thanks to the GSU Comm Dept staff. Thanks, Hersheda Patel, for formatting help. Finally, thanks to all the librarians and baristas in the locations where I wrote this opus, especially GSU’s Troy Moore and Law Libraries, the Chamblee Public Library, and Zen Tea.

Yours is the unseen labor.
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THE FILIBUSTER: AN ADAPTABLE, RESILIENT RHETORICAL FORM

“The supreme test of faith in principle has been the physical test. The filibuster is a physical test. Its success depends on powers of endurance[,] great physical strain, where vitality was endangered, health and even life were risked. [F]ilibustering is physical sacrifice and in essence no whit different from trial by battle, the ordeal, the duel, war itself.”

—Robert Luce, Legislative Procedure 1922

During the presidencies of George W. Bush and Barack Obama, the US Senate increasingly blocked presidential appointees by way of secret holds, or the “modern filibuster.”¹ Due to this obstruction, each new majority between 2000 and 2012—Democratic and Republican—threatened to employ the “nuclear option”: restricting or banning filibustering on appointments.² However, in the face of these secret holds, action was only threatened, and the filibuster was not revised or discarded. Then, in 2013, Rand Paul blocked Obama’s CIA appointment (John Brennan), but not with a secret hold; Paul enacted a “classic” talking filibuster.³ Paul obstructed the appointment because he thought Brennan was not being forthright about the Administration’s drone policy. Although Paul eventually got an answer from Attorney General Eric Holder, ended his filibuster, and even voted for Brennan’s confirmation, his filibuster had lasting effects. First, Paul’s success inspired others, and two more highly-covered filibusters were enacted that year by Wendy Davis in the Texas Senate and by Ted Cruz against the implementation of Obamacare. More importantly, though, Paul’s filibuster generated enough

antipathy that, within the year, Democrats changed Senate rules to prohibit filibustering presidential appointments. It is curious why hundreds of secret-hold filibusters failed to garner a rule change, but these talking filibusters roused enough antipathy from colleagues to both change a rule and violate the decorum of a chamber steeped in tradition and reputed to be the most deliberative body in the world. The disparate reactions toward holds versus filibusters is a mystery that points to the talking filibuster having a rhetorical significance beyond its textuality or its capacity to obstruct. Moreover, since these speakers could have placed secret holds, but instead chose to enact talking filibusters, this strategic rhetorical choice on the part of rhetors needs to be understood.

Michael Calvin McGee’s gives us the first toe-hold for this project’s climb when by reminding us of the first principle of rhetoric: it is performative. In other words, the lengthy talking and theatrical nature of a talking filibuster make it fundamentally different from a secret hold, or even from reading the filibuster speech. It’s performance as oratory matters. Although modern and classic filibusters both tend to obstruct Senate proceedings and are even treated the same by many political scientists, historians, and political practitioners, the difference between a secret hold and the performativity of a talking filibuster is a significant difference that rhetorical theory is poised to study.

7 Of course, a filibuster is a parliamentary tactic, and it is a time-consuming obstruction, but a filibuster is also more than that. If it was just tactic and obstruction, I’d agree with political scientists that talkathons and secret holds could both be called “filibusters.” But that shared name erases the performativity and symbolism of the classic, talking filibuster.
Although filibustering has been studied by a handful of rhetoricians, our understanding of the individual, talking filibuster is incomplete. Of the five studies in the field, two older articles operate within the neo-Aristotelian paradigm to judge filibusters as ineffective (Dee and Tade). Two more studies focus on group filibusters in the civil rights era, not solo filibusters, which are my focus (Bormann and Sheckels). The final article helps us understand the competing myths behind the pro and con sides of the 1917 cloture fight, but the article does not theorize the filibuster beyond its case studies (Murphy). Considering the limited scholarship on this significant and viable rhetorical form, and the fact that there are no theses, dissertation, or books in our field on the filibuster, it has been neglected; it is a form hiding in plain sight. Hence, the aim of this project is to understand the form’s evolutionary history while attending to its textuality, performativity, symbolism, and—in a couple instances—its effects.

While the form has evolved at various moments throughout the “Modern Senate” (1900-present), it is still recognizable as a filibuster. The questions that guide this evolutionary history of the form are how has the filibuster evolved to fit various rhetorical contexts? and what is the through-line that unites these cases and allows the casual, the critical, and the scholarly observer to say it is the same form with similarities to its initial instantiation? To answer these questions, this study argues that the filibuster is a form of populist transcendence. It is a form of speech that allows populists to overcome senatorial elitism. Populism supplies the historical origin of the

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8 In the broader communication field, Elyse Janish wrote an MA thesis on Wendy Davis’s filibuster. Although the project has a mixed-methodology through its incorporation of Kenneth Burke, Janish primarily does discourse analysis and uses Erving Goffman to provide insights on footing. Although this is worthwhile and a strong thesis, it makes it difficult subsume the project under the category of “rhetoric.” See Elyse Janish, "20 Weeks, 13 Hours, 140 Characters: The Abortion Controversy in the Texas State Senate and Online" (2014). _Theses - ALL_. Paper 55.
filibuster’s popularity during the *fin de siècle*. Oftentimes populists need “innovative rhetorical tactic[s]” to transcend elitist opposition, and that innovation in the Senate was filibustering.

The filibuster has taken three rhetorical forms over time and is taking a fourth form in our time. The chapters of this dissertation are organized by these formal variations: chapter two follows Robert La Follette’s use and popularization of the deliberative filibuster. Chapter three studies the dramatic filibuster and Huey Long’s virtuosic displays. Chapter four studies how Frank Capra took the dramatic form, amplified its visuals, and compressed its drama into an entertaining twenty-minute spectacle in the finale of “Mr. Smith Goes to Washington.” Finally, in our social media age, Wendy Davis’s 2013 filibuster was co-created between the speaker and internet citizens (“netizens”) who gave her material to read via social media, rallied at the state capitol, and even shouted for the last twenty minutes of the session—synthesizing the deliberative and the dramatic forms in a collaborative populist spectacle.

This study is significant because it maps the evolutionary history of an important rhetorical form. The filibuster has a large mystique in American politics, media, popular culture, public memory, and academia. When a filibuster occurs, it stimulates politicians—as evidenced in responses as varied as excitement and condemnation. Filibusters also garner significant media attention, from traditional outlets (newspapers, radio, and television), as well as online streaming, and millions of impressions on social media. The filibuster has also entered popular culture. The finale of “Mr. Smith Goes to Washington” gave the form an aura that has transferred to multiple television depictions on shows such as “The West Wing,” “The Simpsons,”

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9 *Fin de siècle* translates to “end of century,” and is the period from approximately 1877-1920.
“Scandal,” and twice on “Parks and Recreation.” Citizens are also interested in filibusters, as evidenced by the hundreds of thousands of Tweets sent and (re)circulated during the three filibusters of 2013—all of which “trended” internationally on Twitter. Moreover, the filibuster has effects other than obstructing bills: it can force clarification or revision to Senate rules or on the bill in question; it can publicize candidates and causes, which leads to campaign contributions and re-election; and in the Davis’s case, it helped previously passive citizens become active. In sum, without understanding the performativity and symbolic action of the filibuster, our knowledge of the form’s appeal, staying power, effects, and mystique in American politics is incomplete.

The remainder of the introduction chapter begins by reviewing the extant literature on filibustering in the fields of political science, history, and rhetoric. Literature defining the filibuster is reviewed, and an understanding of the filibuster as a rhetorical form is forwarded. Second, I outline the ideological context of filibustering: populism. Third, I theorize how this populist speech form can *transcend* elitist opposition. Lastly, I outline the plan of this study and the four case studies that comprise chapters two through five of this dissertation: Robert La Follette, Huey Long, “Frank Capra’s Mr. Smith Goes to Washington,” and Wendy Davis. Populist transcendence is the theme that runs through the various eras, debates, and the variations of the filibuster form in these cases.

1.1 Defining the Filibuster

The filibuster manifests from the notion that the Senate is the most deliberative body in the world. This notion is upheld by “three unique features,” or “pillars,” which constitute the chamber’s tradition of “unlimited debate”; these three features are “the right of recognition, the
absence of a previous question rule, and the lack of a germaneness rule.” Whenever a senator rises, gains the floor (recognition), and begins talking, they can speak for as long as they want (no previous question) about whatever they want (even if non-germane) as long as they remain standing, speak audibly, and do not impugn their colleagues or the Union. These pillars of unlimited debate create the conditions for filibustering.

Filibustering has been defined in a variety of negative and neutral ways. A reasonable starting question is whether it is “a device of tyrannical minorities,” or a “protection against majority tyranny?” The Senate’s glossary of terms defines “filibuster” as “any attempt to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions.” While this definition makes neutral ovations by twice noting the “delay” of action and characterizing filibuster speeches as “debat[e],” the definition skews toward the negative with terms such as “block” and “obstruct[].” In common parlance, the connotation also shades negative: the American Heritage Dictionary defines “filibuster” as, “The obstructing or delaying of legislative action, especially

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15 The only major restriction on unlimited debate in the Senate is the two-speech rule, which limits Senators to speaking twice on the same bill on the same day. See Wawro and Schickler 2006, 14.
16 Etymologically, “filibuster” has a prior meaning that is informative and may be why the term cannot shake its negative connotation. Transliterated from Dutch words for “free” (vrij) and “booty” (buit) as early as 1726, filibuster was anglicized as “freebooter,” a term used to describe looters, robbers, and pirates who live off the spoils of plundering. The word also had equivalents in French and Spanish. William Walker was a famous American filibuster, or privateer, who marauded in Nicaragua and wrote a popular book in 1850, Filibusters and Financiers. For the most detailed etymology of “filibuster,” see Binder and Smith 1997, 3. According to Burdette’s succinct 1940 definition, “Filibuster in its primary lexicographic sense is a noun used to designate an armed adventurer, on land or sea, who wages unauthorized and irregular warfare against foreign states or dependencies for plunder or power.” But by 1863, “filibuster” was being used in the US Senate as “a term of reproach signifying flagrant legislative obstruction . . .” See page 5. Since 1940, though, filibustering has come to primarily mean a technique for lengthy debate in the US Senate, and “filibuster” used to describe a privateer is now archaic.
17 Wawro and Schickler 2006, 8-9.
by prolonged speechmaking.”\(^{19}\) Here “obstruct” is frontloaded, and debate has given way to the tedium of “prolonged speechmaking.”

Academic definitions of “filibuster” also vary. Gregory Wawro and Eric Schickler take a highly negative view: “We use the terms ‘filibuster’ and ‘obstruction’ interchangeably in this book . . .”\(^{20}\) Obstruction is never positive—it implies blocking progress with obstacles, interfering, impeding, and hindering.\(^{21}\) Reflecting a similarly negative view, Sarah Binder and Steven Smith do not even define “filibuster” in their text; they merely assume the reader considers it negative. Instead of defining, they ask if filibustering is a tactic denoting “Politics or Principle”? and answer that it is merely an obstructive political maneuver.\(^{22}\) Hence, some scholars maintain and propagate a wholly-negative view of the filibuster.

The most accurate definitions of filibustering in the literature are also the most charitable. Gregory Koger is the only political scientist who refrains from denouncing or slighting the form. He claims the talking filibuster is not only a “dramatic and unscripted” use of “dilatory motions,” “disappearing quorums,” and “lengthy speeches,” but ultimately it is a “contest of endurance,” “a bargaining game” that pits the “patience of the majority” against “the resolve of the obstructionists.”\(^{23}\) In two-thirds of the political science literature, then, the filibuster is denounced, and only one book conceded that the tactic can be used for positive ends.

The one history written on filibustering defines it more positively than the political science literature. “Filibustering,” as defined by Franklin Burdette, “is the use of dilatory tactics upon the floor of a legislative body. It is a device to delay business in order to defeat legislation

\(^{20}\) Wawro and Schickler 2006, 16.
\(^{22}\) Binder and Smith 1997, 25-6.
\(^{23}\) Koger 2010, 3-5, 11, 13.
or to force unwilling adoption as a price for time to consider other . . . matters.” Burdette’s definition is the best available because it not only incorporates what filibustering is, but why: to delay, defeat, or force adoption of legislation. Koger adds that the filibuster can force the revision of legislation—not always its defeat; it can force consideration of legislation; and it can even “garner publicity and public acclaim.”

A major terminological contribution in Burdette’s wonderful, but old history (from 1940) is the archaic “dilatory,” which he uses instead of “obstruct.” Dilatory is, “Characterized by . . . delay or slowness,” which is a far cry from the tyranny of obstructing and blocking, or the gamesmanship of bargaining, as described by political scientists. Burdette even considers the ends of the dilatory tactic: “Whether the underlying purpose” of filibustering “is positive or negative[,] the technique is designed to consume time.” I push back on one word: “consume.” The filibuster doesn’t consume time aimlessly, it takes up time for a purposefully—to deliberate, to read a mountain of evidence, or to make a symbolic, performative stand. The form can be positive in forcing consideration of legislation, or negative in defeating legislation, but it is a fundamentally neutral maneuver meant to slow and temporize the process—even delay the passage of legislation so that the product is unhurried and properly vetted.

For all its etymology and definitions, tactics and strategy, Burdette ends with a reminder that perhaps the essential nature of the filibuster is in its flouting of the Senate debate norms outlined in the chamber’s original handbook: Jefferson’s Manual of Parliamentary

24 Franklin Burdette, Filibustering in the Senate, Princeton University Press, 1940, 5.
25 Koger 2010, 12. Also, see the Chris Murphy filibuster of 2016: he forced consideration of an otherwise dead issue and garnered publicity for the legislation and public acclaim for his actions.
27 Burdette 1940, 5.
28 See footnote 16 for the etymology of “filibuster.”
In this manual, Thomas Jefferson wrote that during debate in the legislature, “No one is to speak impertinently or beside the question, superfluously or tediously.” This goes beyond germaneness, or “impertinen[ce],” and claims that debate should also avoid being “superfluous”—overflowing, excessive, extraneous, redundant, wasteful, unnecessary—and “tedious”—monotonous, “tiresome by reason of length, slowness, or dullness; boring.”

Although the filibustering speaker typically flouts these guidelines, only Burdette takes up Jefferson’s Manual; the political science literature ignores this important source. Perhaps that is why only Burdette questions “who is to decide whether a Senator’s remarks are superfluous or tedious, whether . . . they are relevant to the business at hand?” This is an important question of power: who decides? Is a speaker ruled irrelevant by the chair or is the motion brought from the floor? Perhaps neither, since the US Senate still has no pre-cloture germane rule, and since Jefferson includes another rule in his Manual that even Burdette forgets: “Disorderly words are not to be noticed till the member has finished his speech.” It seems the case could be made that a filibuster, by the rules, should only be challenged after it is over.

While the US Senate has no general germaneness rule, the Wendy Davis case in Chapter 5 provides perspective by incongruity regarding the ills of a germaneness rule and its unfair administration. Speaking in the Texas Senate, Davis had to adhere to that chamber’s germane rule, which allows three strikes. After three strikes, the offending speaker yields the floor. During her filibuster of an Omnibus Abortion Bill (SB5), Davis was ruled out of order for speaking

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29 See Burdette 1940, 220-1.
32 Burdette 1940, 220.
33 Burdette 1940, 220.
about things closely aligned with the bill. This is a clear violation of the spirit of germaneness rules, but it was not unforeseen. Burdette warned, “Obviously a ruling that a speaker is irrelevant must in some degree be arbitrary, for no man can say with certainty that a remote digression may not be drawn in as an illustration bearing upon the subject at hand. If relevancy were too strictly construed Senators might under some circumstances be severely handicapped in the presentation of supporting arguments.”35 Davis’s “digressions” were not even “remote,” they were very closely tied to the bill. Still she was ruled out of order. Hence, overly-strict rulings on germaneness are a form tyranny of the majority.

1.1.1 From Tactic of Obstruction to Rhetorical Form, Characteristics and Themes

The debate over whether the filibuster is good, bad, or neutral is skewed if this speech act not considered a rhetorical form and is only considered a tactic or strategy. Broadly, “form” can be defined as “the structure, or pattern, that organizes a text,”36 or a “clusters of discourses based on recurrent strategies, situations, and effects.”37 Form is often contrasted with content,38 and following a music analogy, Barry Brummett claims, “Form moves people more than content does”39 Considering that people dance to music and have visceral reactions to certain styles, such as country or rap music, I concur that form moves people. More than movement, though, Kenneth Burke famously noted that a rhetorical form creates “an appetite in the mind of the auditor and the adequate satisfying of that appetite.”40 This appetite, adds James Aune, “arouse[s] physical and emotional responses in an audience and then exploit[s] those responses

35 Burdette 1940, 221.
39 Brummett 2009, 51.
to maintain or change the current distribution of power.” These common rhetorical elements produce formal similarities that, though not identical, look enough alike to constitute “family resemblance” among talking filibusters.

Certain rhetorical characteristics of the filibuster form recur in scholarly literature, news coverage, and public memory. These formal characteristics share an “immanent logic” by grouping “de facto” perceptions and “structural classifications.” De facto logics are “‘face-value’ observations” that can be made about the form without even reading the content. In addition to the delaying and obstructing of filibusters, other de facto characteristics include “extended speeches,” which last for many hours and often force “all-night sessions.” Reading is also characteristic of the rhetorical form, especially from the Bible, the Constitution, the Declaration of Independence, the Senate Journal, the Congressional Record, from family recipes, the phone book, and children’s stories. Other formal characteristics include the consumption of food and drink, interaction between speaker and colleagues, interaction between speaker and gallery, and the physical suffering induced by speaking for hours at a time—sweating, exhaustion, hoarseness, faintness, and the pain of not being able to use the bathroom.

Beyond these de facto “organizing principles” of the form, filibustering has certain structural patterns, or recurrent message characteristics. Some of these include “non-germane”

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42 Aune 2008, 482.
45 Harrell and Linkugel 1978, 266-7.
46 Wawro and Schickler 2006, 15, 4.
47 Wawro and Schickler 2006, 1.
48 Wawro and Schickler 2006, 4, 15. Also observe the physical suffering in “Mr. Smith Goes to Washington” and read NYT coverage of the ten longest filibusters, which regularly mentions the speaker’s physical suffering.
49 Harrell and Linkugel 1978, 269.
51 Wawro and Schickler 2006, 2, 15, 6, 5.
52 Wawro and Schickler 2006, 4.
53 Burdette 1940, 5; Koger 2010, 12.
54 Ibid.
55 Harrell and Linkugel, 1978, 266.
creates and satisfies physical and emotional effects in the audience and contains recurrent linguistic patterns. However, transcending the text to look at the motivational and archetypal logic that emanates from the text, yet goes beyond its textuality and into questions of symbolicity and performativity are the work of this project. These underlying, rhetorical aspects of the filibuster form have gone unstudied until now. In studying these themes, this project claims that the purpose of the filibuster form aligns with populism—using the language of the common person in order to transcend the elitism of the Senate. These themes manifest formally as deliberation, drama, and co-created spectacle.

1.2 Filibuster Literature: Thematic Gaps Concerning Deliberation & Spectacle

Existing literature on filibustering does not consider its populist transcendence theme, or map its formal evolution from deliberative, to dramatic, to spectacular. Occasionally the literature implicitly invokes these theoretical lenses, and this review of literature works to emphasize those connections in order to frame my intervention. Academic literature on filibustering outside the field includes Franklin Burdette’s 1940 history *Filibustering in the Senate.* It is a detailed documentation of cases and offers foundational perspective on types of filibusters (solo, cooperative, and organized/party filibusters), how the form can succeed (run out the clock or get a skilled coalition together to filibuster indefinitely). Burdette’s text is remarkable, but old, and his history basically ends with Huey Long’s death in 1935. As such, Burdette did not fully gauge how mass media and Frank Capra would change the form, much

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56 The partial exception is the work of Troy Murphy 1995, 90-107.
57 Two recent works of public scholarship defend the filibuster: Bell 2011, and Arenberg and Dove 2012. Bell claims filibusters are neither as frequent nor as malicious as the media depicts, and observes that party, ideology, minority status, and seniority affect who filibusters and when. Arenberg and Dove write a good history with insider details, but their argument in defense of the filibuster is thin, using status quo appeals: the tactic promotes consensus, protects minorities, and “is a part of the Senate’s fundamental character.” Overall, these public scholars re-heat common-sense notions about filibustering rather than offer new insights.
59 Burdette, 1940, 210-216.
less how today’s social media changes the form. This project is indebted to and in conversation with Burdette, but while he was mapping the history of the filibuster as a parliamentary tactic from 1890 to 1935, I am mapping the evolution of a rhetorical form from 1890-2015.

There are three books political science books on filibustering (Binder and Smith 1997, Koger 2010, Wawro and Schickler 2006). Overall, these texts neglect the evolution of the filibuster form to focus on the effects of changing parliamentary rules. One major insight in the political science literature, though, is the articulation that filibustering shifted from dilatory tactics (endless motions and disappearing quorums) to lengthy speeches in the early 20th-century. This change is a change in rhetorical form, and this insight was a catalyst for my project. But even after this insight regarding the shift from dilatory tactics to speeches, rhetoric and form are ignored in the political science literature, which continues to view the filibuster as a tactic or strategy.

Rhetorical scholarship on filibustering is also thin; there are only four articles and one book chapter devoted to the subject. In the following paragraphs I discuss how these texts, approach but leave the populist, deliberative, dramatic, and spectacular dimensions of the

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60 A fourth book has been printed recently by a Washington think-tank, but instead of addressing the filibuster head on and theorizing the form, this book theorizes a few main ways, within Senate rules, to skirt the filibuster and effectively use majoritarian rule. It is a well-written text, but not really a filibuster book. It is a how-to-overcome-the-filibuster book. See Molly E. Reynolds, Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate, Brookings Institution Press, 2017.

61 “For the first century of [congressional] history, members of the House and Senate often filibustered using dilatory motions and disappearing quorums . . .” but, “The use of dilatory motions and disappearing quorums to obstruct died off in the early twentieth century and was replaced by lengthy speeches as the dominant form of obstruction” Koger 2010, 11; “Throughout much of the 19th century, dilatory motions were the primary tactic used by Senate obstructionists. However, by the turn of the century, obstructionists began to use these kinds of motions less and less, relying instead on temporizing speeches,” Wawro and Schickler 2006, 15, 16.

62 These include articles by Dee 1952, Tate 1965, Bormann 1962, Troy Murphy 1995 and a book chapter by Sheckels 2000.I do not consider Marcus Poroske’s article to be about filibustering (QJS 2009), even though he calls an appeal to uncertainty an “epistemological filibuster.” A real filibuster does not appeal to uncertainty, it appeals to audience emotion in order to stir an empathetic or antipathetic response. There is also an MA Thesis in Communication that studies Wendy Davis, but it is a discourse analysis, not a rhetorical analysis: Elyse Janish, “20 Weeks, 13 Hours, 140 Characters: The Abortion Controversy in the Texas State Senate and Online” (2014). Theses.
filibuster un-explored.\textsuperscript{63} This is a significant gap in the literature, leaving the origins, performance, symbolism, and some effects of the filibuster unexplained.\textsuperscript{64}

Three rhetorical studies on filibustering skirt its populist nature in varying degrees. Most notably, Troy Murphy’s article on the myths supporting the sides of the cloture fight in 1917 comes close to articulating an underlying populist ideology.\textsuperscript{65} Murphy researches how the two most important figures in the cloture fight—Woodrow Wilson and Robert La Follette—could both be self-described “Progressives,” yet clash so vehemently. Murphy demonstrates that this is more than a clash between branches of government, and argues it is instead a clash of myths: La Follette’s pro-filibuster camp used a constitutional myth, whereas Wilson’s pro-cloture camp used a democratic myth.\textsuperscript{66} However, not all filibusterers are “progressive” (e.g. Ted Cruz or the Southern anti-civil rights filibusters), so the question becomes, “What is the commonality undergirding both progressive and conservative filibusters?” That is a question Murphy leaves

\textsuperscript{63} Of the three older analyses, Dee and Tade add little to theorizing the filibuster. Dee’s article is a neo-Aristotelian analysis that, unsurprisingly, finds Sen. George Norris’s “armed-ship” filibuster of 1917 “weak in arrangement” and a “failure” in “immediate effect.” Tade follows the great-speaker-great-speech model to investigate John Quincy Adams and one speech on Texas annexation more than the filibuster itself. James P. Dee, "George W. Norris’ ‘armed-ship’ filibuster speech of March 4, 1917." Southern Journal of Communication 17.3 (1952): 163-173; George T. Tade, "The Anti-Texas address: John Quincy Adams’ personal filibuster." Southern Journal of Communication 30.3 (1965): 185-198. The work by Bormann, Murphy, and Sheckels is well done though, and I will devote extra time to it.

\textsuperscript{64} There are studies about filibustering and populism that hint at the interconnection between the two, without explicitly making the connection. An article titled “Populist Rhetoric Reassessed,” for example, notes that populists often spoke for over three hours and quoted long passages from court decisions and cited ample census and economic data, but the author does not extrapolate or make any connection with filibustering. Howard Erlich, "Populist Rhetoric Reassessed: A Paradox." Quarterly Journal Of Speech 63.2 (1977): 146. There are also good studies of famous Senators, who were populists who also happened to enact famous filibusters—especially Robert La Follette and Huey Long—but none of the articles on Long or La Follette analyze his filibusters as their case. The closest any of these texts come to analyzing filibusters is when Carl Burgchart extended his findings on La Follette to his filibusters: “filibuster as a means of obtaining publicity . . . capturing the attention of a large audience, and of wearing down his opponents. In the filibuster La Follette found a natural vehicle for his rhetorical style—very long and redundant speeches that exposed evil and used enormous amounts of evidence” (1992, 122). I don’t disagree, but this was already Burgchardt’s conclusion about La Follette’s “rhetorical imprint,” which he overlaid on the filibuster, rather than doing an analysis of the filibuster itself.


\textsuperscript{66} Murphy 1995. 91.
unanswered and is the question I take up in the next section on populism. Since populism has been described as a “thin ideology” that can be used by both progressives and conservatives, it is my starting point when mapping the origins of filibustering.

Other rhetoric articles by James Dee and George Tade skirt the idea of populism and filibustering. Dee investigates George Norris’s speech during the famous anti-WWI filibuster of 1917 that led to a reactionary cloture measure being passed. Offhandedly, Dee notes that Norris (NE) and his fellow filibusterers (Gronna-ND and La Follette-WI) represented rural constituents and spoke in a “Main Street” style. However, Dee never connects these speakers, their style, or their constituencies to populism. Tade’s article about John Quincy Adams also hints at populism without invoking the term. The article mentions Adams’s filibuster against the “gag rule”—which disallowed abolition petitions from being read on the House floor. While this gag rule was a pinnacle of anti-populist elitism, Tade glosses ideology and focusses singularly on Adams. Such an intense focus on the speaker means these articles do not take up populism.

The deliberative dimension of the early filibuster form has also been neglected. Without this knowledge, the form’s initial capacity for transcendence through long-talking cannot be discerned. Some literature on filibustering comes close to discussing deliberation, but just as these rhetoricians approach the concept, they trail off into discussing parliamentary tactics. Three rhetoricians who do this are Tade, Bormann, and Sheckels.

71 Studies in political science also neglect the deliberative dimension of filibustering. Whereas the watchword in extant rhetorical scholarship is “tactic,” among political scientists, the watchword is “time.” For example, Gregory Koger’s notes that if the minority faction wants to win, they need resolve, whereas the majority needs patience” (2010, 13). If the majority has patience, they can wait the filibuster out. Koger concludes that the side with more
First, Tade analyzes John Quincy Adams’s filibuster to delay Texas Annexation, but he treats the filibuster as an interesting tactic of obstruction rather than part of a deliberative process. Second, Bormann’s article on a civil rights filibuster also approaches the form as a parliamentary tactic, as indicated by his sub-title: “Speechmaking as Parliamentary Strategem.” Bormann concludes that the expert tactics and rationality of the Southerners helped this filibuster succeed; however, the aspect of lengthy, exhausting deliberation is glossed for Bormann’s emphasis on rationality and tactics in a group filibuster. Third, Sheckels’s also studies the Southern civil rights filibusters and observes that Southerners used their speeches to highly praise themselves: by quoting lengthy passages, using prosopopoeia, or taking on personae. However, Sheckels’s could have engaged the deliberative aspect of filibustering more by following up on his passing observation that conservative Southerners used the filibuster as a deliberative wedge with which to polarize liberals and moderates. Contrary to seeing the filibuster as a metaphorical wedge, I claim that for populist representatives and their constituents, the deliberative filibuster can be a transcendent bridge—overcoming elitism. By ignoring the form’s deliberative aspect, previous rhetorical scholarship has viewed the filibuster as a parliamentary tactic and has foreclosed its transcendent potential.

Concerning the performative aspect of the filibuster, no studies have explicitly studied its dramatic or spectacular forms, and this is the most noticeable gap in the literature. Pop culture seems to understand the spectacular drama of filibustering, or "political theater.” Without using time to spare typically wins a filibuster showdown. Binder and Smith emphasize the temporal and claim filibusters “impair the Senate’s capacity to meet modern responsibilities” (1997, x, 209-16). These authors go on to advocate reform, or extinction, of the filibuster due to the minimal number of statutes passed by recent Congresses.

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72 Tade 1965, 185-198.
73 Bormann 1962, 183. Bormann is surprised at the organization of the Southern Senators, who were able to head-off cloture by making rotating four-hour speeches that were primarily “to the point” and “rational.”
75 Sheckels 2000, 88, 90.
76 Kristi Oloffson, “Filibusters,” TIME, 2 Nov 2009. content.time.com/time/politics/article/0,8599,1933802,00.html
the word, *The New York Times* coverage of the longest filibusters often describes the *spectacle*—the shouting, flailing, fainting, fights, Senators hiding under desks, possible poisonings.\(^{77}\) The spectacular drama of filibustering was also emphasized in “Frank Capra’s Mr. Smith Goes to Washington.” The spectacle was also addressed by Calvin Coolidge’s Vice President as a “shameful spectacle.”\(^{78}\) But scholarly literature has not used this conceptual lens.

Sheckels comes the closest to describing the dramatic spectacle, labelling the nearly celebratory mood of the Southern filibuster “carnivalesque.”\(^{79}\) The carnival, though, is significantly different from the spectacle, and Sheckels’ carnivalesque analysis is rooted in the double-voicings used by speakers. Sheckels comes close to the spectacular in one passage: “Once a filibuster is underway, power is . . . *temporarily* reversed; for the disempowered minority, *as long as it can hold the floor,* has become empowered.”\(^{80}\) Here, Sheckels highlights both the temporal aspect of filibustering, and hints at the performative aspect of holding the floor. However, Sheckels ignores the spectacular after this phrase, claiming that, in the phrase “holding the floor,” he is not speaking of something like “Rabelais’s” grotesque body.\(^{81}\)

Alternately, I am interested in the symbolic meaning of the filibuster as a suffering performance, and I claim that in post-cloture era filibusters, the speakers’ bodily spectacle is precisely where the form’s rhetorical power is generated—in the body’s performative mortification.

No other scholars come as close to describing the dramatic spectacle as Sheckels. Burgchardt argues that La Follette’s rhetorical imprint is the “melodramatic scenario” in which he starkly pits good against evil in order to call for action, but this insight is not used to analyze

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\(^{77}\) During La Follette’s 1908 filibuster he asked for a glass of milk with eggs in it. After one drink he refused the rest, and soon had to retire of a possible poisoning. See “No Campaign Issue in Currency Bill,” *The New York Times*, 01 Jun 1908.

\(^{78}\) Burdette 1940, 167.

\(^{79}\) Sheckels 2000, 97.


\(^{81}\) Sheckels 2000, 97.
La Follette’s filibusters. Likewise, public scholarship is full of interesting stories relating to the rising and falling action of filibusters, but it is always in the form of a narrative. As such, it broaches drama, but not spectacle. Finally, Koger notes that Senators use the filibuster to appeal to voters and special interests, but he does not describe how.

In sum, there is a large gap in the filibuster literature concerning drama and spectacle, and in this project, I use the work of Kenneth Burke and Jacques Rancière to account for the rhetorical emancipation of the speaker and spectator through filibustering. Before doing so, though, we must first establish populism as the ideological basis of filibustering and deliberation as the pre-cloture form of filibustering.

1.3 Populism & Filibustering: The Simultaneous Rise

Populism is a “thin ideology” that can be used by liberals or conservatives, depending on whether it is aimed at big business or big government. The important notion is that populism helps articulate the divide between the little man and the big man. Michael Kazin defines populism generally as “a language whose speakers . . . seek to mobilize . . . ordinary people” against “their elite opponents.” Specifically, though, the formal Populist Movement arose in an era when American society rapidly shifted from agrarian to urban during the fin de siècle.

Agrarianism was the dominant mode of life prior to the industrial and urban revolutions in this

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82 Burgchardt 1992, 6, 8, 20.
83 See Bell 2011, and Arenberg and Dove 2012.
84 Koger 2010, 10.
87 Kazin, Michael. The Populist Persuasion: An American History. Cornell University Press, 1998, 1. Beyond this definition, Michael Lee outlines four planks in the populist argumentative frame: the construction of a “virtuous” people against an enemy, the condemnation of a corrupt business or government “system,” and advocating “confrontation” to force “change.” See Lee 2006, 358-63. These argumentative moves are displayed in the ensuing case studies as Senators exhibit long-suffering virtue in order to condemn corruption (collusion, hypocrisy, elitism, graft, and abuses of power), unite populists, and force a confrontation through their obstructive, performative filibusters.
era. Over this era farmers went from being in the dominant spheres of influence to relegated in what has been called the “satellite public.” These disempowered agrarians coalesced into a populist movement to defend their older, slower agrarian lifestyle and values from the onslaught of cultural change. Farmers felt threatened by railroad barons, land speculators, and urban bankers, and a “producers” versus “plutocrats” schism grew and deepened. The us-versus-them rhetoric of agrarians was a hallmark of populism. Using anti-elite rhetoric, farmers created Granger organizations to fight the railroads, created the Populist Party (The People’s Party) in the Midwest, and eventually took charge of the Democratic Party for a time, as evidenced in William Jennings Bryan’s two nominations on the Democratic ticket in 1896 and 1900. Although no longer a formal movement, vestiges of Populism proper remain in our culture as more generalized populism.

In the early part of the fin de siècle, filibustering was more common in the House of Representatives than the Senate. Filibustering peaked in the House between 1885-1895—years that correspond exactly with the rise and fall of the People’s Party/Populist Party. Since Representatives are popularly elected to two-year terms, this chamber is more attentive to the needs and whims of the people. The House, then, is a more natural vehicle for populism than the

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92 Ernesto Laclau strips the historicity out of populism by theorizing the logic of populism. The three “preconditions”: 1. if a group’s go unmet by the hegemony, that group divides from the unresponsive power system; 2. if multiple disaffected groups recognize their shared alienation they can form a “people;” 3. the people can unite under an “empty signifier,” such as a person, slogan, or symbol. See Ernesto Laclau. *On Populist Reason,* Verso, 2005, 73-6. Following these preconditions, populist laborers in the fin de siècle divided from powerful “plutocrats,” united yeoman and factory workers into the People’s Party and fought for the signifiers of “labor” and “productivity.” See Burkholder 1989, 294-5.
93 Koger 2010, 50, see Figure 3.7.
Senate, and the lower chamber began as the leader in filibustering. However, due to the size of the House and its ineffectiveness during the Fiftieth Congress (1887-1889), the Speaker changed the rules between 1890-1894 to effectively ban the filibuster.95 This left the form to the Senate.

Throughout the 19th-century, debate in the Senate was unrestricted, and the filibuster was uncommon. In 1806 the “previous question motion” was abolished, leaving Senators with no ability to stop debate by forcing a vote.96 Cloture was disdainfully called the “gag rule.”97 Through the volatile eras of antebellum and reconstruction, filibustering was so uncommon that the Senate even abolished its “germane” rule in 1865.98 From 1806-1908, then, Senate debate was virtually rule free, and decorum and virtues such as courtesy were the only norms governing the chamber.

Since Senators serve six-year terms and were not popularly-elected until 1913, the Senate has a reputation as aristocratic, detached from the people, and elitist. When the filibuster was banned in the House in the early 1890s, though, a curious thing happened, and the filibuster began to be used in the Senate. Senate “filibuster mentions” in The New York Times “peak[ed]” in 1893 due to a bill on the gold standard.99 This just happened to be right after the House banned filibustering, and just happened to involve the populists’ biggest issue. Senators were adopting this populist tactic to obstruct the elite gold standard.

Therefore, the simultaneous rise of populism and the increased frequency of filibustering in Congress between 1885-1895 is not random; the two are correlated. The filibuster was and is a

95 Koger 2010, 53-56.
96 Richard Arenberg and Robert Dove. Defending the Filibuster, Indiana University Press, 2012, 20-21. The first use of the word “filibuster” in the Senate is recorded in this era, when Henry Clay disputed who would print the new Congressional Record, and John C. Calhoun threatened Clay with cloture.
97 Arenberg and Dove 2012, 21.
98 Arenberg and Dove 2012, 21. Having a “germane” rule means that the content of Senate speeches must pertain directly to the bill being debated. There is not currently a “germane” rule in the Senate.
populist tactic, and after it was banned in the House, it is notable that populist agrarians were pioneers of the form in the Senate and continued to be the form’s biggest proponents. Like the derivation of the word “filibuster,” which is Dutch for a “freebooter”—a pirate or adventurer “who tried to instigate . . . revolt in a foreign country”—practitioners of the filibuster in the Senate during the fin de siècle were the populist agrarians leading a revolt in a chamber controlled by increasingly-urban elites.

1.3.1 Transcendence:

This project traces the evolution of the filibuster from the deliberative, to the dramatic, to the spectacular, to the collaborative form. In each case these forms arose out of populist reactions against elites, their policies, or their ignorance regarding the needs to ordinary folks. Each of the formal innovations worked to transcend elitism. Therefore, we need to better understand transcendence. Kenneth Burke conceived of “transcendence” in two distinct ways, which align nicely with the forms of filibustering.

In Burke’s early work, he views transcendence as a way to deal with imperfection through re-labelling, avoidance, or by justifying the act as “the requirement of some higher and nobler hierarchy.” This process of rejecting, rationalizing, or re-naming guilt through transcendence is a “motivational logic” meant to ease the anguish of guilt and reach a state of relief, or “redemption.” One way to appeal to a nobler hierarchy while filibustering is to allude

100 Koger 2010, 52.
102 Brummett, 1981, 256.
103 Harrell and Linkugel, 1978, 269.
104 Burke’s hierarchy of motives—also called the guilt-redemption cycle—is especially useful in understanding this means of transcendence and the motivation to avoid guilt and reaching redemption. Burke claims the means of expatiating guilt, from the least-to-most ethical, are: 1. place the guilt on some innocent “other,” a “scapegoat” who is punished or killed; 2. internalize the guilt and punish oneself through “mortification”; 3. or apologize and ask for forgiveness. By way of one of these strategies, a person can expiate their guilt and reach a state of relief (“redemption”) or even re-birth (“purification”). See Burke’s book *Rhetoric of Religion*, 179, 190, 234, 248, and
to cultural touchstones by adopting archetypal personae. Michael Osborn claims archetypal personae must be embodied in experience, or performed. In the cases of Huey Long and Mr. Smith, both deftly adopt personae in order to transcend their suffering.

In Burke’s later work on the *Rhetoric of Religion*, he adds a new definition of transcendence as “the solving of a problem by stretching it out into a narrative arpeggio.” It is an elongation of a situation in order to gain aesthetic distance and give time a chance to heal all wounds. The lengthy speaking of the deliberative filibuster fits this second Burkean notion of transcendence. The deliberative filibuster is a narrative arpeggio that tries to accomplish in length and performativity what it may lack in eloquence and substance. It is a form that delays until discord is transcended. Therefore, transcending a rush to consensus, and slowing debate so that populist voices can be heard is why La Follette chose to obstruct with the lengthy deliberative form of filibustering.

### 1.4 Plan of Study:

As the 19th-century turned into the 20th-century, the pace of life rapidly accelerated. The industrial revolution created mechanized factories where efficiency was valued. Some have

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105 Harrell and Linkugel, 1978, 264-70. Archetypes disconnect the speaker from situation and text due to the recognizability of the cultural referents and the imbedded-ness in the “psyche” of audiences. Personae especially “carry inherent persuasive connotations” because “rhetorical personae are archetypes in the truest sense of the word.”


108 Burke’s offers a music analogy to depict this sort of transcendence. A pianist plays a chord. If the chord is misplayed, and a sour note is struck, there is discord. The dissonant note is perceived as disorderly, and the pianist is embarrassed for flubbing the musical score, or in Burkean terms, the pianist experiences guilt for disrupting hierarchical order. The sour note in a chord, however, can be resolved in an arpeggio. Unlike a chord, an arpeggio plays the notes one at a time, stretching the chord into a melody. Even if the same sour note from the chord is played, in an arpeggio that note is merely an embellishment. See Burke, *Rhetoric of Religion*, 229-30.
called it the “social acceleration of time.” Not only did the social accelerate, but so did talk, which “had such a breathless quality: so much so fast, with so much still coming.” Social and linguistic acceleration also affected legislation and deliberation.

Our American government was designed by agrarians to move at a slow and steady pace, in order to protect from the short-lived passions of the masses. Historian Greg Weiner calls this intentional deliberateness “temporal republicanism.” As time accelerated during the fin de siècle, though, some began to resist attempts to accelerate, or “motorize[]” legislation. Robert La Follette was a long-talking populist agrarian who balked at the attempt to accelerate legislation. Thus, he used the filibuster in an attempt to transcend the push to motorize legislation through the stretching out and elongation of debate.

Chapter 2 contextualizes the populist origins of the deliberative form of filibustering. Robert La Follette was an exemplary candidate for revolutionizing the filibuster due to his innovative populist rhetorical tactics. From his days on the stump he read data to rile common folk against the exploitation of plutocrats. From his time as Governor of Wisconsin he developed a unique style of deliberative policy making: a collaboration among farmers, professors, and politicians, to collaboratively brainstorm and beta test progressive policy before implementing it statewide. In farming terms, this slow, collaborative deliberation was “sifting and winnowing.”

When La Follette entered the Senate, he used his populist reading tactics and his agrarian understanding of deliberation as the prototypes of his deliberative filibusters. I analyze his 1908

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110 Wiebe 1999, 11-12.
112 Scheuerman 2004, 106.
113 Doan 1947, 15.
114 Doan 1947, 15.
filibuster against the Aldrich-Vreeland Bill, which used treasury bonds to prop up the railroads. Since this bill riled populists on their two main issues—currency and railroads—La Follette made a herculean effort to obstruct and set a long-standing filibuster record of 18-hours and 23-minutes doing so. I also analyze La Follette’s 1917 anti-cloture speech, in which he denounced the rule changes that were being passed to simultaneously curtail deliberative filibusters and motorize legislation. Following changes such as cloture, the filibuster form shifted to gaining and maintaining the floor through dramatic display. In the words of Michael Warner, cloture shifted the Senate from a place “in which public critical debate is carried on” to a court which valued dramatic “display[s].”

Chapter 3 analyzes Huey Long’s filibusters of dramatic display. Due to his keen sense of theatrics, Long became the most prolific filibusterer in Senate history, and I analyze his longest and his last filibusters, which were both against bills he thought hurt farmers. His purpose was that of a patron protecting his agrarian clients who were suffering in the Depression and Dust Bowl. His means of gaining recognition in the Senate was by donning variations of an insurgent courtier persona: the advisor to the king, the herald to the people, and the courtly jester. After gaining the floor, Long persevered through the long hours of strain by adopting a martyr persona. In terms of Kenneth Burke’s guilt-and-redemption cycle, Long filibustered to perform mortification and expiate his Dust Bowl constituents’ pain. In other words, while he stood and talked for hours, he underwent physical pain, hoarseness of voice, sweating, the need to use the restroom, and exhaustion; he stood in for, and mortified himself for, the sake of the people. It was vicarious suffering. To endure the pain longer, Long adopted the martyr personae. When his efforts killed anti-populist bills, his constituents reached a state of relief, or “redemption.”

Whereas the filibuster seems to be disorderly obstruction, populist senators transcend that accusation by faithfully representing their constituents before bourgeois senators.

Chapter 4 argues that Frank Capra took elements of virtue from La Follette and drama from Long to craft the spectacular filibuster finale in his hit 1939 movie “Mr. Smith Goes to Washington.” In order to depict the filibuster on the big screen, Capra compressed the drama through editing techniques and amplified the courtly drama by introducing the concept of chivalry. Chivalry was a virtuous code adhered to by knights in the courts of the Middle Ages, and the three duties of chivalry were to God, country, and noble women. Whereas La Follette and Long included appeals to God and country, Capra amplifies those appeals through an emphasis on American civil religion. Moreover, while La Follette and Long never appealed to the supportive love of a lady in the court, Capra heavily emphasizes the courtly love between Mr. Smith (Jimmy Stewart) and Clarissa Saunders (Jean Arthur) to fulfill this third duty of chivalry. Additionally, Capra took Long’s martyr personae, and raised the stakes by giving Smith a Christ persona and depicting a symbolic death and re-birth in the film’s finale. The symbolic death and re-birth of Smith’s ideals in the youth was a transcendent move. Capra’s message was that even if a cynical press, corrupt politicians, or a powerful political machine tried to stop our American ideals, those ideals can be reborn in the next generation as long as we devout ourselves to remembering and teaching the sacred American testament. The result of amplifying the form’s drama, visuals, and appeals to virtue was that a spectacular, but somewhat fictionalized, form of filibustering was ingrained in the public consciousness.

During Wendy Davis’s 2013 filibuster in the Texas Senate, the influence of live-streaming and the participatory nature of social media began to change the form. Chapter 5

argues that due to social media, the emergent “collaborative form” of filibustering has the potential to emancipate both speakers and spectators. Davis created a spectacle by reading ignored citizen testimony; the audience watched the filibuster and deliberated about it in real time. These deliberations prompted more testimonies to be sent, money to be donated, and even political participation. Some netizens even became protestors who rallied at the capitol. When Davis’s filibuster ended on a technicality, protestors became emancipated (blurred from spectator to actor\textsuperscript{117}) shouted from the rotunda and from the Senate gallery for the last twenty minutes to run out the clock. I claim that this emergent form is a collaborative spectacle and co-creates the dramatic populist display. In sum, the older deliberative and dramatic forms began to synthesize in the populist spectacle as Davis and her supporters co-produced the drama, which culminated in a twenty-minute “citizen filibuster.”\textsuperscript{118}

Burke noted that a rhetorical form creates “an appetite in the mind of the auditor and the adequate satisfying of that appetite.”\textsuperscript{119} As a rhetorical form that denounces elitism, the filibuster creates an appetite for populist transcendence. As a performance of vicarious suffering, the filibuster creates and appetite in the audience to defend the speaker. Wendy Davis’s speech denouncing the privileged, male Senators who were trying to pass abortion restrictions, riled her constituents, who rallied to her defense. This emergent collaborative filibuster, then, is capable of transcending the distance between Senators and constituents, actors and spectators, activity and passivity, and even between populists and elite.

\textsuperscript{117} Rancière, \textit{The Emancipated Spectator}, 2011, 12-3.
\textsuperscript{118} Davidson, Helen. “Texas abortion bill defeated by Wendy Davis filibuster and public protest,” \textit{The Guardian}, 26 Jun 2013. The term may have first been used by Senator Leticia Van de Putte, Davis’s colleague, and a crucial part of the filibuster finale.
Over the course of this study, I map the evolutionary history of the filibuster as a rhetorical form. Although some scholars inside and outside our field have studied the filibuster, the performativity and symbolism of the form has not yet been studied. The textuality of the speeches has even been glossed. I view the solo talking filibuster as a rhetorical attempt by populists to transcend elitism. The filibuster has taken three main forms: deliberation, drama, and spectacle. In our social media age, an emergent form of populist spectacle is synthesizing the older deliberative and dramatic forms. Hopefully the result will be a renewal of the form’s original deliberative aspect. The major theoretical lenses of deliberation, dramatism, and spectacle, along with the concepts of chivalry, persona, mortification, and emancipation, help make sense of formal changes. Furthermore, I work to properly contextualize the formal changes in their time, whether it is the rapid pace of the fin de siècle impinging La Follette’s style, Long’s concerns with the growth of an unresponsive government during the New Deal, Capra’s pre-WWII patriotism, or Davis’s fight against the “War on Women.” In each of these cases, populists filibustered to circumvent elite gatekeepers, and to do so they used the new technologies of the day—telegraph, photojournalism, radio, film, and social media—to assist their filibusters.
2 THE DELIBERATIVE FORM OF FILIBUSTERING: ROBERT LA FOLLETTE
AND TRANSCENDENCE THROUGH LENGTHY TALKING

“I want a quorum and I want attention, and that is all I ask.”

—Robert La Follette, 1908 Filibuster

“I shall stand while I am a Member of this body against
any cloture that denies free and unlimited debate.”

—Robert La Follette, 1917 Cloture Fight

On March 4, 1917, the United States Senate gaveled to a close (sine die) amidst shouts and a scuffle. A group filibuster had been enacted that day to stop the Armed Ships Bill favored by President Woodrow Wilson and a large majority of the Senate. The bill aimed to protect American merchant ships against German U-boats, but La Follette claimed it would both make munitions companies rich and draw America into World War I if an armed merchant ship was fired upon. Robert Marion La Follette Sr. was supposed to give the rousing, final speech of the filibuster, but as the clock ticked toward midnight, he was denied the floor a multitude of times by a chair, who disagreed with, and wanted “revenge” on La Follette’s filibustering group.

In the previous hours, La Follette’s cohort of agrarian populists had done him proud. They filibustered using tactics that La Follette had pioneered ten years earlier during the longest filibuster in Senate history. Senator Kirby (Arkansas) claimed the press was riling the “public mind,” and because of the push by the President, press, and impassioned public to pass an un-vetted bill in a short time, “we are not able to deliberate about matters as we should.”

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120 Even though Wilson had just won re-election, he could not plainly ask Congress for a declaration of war, since Wilson ran for his second term on the slogan: “He kept us out of war.” See www.whitehouse.gov /1600/presidents/woodrowwillson
122 Franklin Burdette, Filibustering in the Senate, 1940, 119.
member of the yeoman cohort, Senator Norris—from William Jennings Bryan’s home state of Nebraska—made a strong populist showing by reading sections from Woodrow Wilson’s dissertation, in which he advocated, “It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees.” Using someone’s words against them was one of La Follette’s specialties, and this tactic was one reason he continually read the Record as a hallmark of his deliberative style of filibustering. Finally, Senator Asle Gronna (North Dakota) held the floor for hours, and “insisted upon talking at length about wheat,” first boring, then aggravating his impatient urban colleagues with “seemingly endless statistics about grains.” This was Gronna’s spin on La Follette’s well-known tactic of denouncing big railroads’ price gouging by reading the freight rates.

When La Follette attempted to gain the recognition of the chair in order to finish the filibuster, he was ignored while multiple Senators who supported the bill were recognized. Eventually, after one Senator was approved to give a third speech before La Follette had been recognized for a first, he became enraged and stood in the aisle screaming that he could not be silenced. Opponents tried to force him to sit, but in the ensuing scuffle one of the yeoman cohort “defended La Follette with a sharpened rattail file.” While no one was physically hurt, restricting recognition to those whom the chair favored harmed Senate deliberation. The next day, Wilson denounced the group filibuster as “a little group of willful men,” and he called for a special session in which the first ever cloture rule was passed in the Senate. A month later, America was at war.

124 Burdette 1940, 119.
125 Burdette 1940, 120.
126 Burdette 1940, 86.
At-will recognition was just one rule change levied against La Follette during his Senate tenure. When this change is combined with cloture and the previous changes made to parliamentary procedure during La Follette’s 1908 filibuster—changes to roll-call, quorum, and Senate “business”—a trend emerges for faster, more efficient deliberation in this era. The decorum that had been initiated by yeoman farmers in the 18th-century and maintained through gentlemanly virtue during the 19th-century was now being replaced with rule-governed debate.

The mystery that animates this chapter, then, is why did the Senate—reputed to be the most deliberative body in the world—move away from decorum-governed debate to rule-restricted debate during the fin de siècle? If strict deliberative rules were not needed in the Senate during the Founding, the Jacksonian era, Antebellum, the Civil War, or during Reconstruction, why would rules be needed in the Progressive era? Wouldn’t Progressives want free speech, and want to keep unlimited debate as a Senate norm? Rules, however, restrict free debate—which is typically an autocratic tendency. One rhetorical scholar suggests that alternate myths allowed insurgent progressives such as La Follette to support the filibuster (using a constitutional myth), while modern progressives such as Woodrow Wilson supported cloture (due to the democratic myth).128 This is plausible, but the question remains: what cultural factors led to the construction of these alternate myths?

In order to bring the schism between factions of progressives more clearly into view, I look at free speech taken to the limit—the filibuster—and two major moments in which the Senate ruled to restrict the filibuster during this era. Both of these instances happen to have the same protagonist: Wisconsin Senator Robert Marion La Follette, Sr., and his 1908 and 1917 filibusters. The juxtaposition of slower, rural values with faster, urban values came to a point of

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stasis during La Follette’s filibusters. Whereas agrarian Senators tried to recover “older notions of conversation,”129 in the fin de siècle, urbanites began to “motorize[] legislation.”130

A rhetorical point of stasis for this cultural juxtaposition of speeds was the filibuster—a form that allowed a populist agrarian like La Follette to stymie fast-talking urban elites. Therefore, in this chapter, I argue that although the filibuster began as an extended form of populist agrarian deliberation, it was curbed during the fin de siècle due to changing notions about deliberative speed. La Follette’s 1908 filibuster comprises the bulk of the analysis in this chapter establishing the deliberative form. I also analyze his 1917 anti-cloture speech, because it systematically rebuts the rule changes passed to stymie the deliberative filibuster during his 1908 and 1917 filibusters. These new rules included the revision of roll-call votes, the redefinition of Senate “business,” and a violation of the “right to recognition;” together, these rules hurt the deliberative filibuster.131 These ruling combined to signal that a speaker would no longer be recognized, or a filibuster speech sustained by using a pre-industrial revolution pace of deliberation. As a result, filibustering speakers after La Follette would have to create and sustain dramatic displays in order to gain and maintain recognition.132

130 Scheuerman 2004, 55.
131 In addition to the instance in 1912 when a rule was passed for one day and then repealed which required unanimous consent to ask the speaker a question. “This decision would have eliminated the respite that filibustering senators took when sympathetic colleagues would query them at length about the issue under debate. But it also would have severely hampered substantive informational exchanges between senators on the floor.” Or in other words, it would have ended the deliberative filibuster form. See Wawro and Schickler 2006, 185.
132 The filibuster’s initial form was deliberative in multiple aspects—especially as enacted by La Follette in 1908 and by his cohort of agrarian colleagues in 1917. Until 1908, roll could be called during a filibuster. Roll call secures a quorum and is a good way to bring neigh dialogic partners. One way to analyze the immense text of a filibuster is to seek roll calls. Then closely read the lively question and answer immediately before or after those roll-call votes. During the 1908 filibuster, it was ruled that roll call votes could only occur once between votes. This had multiple effects: it discouraged the dialogue that often followed a roll call vote, and it also took away the interval of time for calling the roll—fifteen-to-twenty minutes. Without that time to plan his next hour or two of filibustering La Follette’s discourse quickly devolved from an on-topic deliberative policy speech to off-topic and non-germane reading. While already listing away from deliberation after the 1908 rules changes, the 1917 filibuster, lack of recognition, and passage of cloture pushed the filibuster fully toward spectacle. See analysis section.
The alteration of Senate debate from relational to rule-restricted in the *fin de siècle* not only affected the filibuster as a form, but this era is crucial for understanding subsequent, “emaciated” Senate deliberation.\(^{133}\) For when the Senate added rules and re-defined “business,” the effect was a reductive re-definition of “deliberation” in the chamber. This important moment in the genealogy of deliberation has not previously been noted. Moreover, during the *fin de siècle* there were great schisms in American politics: between rural and urban, populist and elite, insurgent and modernized progressives, and between Executive and Legislative branches. We see these same divisions one hundred years later. May the new rules, truncation of deliberation, Executive power grabs, and eventual entry into World War I be a warning to Americans today who want to pursue filibuster reform.\(^ {134}\) With a stronger gag rule may come autocracy and war.

In order to make my case I review literature regarding the guiding virtues of deliberation from America’s Founding to the *fin de siècle*. This literature review culminates in a case study, Robert La Follette, and an analysis of his 1908 filibuster against an anti-populist currency bill. This chapter ends with an analysis of La Follette’s anti-cloture speech, which summarizes the rule changes made against him during his 1908 and 1917 filibusters. La Follette tried to re-narrate the American origins of the filibuster, denounce cloture as “foreign,” re-establish the importance of recognition, and call for the antecedent roll call rule. These changes, La Follette argued, amounted to the redefinition and denigration of Senatorial deliberation.

### 2.1 Deliberation, Speed, Values, & Change During the *Fin de Siècle*

This section defines and enumerates the characteristics of deliberation. Then, after discussing the values that shaped the original conception of a slow, deliberative Senate, I discuss


\(^{134}\) Senators know filibuster reform is no small thing, and accordingly call that the “nuclear option.”
factors during the fin de siècle that led to new values and the effect those values had on accelerating deliberation. The juxtaposition of slower, rural values with faster, urban values comes to a point of stasis in the Robert La Follette case study.

Definitions of deliberation run the gamut from succinct and broad to specific and lengthy. It is both “thinking aloud together,”¹³⁵ and “a dialogical process of exchanging reasons for the purpose of resolving problematic situations that cannot be settled without . . . cooperation.”¹³⁶ It is also “personal reflection and conversation directed at producing well-informed decisions about a course of action.”¹³⁷ There is not one definition of deliberation, nor is it merely conversation. Deliberation is multifaceted: it is talking, listening, reflecting, and further reasoning aloud for the purpose of making a decision and taking collective action. This process is neither linear nor brief; it starts, stops, and may need repeating.

Due to that fact that propositions with unknown outcomes are being debated, uncertainty is a hallmark of deliberation. Deliberation debates propositions and policy positions about future actions and results. Since no one can see the future, the parties involved in deliberation have different predictions about the outcome and different value assessments regarding what the possible outcomes of action or inaction mean. The uncertainty of policy deliberation raises issues of control, worry, and fear in people. Thus, deliberation can quickly become unruly.¹³⁸

In order to keep deliberation from becoming unruly, many legislative bodies take one of two actions. First, some bodies pass rules in order to preclude (most) unruliness. Second, other bodies emphasize the virtue of individual members and collegiality among the members. For

instance, in the House of Representatives, rules govern debate. By contrast, in the Senate personal virtue and relational dynamics governed debate until the early 1900s when a constellation of factors during the progressive era led the Senate to adopt more rules.

It may seem odd now, but prior to the changes during the fin de siècle, a lack of rules in aristocratic legislative bodies was the norm. The Roman Senate, for example, was populated with patriarchs who lived on large country estates and traveled to the forum periodically to perform their civic duty of governance. When these aristocratic farmers met in the forum, it was pervaded by a “rural civic ethos,” which valued the virtues of honor, courtesy, and dignitas. Dignitas is more than mere dignity; it implies good breeding, virtuous conduct, pristine values, and a willingness to undergo “long-suffering for just causes.”

After the fall of the Roman Republic, true democratic deliberation disappeared for nearly 1,200 years. When parliamentary deliberation reappeared in England after the 1688 Glorious Revolution, it was once again governed by virtue in the aristocratic House of Lords. Similar to dignitas, the most famous British parliamentarian, Edmund Burke, claimed the virtue that governed the gentlemanly deliberation of the chamber was patience, since one must have patience to wait for the chair to call on you in the House of Lords. Although flawed, the parliamentary system was preferable to other systems of governance, since “the unsavory alternatives to deliberation are ever present: force and war.” That statement rang true for

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140 Kmetz 2011, 344. As I discuss more in the next chapter on Huey Long, the just causes for which patricians suffered largely benefited their poor, dependent plebeians.
142 Hart and Dillard 2001, 213.
143 Hart and Dillard 2001, 213.
Burke’s contemporaries in America, who fought a Revolution and set up an new form of democratic government due to a lack of representation.

2.1.1 18th-Century: The Temporal Republicanism of the Founders

Patience and long-suffering are where virtue meets temporality. When the framers of the Constitution were attempting to improve on Britain’s bicameral legislature in America, they used the unwritten rules of gentlemanliness and the values of patience and rural civic *dignitas* as the structuring mechanism for the Senate—our version of the House of Lords.\(^\text{144}\) Rather than being attendant to the short-lived passions of the masses, the Framers designed a slow-moving Senate that favored lengthy intervals of deliberation over quick spurts of voting.\(^\text{145}\) The idea that slowly-formed, reasonable, and long-lasting majorities in the Senate would protect the new republic from the unruly masses and the reactionary House of Representatives has been called “temporal republicanism.”\(^\text{146}\)

Furthermore, in the Senate, power relations were inverted from the House of Lords: in the Senate, the chair would be weak, and the members strong. Members would set the start and end of sessions, and the first duty of the chair would be to indiscriminately recognize, in turn, any member who requested the floor. As such, the chair could not obstruct the pace of deliberation on the Senate floor the way the chair of the House of Lords could by merely remaining seated for hours at a time, while only recognizing allied parliamentarians. While the chair of English parliament could enact a sort of “sitting filibuster,”\(^\text{147}\) in the America Senate, only legislators could filibuster.

\(^{144}\) By contrast, the reinvented House of Commons in America (our House of Representatives) is democratic, rule-governed, and attendant to the passions of the masses.

\(^{145}\) Weiner 2012, ix.

\(^{146}\) Weiner 4.

\(^{147}\) For more on the chair of the House of Lords obstructing deliberation for up to fifty hours, see the section toward the end of the analysis in this chapter titled “The Right to Recognition.”
2.1.2 19th-Century: Pioneer Praxis & Spacious Rhetoric

Whereas deliberative democracy in 18th-century America was typified by temporal republicanism everywhere and dignitas in the Senate, deliberation in the 19th-century became distinctive depending on its setting, rural or urban. As our government matured, and as our country moved west, a form of “American democracy” emerged that combined English political philosophy with pioneer praxis.\(^\text{148}\) As a result, the aristocratic tendencies of Europe were partially abandoned. Small-time homesteaders tamed the frontier spring-through-fall by clearing land, planting crops, harvesting, and building homes. Then during the winter, these farmers acted civically to build schools, churches, and township halls while serving terms on school, church, and town boards. This was American democracy in action.

Pioneer praxis led to different styles of talk and deliberation in the country as compared to the city. As early as the 1840s, the transcendentalist Ralph Waldo Emerson noted that the city made its inhabitants “talkative” but “artificial.”\(^\text{149}\) In contrast, farmers were known for their pudor rusticus—or rural bashfulness.\(^\text{150}\) But bashfulness is not a farmer’s constant state. Farmers are contemplative as they go about their fieldwork. For as the farmer plants, Lady Liberty “walk[s] in brightness by the weary ploughman’s side, and whispers in his ear . . .”\(^\text{151}\) Then, during the fallow winter season, farmers have time to talk at length about the ideas they have been contemplating. Emerson called these moments when farmers allowed stored up ideas to freely flow “spontaneous speech.”\(^\text{152,153}\)

\(^{149}\) Ralph Waldo Emerson, “Farming” in *The Essential Writings of Ralph Waldo Emerson*. Modern Library, 2000, 673-681.
\(^{150}\) Richard Weaver, *Ideas have Consequences*, University of Chicago Press, 1948, 115.
\(^{153}\) The unique geographic conditions of America produced a populist spirit in American politics, and it also affected our speech. By 1880, Mark Twain noted the differences between English and American in “Concerning the
Weaver noted the “spaciousness” of old civic rhetoric and added that much of the distinction between urban and rural inhabitants could be detected in distinct speech patterns.\textsuperscript{154}

2.1.3 \textit{20\textsuperscript{th}-Century: Standard Time, Industrial Efficiency, and Motorized Legislation}

As the 19\textsuperscript{th}-century turned into the 20\textsuperscript{th}-century, distinctions between rural and urban were exacerbated by rapid industrialization and the acceleration of the “social experience of speed.”\textsuperscript{155} Cultural histories claim the accelerated pace of industry also accelerated society in urban areas during the industrial revolution (see Thomas Allen, Stephen Kern, and Robert Wiebe). Arguably, everyday life changed more during the \textit{fin de siècle} (1877-1919) than in any half-century in history. From Alexander the Great to Robert E. Lee, the fastest mode of transportation was a horse. The steam engine and the internal combustion engine changed that. Trains and steamboats, then automobiles and airplanes, revolutionized transportation. These fast-paced modes seemed to shrink the space of our country and to compress time.

In order to synchronize train schedules across the country, for example, in 1869 time zones were implemented.\textsuperscript{156} Stephen Kern describes this transition as the end of “private time” and the emergence of a standardized “public time.”\textsuperscript{157} With public time setting the tempo of American culture, and with train tracks and telegraph lines crisscrossing the country, by 1890 the

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\item \textsuperscript{154} Richard Weaver, \textit{The Ethics of Rhetoric}, Hermagoras Press, 1985, 143, 164. Although Weaver labels it “old rhetoric” I claim the chapter is really about 19\textsuperscript{th}-century agrarian rhetoric since five of his six case studies are either agrarian rhetors or rhetors speaking at agrarian venues (fairs, expos, etc.).
\item \textsuperscript{155} Scheuerman 2004, xiii.
\item \textsuperscript{156} See Wiebe 1999, 22-3 and Kern 1983, 12. According to Kern, standardized time was implemented at noon on 18 Nov 1883, and because each city kept its own time, it was known as “the day of two noons,” since many towns had to set their clocks back to 12:00 pm.
\item \textsuperscript{157} Stephen Kern, \textit{The Culture of Time and Space, 1880-1918}, Harvard University Press, 1983, 8, 11.
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frontier was declared closed.\textsuperscript{158} We were out of parcels of private land. Moreover, the heterogeneous practices of religious ("eternity"), romantic ("nostalgia"), and ("deep") ecological time that coexisted in the early American republic were now replaced by a monochromatic, ("secular") mechanical time.\textsuperscript{159} This mechanical time emanated from urban factories—whose whistles signaled starting and quitting times for mass shifts of workers—and eventually permeated rural society.

2.1.3.1 Industrial Values, Urban Talk, and City Politics:

Supplementing these cultural histories are works in rhetoric, philosophy, and deliberation that synthesize to make the case that not only did the pace of work, travel, and telecommunication increase during the \emph{fin de siècle}, but the pace of deliberation in the Senate was also affected (see Ralph Waldo Emerson, Robert Goodin, Marcia Kmetz, Jeff Motter, William Scheuerman, and Richard Weaver). Simultaneous advances in time, electrification, and mechanization enabled the industrial revolution, and urban factories attracted a great number of failed farmers and immigrants to booming urban hubs. Cultural historian Robert Wiebe writes, "An age never lent itself more readily to sweeping, uniform description: nationalization, industrialization, mechanization, urbanization."\textsuperscript{160} This uniformity led to a new set of urban, progressive values: regularity, system, [and] continuity."\textsuperscript{161} Culturally, these values were commented on and reflected in ragtime music, art centered on trains and clocks, books such as

\begin{footnotes}
\item[160] Wiebe 1999, 12.
\item[161] Weibe 1999, 14.
\end{footnotes}
Around the World in Eighty Days, and films such as “Modern Times,” which starred Charlie Chaplin as a factory worker who was failing to keep pace with his assembly line job.¹⁶²

New values of efficiency and standardization displaced older values of patience, rural civic ethos, cautious temporal republicanism; finally, communication was affected. When the close proximity of people in the city combined with new mediums of technology, it meant that there was incessant talking: talking in the parlor, on the phone, over the wires, “Talk of the Town” columns in the paper, talk on the screen, on the train, in the auto, and shouting over roaring engines and assembly lines. Urban speech was no longer just artificial and talkative, it now included “such a breathless quality: so much so fast, with so much still coming.”¹⁶³ It was a borderline disorder, which some called “Newyorkitis,” or “rapidity and nervousness and lack of deliberation in all movements” and speech.¹⁶⁴ Yeoman longed for the old world, when the “rhythms of the new speed had not yet carried over from the machines . . . to mankind . . .”¹⁶⁵ But, as urbanites moved and talked faster, it seemed to them that yeoman were slower than ever.¹⁶⁶ “Each year the cultural gap between city and countryside widened.”¹⁶⁷

The widening cultural gap included divergent rural and urban politics. Urban politics increasingly centered on the party machine. Organizations such as Tammany Hall in New York City were efficient and permeated urban spaces. Soon the machine metaphor displaced the body metaphor for government, and this was reflected in the efficiency with which urban, “modern progressives,” such as Woodrow Wilson could pass mass amounts of legislation.¹⁶⁸

¹⁶² There was cultural commentary on the changing times. For example, books such as Looking Backward or Little House on the Prairie were nostalgic for the past, whereas The Jungle condemned exploitative urban industries.
¹⁶⁵ Stefan Zweig, quoted in Kern 1983, 128.
¹⁶⁶ Kern 1983, 130.
¹⁶⁷ Wiebe 1999, 14.
¹⁶⁸ Early progressives who fought in angry, grassroots campaigns are “insurgent progressivism,” as opposed to later “modern progressives” who mainly fought for labor rights. This distinction helps us better understand the tension
pass Wilson’s 14-Point Plan, modern progressives wanted to mechanize deliberative time by passing germane rules, two-speech rules, and cloture rules to end filibusters. However, these rules produced “emaciated deliberation.”

E maciated deliberation is a reduction of free speech in legislative chambers. Since freedom of speech is of utmost importance to liberal democracies, emaciated deliberation is antidemocratic. Moreover, it became especially problematic when the impulse toward rule-restricted deliberation was combined with the new value of efficiency. Combined, this created the conditions for the implementation of “motorized law” and its autocratic tendencies. It is so called, because motorized legislation produces fast, minimally-vetted laws favorable toward the agenda of an autocratic leader. In the worst case, the legislation does not just roll off an assembly line like a Model-T, but it is rubber-stamped to allow autocrats to rush into war. In sum, emaciated deliberation in the Senate led to more rule-restricted deliberation. Taken to its conclusion, emaciated deliberation culminated in cloture.

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170 Scheuerman writes, “many traditional notions about liberal democracy rest on assumptions about temporality which become increasingly problematic with the heightened pace of social life” (xiii). Again, he emphasizes, “Slow-going deliberative legislatures mesh poorly with the imperatives of social speed, whereas a host of antiliberal and antidemocratic institutional trends benefit from it” (xiv). 
171 Scheuerman 2004, 106. 
172 Scheuerman 2004, 55. 
173 Some political scientists claim the 17th Amendment and direct election of Senators precipitated cloture. Others say the 17th Amendment changed the model of representation from “trustees” who protected the people to “delegates” who responded to the people. But these magic bullet theories are lacking. Other scholars list multiple factors—such as the complexity of industrial society, increased workload, and the increased number of Senators—as reasons that Senate governance shifted from “relational legislation” to “rule-based legislation” in this era. While I do not deny the role of these factors, these authors have not described the filibuster in terms of extended deliberation, or how the ability to have extended deliberation was affected by the social acceleration of time during the fin de siècle. See Douglas Dion, Turning the Legislative Thumbscrew: Minority Rights and Procedural Change in Legislative Politics. University of Michigan Press, 1997, 175; Roger Davidson and Walter Oleszek. Congress & Its Members (10th ed.), CQ Press, 2006, 7-8; Gregory Wawro, and Eric Schickler. Filibuster: Obstruction and Lawmaking in the U.S. Senate, Princeton University Press, 2006, 11, 14, 182-206.
2.1.3.2 Rural Politics: Farmers, Grangers, Populists, & Insurgent Progressives

In contrast to the emerging urban politics of efficiency, during the fin de siècle rural rhetors developed innovative political tactics and deliberative forms. The Patrons of Husbandry (or Granger movement) began in the mid-west as a rural, populist response to the price gouging of railroads, and the unfair lending rates of eastern/urban banks. While the most famous populist of the era, William Jennings Bryan, fought banks on the currency issue (see his “Cross of Gold” speech), Robert La Follette championed railroad control. La Follette credited the farmers who lived before him with establishing his platform: “Those old hard-headed pioneers . . . who thought as they plowed, went far toward roughing out the doctrine in regard to railroad control.”

This doctrine coalesced first in the Granger movement, then the Populist/People’s Party, and later in the insurgent progressive movement. As such, La Follette traced “the genesis of the progressive movement back to the rise of the Patrons of Husbandry.”

Although “most [yeoman] did not identify the connection between the new world time and urban clustering,” some populists did connect the new cultural values of standardization and efficiency with negative changes to deliberation. Since yeomen were no longer a hegemonic public after industrialization, but rather a “satellite public,” rural populists needed to develop and use “innovative tactics,” in order to be heard in the Senate by their newly-dominant, fast-talking, urbane colleagues. It has been noted by previous scholars that rural populists had a distinctive style of speaking: it was lengthy, passionate, and rambling. This was a style populists

\[174\] La Follette 1913, 18—emphasis added.
\[175\] Bell Case La Follette and Fola La Follette. Robert M. La Follette, June 14, 1855-June 18, 1925. New York: Macmillan, 1953, 23. La Follette himself followed an arc from Granger, to Populist, and finally to insurgent progressive. The move from populist to progressive happened when as Governor another politician attempted to bribe him. This was called the La Follette-Sawyer incident (See Doan 1947, 24-5).
\[176\] Kern 1983, 34.
developed on the Chautauqua circuit and in political speeches at county fairs, township board meetings, and at farming expos.\textsuperscript{179} Hallmarks of these speeches were that they often went over three hours, quoted long passages, and cited lots of census data, economic data, and court decisions.\textsuperscript{180} At a glance these lengthy, rambling, vituperative speeches seemed odd and irrational, but Howard Erlich claims that it was the product of giving provincialism a national stage. In sum, “Populist rhetoric is . . . more sophisticated that one might have expected from a group of farmers.”\textsuperscript{181}

2.2 \textbf{La Follette: Two Tactics, Agrarian Deliberation, \& the Filibuster}

Robert La Follette enhanced this innovative populist rhetoric with two tactics, an agrarian understanding of deliberation, and finally, by popularizing the filibuster form. As La Follette barnstormed across his home state of Wisconsin by horse and wagon, he would stop to speak with rural folks in each hamlet—speaking from the wagon bed. During this process, he developed two original populist rhetorical tactics: “reading the freight rates” and “reading the roll call.”\textsuperscript{182} “Reading the freight rates” consisted of reading “detailed statistical proof that the railroads overcharged the citizens of Wisconsin”; namely the railroads cheated small farmers, who had to ship their crops on over-priced trains.\textsuperscript{183} The second technique of “reading the roll” included reading to audiences “the roll call votes of his opponents to expose their subservience to the corporations,” such as the Eastern banks, and the railroads.\textsuperscript{184} In Richard Weaver’s terms, these techniques added plenty of “roughage” (or “verbiage”) to La Follette’s spacious rhetoric,

\begin{footnotesize}
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\item \textsuperscript{179} For example, La Follette’s “Maiden Speech” in the Senate was not a filibuster, even though it was 8 hours long! https://www.senate.gov/artandhistory/history/minute/Maiden_Speeches.htm
\item \textsuperscript{180} Erlich 1977, 146.
\item \textsuperscript{181} Erlich 1977, 147.
\item \textsuperscript{183} Burgchardt 1992, 8 for quotation; see Nancy Unger, \textit{Fighting Bob La Follette: The Righteous Reformer}. UNC Press, 2000, 31 for more on the effect of the railroads on farmers.
\item \textsuperscript{184} Burgchardt 1992, 8.
\end{itemize}
\end{footnotesize}
and as his agrarian audiences “chew[ed] on” this abundance of evidence, they “resonated” with La Follette’s words, and became agitated at corrupt politicians who were corporate pawns.\textsuperscript{185}

Beyond tactics, La Follette had an innovative, agrarian approach to deliberation that stemmed from the Wisconsin Idea. This idea was an alternative to urban “machine politics” and party bosses. Specifically, the “interplay between the university and the state capitol was the heart of the Wisconsin Idea. It was the joining of the soil and the seminar.”\textsuperscript{186} This means that the, the University of Wisconsin—founded in 1848 as a land-grant, agricultural institution (“the seminar”)—provided the facts and theoretical impetus for the progressive agenda, while farmers (men of “the soil”) provided the laboratory in which the theories could be tested. Government provided the space for agrarians and academics to carry out their slow, deliberative “sifting and winnowing.”\textsuperscript{187} Due to the success of this methodical, integrated form of deliberation, theory, and praxis, Wisconsin led the country in many progressive measures: passing anti-corruption laws, protecting labor unions, setting an eight-hour work day, passing child-labor laws, workmen’s compensation, the dairy safety act, and La Follette’s all-important railroad regulation.\textsuperscript{188} In accordance with temporal republicanism, deliberative sifting and winnowing took time, but it produced innovative, lasting change. After his success as Wisconsin’s Governor, the state senate appointed La Follette to be a Senator in the United States Congress, where he served from 1906-1925.

La Follette arrived in the Senate at a time of national progressive change. However, urban/modern progressives (like Wilson) and rural/insurgent progressives (like La Follette) had

\textsuperscript{185} Weaver, \textit{Ethics}, 169, 185.
\textsuperscript{186} Doan 1947, 15.
\textsuperscript{187} Doan 1947, 15. Prior to the mechanization, sifting and winnowing wheat from chaff was a difficult, time-intensive job. It took a good long spell.
\textsuperscript{188} Doan 1947, 13. La Follette had to call in William Jennings Bryan, the most famous agrarian-populist in the country, to speak to the state legislature, but finally he was able to help the farmer by regulating the railroads. Doan 1947, 5.
different ideas about how to enact change. This juxtaposition is seen in the different approaches to deliberation. The point of stasis at the outer reaches of deliberation was the debates regarding unrestricted versus rule-restricted filibustering in 1908 and 1917. In these debates, modern/urban progressives championed rule changes in accordance with the new industrial value of efficiency, whereas La Follette and other rural/insurgent progressives embodied the old-fashioned value of *dignitas* and used innovative populist rhetorical tactics. La Follette did this because he “believed it better to lose rather than to get a weak and indefinite statute passed.”\(^{189}\) In agrarian parlance, “he plowed a straight furrow and plowed deep.”\(^{190}\) Thus, in order to obstruct elitist, compromised, overly-motorized legislation, La Follette was willing to combine spacious populist rhetoric with his innovative tactics of reading the roll and freight rates. When these tactics were added to La Follette’s understanding of deliberation as a long, arduous process of sifting and winnowing, one can understand how the “filibuster [was] a natural vehicle for his rhetorical style.”\(^{191}\)

In sum, La Follette’s agrarian upbringing and oratorical experience helped him pioneer the filibuster form. His 1908 filibuster against collusion between the government and railroads set a long-standing record for length (18:23). During this filibuster, deliberative rules were redefined, and as a result “deliberation” in the Senate was redefined. The second filibuster was against American entry into WWI in 1917, which led to La Follette’s anti-cloture speech. I analyze the anti-cloture speech in this chapter’s conclusion, since it is a summary of rule-changes passed against La Follette in the 1908 and 1917 filibusters.

\(^{189}\) Doan 1947, 14.

\(^{190}\) La Follette and La Follette 1953, 121.

\(^{191}\) Burgchardt 1992, 122.
2.3 Analysis of La Follette’s 1908 Filibuster

Two years after La Follette joined the Senate, the perfect opportunity presented itself for a lengthy, deliberative filibuster. On May 29th, 1908 La Follette waged a record-setting (18:23) filibuster against the Aldrich-Vreeland Currency Bill, which would prop up the dollar with railroad bonds.192 This bill enraged populists on both of their biggest issues: it drew the ire of William Jennings Bryan’s free-silver contingent and of La Follette’s railroad-control Grangers.193 La Follette wouldn’t stand for it.194

In Franklin Burdette’s history, Filibustering in the Senate, he documents three parliamentary changes resulting from La Follette’s 1908 filibuster. These included strictly enforcing the little used two-speech rule, a new ruling disallowing successive quorum calls, and a new ruling that roll could not be called without the occurrence of intervening Senate “business.”195 Unless you are an expert parliamentarian, though, Burdette does not provide the reasoning for why these changes matter. From a rhetorical perspective, each of these changes was significant. First, enforcing the two-speech rule indicates a decline in relational governance and a turn toward rule-governed debate. Second, quorum and roll calls were used to hold non-speaking Senators in the room. This allowed La Follette to directly question the bill’s sponsor, Senator Aldrich. Finally, the most significant change resulted when Senate “business” was redefined as voting. These three rules changes combined to redefine deliberation in the chamber.

Through analysis of La Follette and Aldrich’s five dialogues, it becomes clear just how much these rule changes affected La Follette’s filibuster and shifted the form from deliberation

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193 Burdette 1940, 83
194 Burchart 1992, 74.
195 Burdette 1940, 91. A fourth small change occurred when the Chair ruled that La Follette could not designate his staffer to keep track of quorum and prompt him to call roll when quorum was in question. See Wawro and Schickler 2006, 51.
to spectacle. La Follette began his protest of the Aldrich-Vreeland Currency Bill with two quorum calls (CR-7156). Some Senators immediately protested that La Follette was using House tactics, but La Follette implored the chair to not establish a new precedent banning successive quorum calls.\textsuperscript{196} If the opposition can leave the room at any time, they do not have to listen or respond, which are crucial aspects of deliberation. And it was La Follette’s highest priority to keep Aldrich, the bill’s Senate sponsor, in the room. The chair conceded and took a quorum vote.\textsuperscript{197}

With quorum secured, La Follette began by explaining his two major issues with the bill in question. First, it was “a very bad bill” because language defining “securities” was stripped out of the Senate bill but put back in conference committee with even broader language (CR-7161). Since conference bills cannot be amended, La Follette argued the Senate was being tricked. Secondly, the only people helped by the language were plutocrats: stockholders and “holders of that class of securities” (CR-7161). Since Aldrich owned railroad “securities,” La Follette was implying that the bill’s Senate sponsor had a conflict of interest and was a plutocrat—the archenemy of populists.

2.3.1 1\textsuperscript{st} Dialogue between La Follette and Aldrich (CR—7161-62):

Immediately after implying that he was colluding with the railroads, La Follette drew Aldrich into the first of their five dialogues.

\begin{flushright}
La Follette [hereafter “L”]: I do not know whether I can be heard by the Senator from Rhode Island. I should like to be heard by him, and I do not wish to exert myself, because I want to last as long as possible.
\end{flushright}

\textsuperscript{196} In a warning that now seems prophetic La Follette told the Chair, “if one man can get the floor, [proceedings] may be conducted here for an unlimited period of time in the presence of the Presiding Officer and one single Senator . . . It might be possible for him to incorporate into the proceedings of this Senate the most outrageous matters” (7159).

\textsuperscript{197} Only 46 Senators responded to the vote. Since 47 votes were needed for quorum, the Chair proclaimed at least 47 Senators were present. La Follette questioned this as a “new precedent,” but the Chair noted correctly that precedent for the Chair proclaiming quorum was established in 1879 (CR-7159). So, although La Follette got his quorum, he was starting his 1908 filibuster with a Chair who was willing to bend rules.
Aldrich [hereafter “A”]: I can hear the Senator.
L: But if he does not hear and cares to, he can draw nigh.

As the dialogue opens, we already get a sense that for La Follette, deliberation is not speechifying to an inattentive audience. In addition to speaking, deliberation includes listening and reasoning aloud together through question and answer, which requires the attention of the immediate audience. In the remainder of the first dialogue, La Follette asks four main questions:

L (Question 1): On page 3, line 22, of the conference report I find the following:
“The national currency association herein provided for shall have and exercise any and all powers necessary to carry out the purposes . . . under the direction and control of the Secretary of the Treasury, as a basis for additional circulation and securities, including commercial paper.”

. . . I should like to ask [Aldrich] if under that provision of the conference report it would not be possible to make railroad bonds a basis for this emergency currency?

A (Answer 1): Mr. President, I answered that precise question yesterday when it was asked . . . and I answered in the affirmative.
L: I did not quite hear.
A: I answered it in the affirmative.

With La Follette’s first questions, we already see his penchant for going to the source and reading the record. While he read voting records in his campaigns, as a US Senator La Follette often reads the Congressional Record (CR) and portions of the bill in question to make his point. By using the Record, he is arguing from authority. Furthermore, in this opening salvo, Aldrich demonstrates his discomfort and unwillingness to give straight answers. First, he hedges, and says he answered the questions yesterday, then he tries to combine his previous statement with his current statement to create a more authoritative “double-voiced” discourse. Apparently the double-voiced “I answered it in the affirmative [yesterday],” is more authoritative than giving a straight “yes.” Aldrich only becomes more evasive throughout the rest of the first dialogue.

L (Q2): May I ask the Senator further, would it not also be possible to make railroad stocks a basis for the issue of this currency?
A (A2): I hardly think so. National banks do not generally, I think, hold railroad stocks...

198 Italicized words in the transcriptions from the Congressional Record are my own emphasis and are meant to cue my subsequent analysis.
L (Q3): Let me ask the Senator further, before he takes his seat, does the Senator mean to say that a national bank can not loan money upon railroad stocks as security?

A (Evasion 1): That was not the question of the Senator from Wisconsin.

L: That is the question which I now ask.

A (A3): A national bank can undoubtedly loan money and take as collateral the stocks of any corporation that it sees fit.

L (Q4): Is there any difference in the law between possession which a national bank may acquire over railroad bonds and railroad stocks?

A (Evasion 2): If the Senator will pardon me, I do not care to go into the question of what securities a national bank can hold legally, but any securities a national bank can hold legally can be used under the provisions of the act.

L: Yes; but considering his position at the head of this committee and in charge of this conference report, I am sure the Senator will not decline to inform any Senator upon this floor. I will wait a moment until I can have the attention of the Senator from Rhode Island.

A (A4): My understanding is that the Comptroller of the Currency has uniformly held that a national bank can not hold stocks in railroads or other corporations.

L (Q5): I am not inquiring with respect to the banks acquiring the ownership of those stocks. I will wait until I can have the undivided attention of the Senator from Rhode Island. I was about to inquire whether it is the understanding of Aldrich that a national bank can not deposit as security for this emergency currency any security which it holds . . .?

A (Partial A5): Certainly not without a breach of faith to the borrowers of the bank. They have no more right to use it than they have to use my property or the property of the Senator from Wisconsin.

L (Q6): Let me inquire of the Senator further, if, with the consent of the owner of that security to so use it, he would have any doubt that it could be used as a basis for issuing circulation?

A (Evasion 3): rose [left chamber]

As the first dialogue ends, it is apparent that La Follette is onto something. His line of logical questioning is making Aldrich uncomfortable and evasive. Aldrich tries to speed the deliberation to a close by being inattentive and seeking counsel from others. However, La Follette has time and patience and waits him out, twice saying, “I will wait” until he has Aldrich’s “undivided attention.” When Aldrich’s first tactic for motorizing the debate fails, he refuses to answer and leaves the room. It seems Aldrich thinks he is being cross-examined and can just plead the 5th—but this is not a court, and the sponsor of a bill should address its ambiguities.

In order for La Follette to get a fair hearing on his questions, he uses a parliamentary tactic to get Aldrich back into the room. La Follette notes a lack of quorum, and the roll is called. La Follette’s hopes this gets Aldrich back in the room for a second dialogue. This may seem like
a game of cat and mouse, but then ensuring that the sponsor of a half-billion-dollar appropriation bill be present to answer questions and defend the proposal is reasonable. The ability to call the roll, then, ensured La Follette a fair and full hearing with the bill’s author.

2.3.2 2nd Dialogue between La Follette and Aldrich (CR-7162-4):

During La Follette and Aldrich’s second deliberation, tempers are higher, the sarcasm is thicker, decorum is more strained, and the topics of patience and fairness are discussed.

The VICE-PRESIDENT. Without objection, it is so ordered. [La Follette] will proceed.

L (Question 1): If I might have the attention of [Aldrich] I should like to get clearly in my mind . . . the exact limitation to the provision which I have just read. I ask [A] whether he understands that there is no limitation whatever to the loans which a national bank may make upon railroad securities, either stocks or bonds?

A (Answer 1): Certainly not. No such inference can be drawn from any statement which I have made . . .

L (Q2): Will the Senator be kind enough to tell me why not?

A (Evasion 1): I suggest to the [La Follette] that the language of this section is perfectly clear and definite. I assume [L] can understand it as well as I can. I see no reason myself why I should be asked to place an interpretation upon the bill for [him] . . .”

L (Q2 Redo/Virtue): Mr. President, I certainly have no desire to try the patience of [A], but as chairman of the Committee on Finance, [and] as the reputed author of the Aldrich bill, as the chairman of the conference committee, the head and front of this legislation, I submit to him that in fairness he ought to answer any courteous question which any Senator in this body asks him with respect to this bill. I certainly have no disposition to be disrespectful in the interrogatories which I have proposed.

I want to know, and I am going to find out if I can, whether a national bank can, as the holder of railroad stocks and . . . bonds . . . [hold] as collateral for a loan [those] railroad stocks and . . . bonds . . . [and] have them made the basis for a currency issue.

Now, I want to know that; and I think it is fair to the Senate and to the country and fair to every member of the Senate. I may be the only one who needs to be enlightened upon that subject, but I want it on the record here whether that thing can be done.

A (Virtue/A2): As [L] knows, I never fail to answer any courteous question from any member of the Senate, especially upon a measure which I have in charge. Now, in answer to the question asked by [L], as it is made, I will say no.

In this interaction, Aldrich suggests that he has no obligation to interpret ambiguous language in the bill. La Follette is incredulous that the sponsor of the bill feels no duty to explain it and uses this as a crisis point to question the (lack of) virtue undergirding Aldrich’s style of deliberation. La Follette reminds Aldrich of the guiding Senate virtues of “patience,” “reput[ation],” “fairness,” “courteous[ness],” and “respect” before restating his question.
Meanwhile La Follette reminds Aldrich of his position as co-sponsor and his duty to be “fair” to the Senate, its members, and to the country. The tactic of re-stating the question sandwiched between appeals to virtue, with a side of guilt-trip, gets results, and Aldrich finally answers plainly: “no.”

The matter is far from settled, though. And as any student of Plato’s dialogues knows, finding the truth takes protracted question and answer. In the next portion of this second dialogue, La Follette emphasizes how Aldrich’s brevity precipitated this lack of clarity.

L (Q3): Well, I wish to ask [A] further, will the Senator please explain why that can not be done under the terms of the bill?

A (Evasion 2): That is hardly a question within the ordinary rule. I have no disposition nor desire to take up time.

L (Old Virtue: Temporal Republicanism): Considering that the Senator when he presented this conference report was very brief in explaining the changes . . . is it not fair to every member of this body and to the Senate and to the country that he inform us as to whether it is possible under this bill that railroad securities [bonds and stocks] may be made the basis of so-called emergency currency?

A (New Virtue: Efficiency): [L] has advised the Senate that he is laboring under disabilities, and I certainly have no desire or purpose to take up the time of the Senate and his own time by making a speech upon this subject. I have tried to answer the questions of [L] as well as I can. Later, before a vote is taken upon this proposition, if it seems to be necessary to answer any of the arguments or suggestions made by those who are opposing this measure, I certainly shall try to do so fairly and without any evasion of any of the provisions.

L (Clarification): Well, Mr. President, do I understand [A] to say that he will not inform me . . .?

A (Evasion 3): . . . I have answered that question at least half a dozen times.

L: I have not understood the answer.

A (Evasion 4): Well, I am not responsible for that. I have answered that clearly and definitely in answer to several Senators, and I know of no way by which I can . . . answer it any more clearly.

L: . . . I did not understand him.

A: [He] has asked me that question two or three times already, and I have answered it to the very best of my ability . . .

L: Will the Senator please say what his answer was? I did not hear him.

A: [He] asked me a long question and I answered it . . .

L: I ask it now very shortly.

A (Answer 3): I answered it as quickly as I could: “no” . . .

This exchange demonstrates the clash of old-world agrarian values and communication patterns with the rapidity of industrialization. La Follette demonstrates his commitment to patience and dignitas by questioning the un-“fair” and “very brief” report Aldrich made
describing the changes to the bill and the “very short” and “quick[]” answers to La Follette’s clarifying questions. For La Follette, the brevity is suspicious. Is Aldrich just a fast talker, or is he hiding something?

Alternately, Aldrich values modern efficiency and wants to move “quickly.” He dislikes “long question[s],” and distains being asked similar questions by “several Senators.” He especially dislikes protracted dialogue that drills down to truth by asking a series of similar questions. He protests having “answered that question at least half a dozen times.” Perhaps he knew that was an exaggeration, and revises: “two or three times . . .” Aldrich wants short questions and quick answers, claiming “I certainly have no desire . . . to take up the time of the Senate and [L’s] time by making a speech upon this subject.” However, these claims of concern for time are the plutocrat’s device for veiling his deception. He may be in the pocket of big railroad, but that may never be discovered if the bill can just be quickly rail-roaded through the Senate with an efficient, albeit mis-informed, pseudo-deliberation. Aldrich prefers a short deliberation, which bodea well for the passage of the bill. La Follette on the other hand prefers to sift and winnow the bill in a lengthy deliberation, which may stop the bill because Aldrich’s hidden agenda would come to light during La Follette’s cross-examination. Lies and sleight of hand rely on speed; the truth takes its time.

La Follette, though, is not thrown by Aldrich’s attempts at acceleration and obfuscation. Instead, Fighting Bob goes back to the record.

**L (Q4):** The question I ask now is a very short one . . . Under the terms of this proposed legislation is it possible for the railroad bonds and . . . stocks to be made the basis for an emergency currency?

**A (A4):** To the question as asked, applying to both stocks and bonds, I again give the answer “no.”

**L (Q5):** Well . . . I read again the language from the proposed legislation . . . in order that it may appear in the RECORD in juxtaposition to that answer:

“The national currency association herein provided for shall have an exercise any and all powers necessary to carry out the purposes . . . under the direction and
control of the Secretary of the Treasury, as a basis for additional circulation any
securities, including commercial paper.”

I want to ask [A] another question . . . what class of securities . . . may be made the basis
of such circulation under the provision “any securities” . . . Would [A] please enlighten me as to
what that term in this conference report is intended to cover?

A (Evasion 5/End): I have stated distinctly . . . at least three or four times my
construction of the language . . . I shall have now to decline to go any further into a discussion of
it in the time of the Senator from Wisconsin.

L: Well, Mr. President, I do not recall that the question which I have now presented to
[A] has been answered by him . . . It seems to me that it is quite apparent that that phrase, “any
securities,” was added for some specific purpose and . . . it does seem to me that a request for
information as to the meaning of that phraseology is a fair interrogatory to submit to the chairman
of the Finance Committee [A] . . .

After again getting Aldrich to say that railroad stocks could not be used as the basis for
currency issue, La Follette goes back to the record to demonstrate that the evidence does not
support Aldrich’s conclusion. The evidence is ambiguous, and Aldrich is trying to pretend that it
is specific. Aldrich will not even admit that the language is open to interpretation—much less
that it is beneficial to railroad barons. La Follette has either caught Aldrich in a lie of
commission or omission, but Aldrich refuses to admit defeat or weakness. Instead, like Callicles
in Plato’s dialogue Gorgias, Aldrich merely refuses to answer: “I shall now have to decline . . .
further . . . discussion of it in the time of the Senator from Wisconsin.” Sifting and winnowing is
over; Aldrich is motoring back to town.

2.3.3 3rd Dialogue: La Follette & Aldrich, Previous Day’s RECORD (CR—7164-5):

Immediately after Aldrich disengages from their second dialogue, La Follette decides to
read from Aldrich’s dialogue in the previous day’s Record. Another Senator [Teller] had
engaged Aldrich in a similar line of questioning the previous day, and La Follette believed
Aldrich’s statements from yesterday and today were contradictory—“good thing we have the
authority of the record!” Moreover, La Follette needed to inform the rest of the Senate about this
contradiction, since Teller was less dogged about having quorum, and his engagement with
Aldrich occurred with only fourteen Senators in the chamber (CR—7164-5).
La FOLLETTE: Well, Mr. President, I am very grateful to somebody who has handed me a copy of the CONGRESSIONAL RECORD [from yesterday]. I find that during that speech the Senator from Colorado [Mr. Teller] inquired of [Aldrich] with respect to this same matter . . . which seems to me to be a flat contradiction of what [Aldrich] has just said . . . I do not want in any way to put [A] in a false position, but I will read it to the Senate . . .

I am leading up to making a proposition . . . but I want first to get the RECORD straight on what this bill covers.

It seems that [Teller] propounded a question to [A] in the same connection. I quote from the RECORD of May 28, page 7508:

“Mr. TELLER. Then I will ask the Senator to repeat it . . . what was meant by the word ‘securities’ . . .?
Mr. ALDRICH. The term ‘securities’ would include bonds of any character . . .”

This differs very slightly from one of the very first questions which I propounded from [A]; that is, whether it would be possible for railroad bonds to be made the basis of such securities; and, as I understand him, he has distinctly said no; and yet on May 28 he said that railroad bonds could be made the basis of such securities . . .

I quote again from the Record of May 28, page 7508: . . .

“Mr. CULBERSON: I asked [A] to explain the meaning of the term ‘any securities,’ and also to state particularly whether it included railroad bonds . . .
Mr. ALDRICH: The term ‘securities’ would include bonds of any character; would include railroad bonds or any other bonds that the bank held. It includes whatever would be understood to be securities within the meaning of that term, by the association and the Secretary of the Treasury.”

Mr. President, this is a very important part of the discussion, and I am dreadfully afraid that there is not a quorum present. I should like to have the roll called so as to ascertain that.”

After La Follette called the roll three times successively, he bemoans the fact that “the attention of the readers of the RECORD . . . will be diverted by these roll calls.” However, La Follette finally gets back to reading Aldrich’s previous answers and making his argument.

A: “The term ‘securities’ means whatever is understood by the association and the Secretary of the Treasury.”

L: That is pretty specific. While [A] did not have the goodness to make a clear and ample response to the interrogatory which I submitted to him this morning, I am glad to find in the RECORD from that authority upon this floor that interpretation of the particular phrase . . .

Of course, whenever you are looking to an authority and you find conflicting statements, when you find that the same question has been decided differently by the same body of men at different times, it somewhat unsettles your confidence either in the . . . interpreting body or in their entire frankness upon the subject.

This time, La Follette is using the Record as evidence in the absence of Aldrich as a dialogic partner. La Follette uses the Record, not just to read from the bill, but to catch Aldrich in a “flat contradiction” between what he said today and yesterday. La Follette concludes, when you look to the authority of the Record and find “conflicting statement” it “unsettles your
confidence” regarding Aldrich’s “frankness upon the subject.” You can’t trust a man, like Aldrich, who refuses to admit when he has been caught in a lie.

Moving beyond contradiction, La Follette questions the lack of virtue it must take for Aldrich to mislead his colleagues.

L: I wanted an open, frank, and fair-minded response to the questions, because . . . I am making my inquiries in that spirit and I have taken the floor in that spirit (CR—7164).

This is the virtue with which Senators formerly conduct themselves: an “open, frank, and fair-minded” “spirit.” It was dignitas and gentlemanliness. But Aldrich and his refusal to “respon[d] to the questions” was violating these customary norms of the body.

L: It may be, Mr. President, that the exigencies of this occasion furnish a warrant for violating the rules of the Senate, the precedents of the Senate, . . . and also for contradicting statements in the course of this debate; but it would not seem to me that that would be necessary. Surely I have not manifested any such degree of opposition to this legislation as would warrant any such perversion of legislative proceedings as that (CR—7164).

With this language we see La Follette question the pace at which Aldrich is moving. By using the word “exigencies”—or an imperfection marked by urgency—La Follette claims Aldrich is trying to use the tactic of urgency to motorize legislation and “violat[e] the rules [and] the precedents of the Senate . . .” In his haste, Aldrich is also offering “contradicting statements.” The breach of decorum, and lack of virtue from Aldrich are unconscionable to La Follette’s temporal republicanism, and he uses the strongest language to claim nothing could “warrant any such perversion” to the deliberative process as has been exhibited by the huckster in their midst: Senator Aldrich.

In response to Aldrich’s “perversion” of the Senate’s norms, La Follette finally declares his intent to filibuster.

L: “I am not for a moment seeking to disguise my purpose here. I stand out openly to avail myself of every single parliamentary right that a Senator may have on this floor to obstruct the passage of this bill, and to do it alone and single-handed to the limit of my physical strength, unless certain features of the bill may be eliminated from it . . . (CR—7164).
2.3.4 4th Dialogue: La Follette and Aldrich from the Previous Year (CR—7170):

Following Aldrich’s evasions, omission (silence) and contradictions (read from yesterday’s Record), La Follette plays the ace up his sleeve: he reads from a similar debate one year ago to prove that Aldrich used to be ardently against the government buying railroad securities of any kind.

Mr. La FOLLETTE: From the present attitude of [Aldrich], one would be bound to believe that he considers . . . railroad bonds as safe and stable investments for banks and . . . currency issue.

What was the opinion of [A] upon this question one year ago when the Aldrich bill of that session . . . was pending in the Senate? . . .

In opposition to [an] amendment . . . [A] advanced a skillfully contrived argument embodying the following propositions:

1. That banks could not afford to buy Government bonds at prevailing market prices . . .
2. That under the amendment all United States deposits would go to a few large banks in New York, Chicago, and other large financial centers, which alone carry securities of the kind named in the amendment.
3. That these securities, namely, municipal and railroad bonds, were so unstable in character that no prudent banker could afford to invest in them.

As there was a little confusion in the Senate Chamber when I read that, I presume I will have to reread it . . .

3. That these securities, namely, municipal and railroad bonds, were so unstable in character that no prudent banker could afford to invest in them.

I hope that is heard and understood by all the Senators here. It seemed to be the opinion of [A] a little more than a year ago that securities which are now admissible in this bill . . . were not sufficiently reliable in character to be accepted as security for Government deposits. Now, either [A] was wrong at the time, or else this bill . . . is a pretty bad proposition.

Mr. President, I am advised that by a count of this body there is no quorum present . . . I will ask to have a roll call (CR—7170, emphasis added).

This fourth excerpt from the Record is remarkable. Again, La Follette is dialoging with Aldrich’s previous statements, but this time La Follette has gone back farther—to the debate over the Aldrich bill in 1907. At that time, Aldrich was against buying railroad securities with government money, and La Follette even recalls Aldrich’s argument: 1. it was too expensive, 2. it only benefitted a few large, city banks, 3. therefore, if the investment is too risky and expensive than it is a bad investment. Apparently, the recounting of this argument stirred the audience, and La Follette had to re-state the syllogistic conclusion. Then, La Follette gets to his
conclusion about ol’ double-talking Aldrich: if he said one thing a year ago and says another thing now, he was either wrong then, or else “this bill . . . is a pretty bad proposition.”

Moreover, La Follette uses an enthymematic argument to imply that Aldrich has changed his mind because in the past year his vote has been bought by big railroad. Now Aldrich is part of the plutocratic class. Thus, La Follette’s argument adheres with Weaver’s conception of spacious rhetoric in its “highly enthymematic” nature. It is enthymematic for La Follette’s populist audience, because without explicitly stating that Aldrich is a corrupt plutocrat taking graft from big railroad, it is implied. And populists of that era hated no villain more than the corrupt plutocrat.

2.3.5 La Follette’s Deliberative Speech:

Since Aldrich disengaged from the deliberation, and since La Follette concluded his engagements with Aldrich’s statements from the previous day and previous year in the Record, now La Follette begins his deliberative speech against the bill. Over the next few hours, La Follette’s speech is nearly all on-topic. He begins with five main points denouncing the Aldrich Bill (CR-7174). Then he stretches his populist muscles and railed against what he alternately calls the “Standard Oil-Morgan banks,” Eastern banks, Wall Street, and “city” banks which are “the great system in control of the country,” colluding to rip off “country” banks and farmers in the South, West, and Midwest (CR-7174). Similar to “reading the freight rates” in Wisconsin, he now reads railroad financial statements into the CR and concludes that the railroads are only worth half of the $15 billion they claim and are therefore “overcapitalized” (CR-7176, 7178-80).

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200 Weaver, Ethics, 173-4.
201 Burkholder 1989, 295.
This over-capitalization of the railroads proves that the Aldrich Bill is a terrible bill for anyone not in the pocket of big railroad.

Even when La Follette reads during this speech, he remains on topic. Primarily, he reads from a novel called *The Magnet*, which is a dry, legalistic novel that covers the same subject matter La Follette was covering: railroad barons unfairly running the country (7180). As La Follette delivers his lengthy deliberative speech, then, he often argues against the bill by using evidence of the harm big-corporations brought upon yeoman. He was well within the liberal populist frame.

As La Follette spoke and read from these pertinent texts, the galleries began to fill with patrons who heard a filibuster was in progress. The chair periodically silenced conversation in the galleries and on the floor so that the scene wouldn’t devolve into spectacle (CR-7170-1, 7182, 7184). But while La Follette fought to stay on topic and used his time during roll-call votes to plan the next hour of his discourse, Aldrich was planning his revenge—a rule change regarding Senate “business” and roll-call votes.

2.3.6 5th Dialogue: La Follette & Aldrich: Aldrich Forces Rule Change (CR—7195)

Near midnight the most important rhetorical moment of the filibuster occurred. It began with La Follette suggesting the absence of quorum for the thirty-third time, but Aldrich objected.

**Mr. ALDRICH:** “Mr. President . . . [t]he suggestion of [La Follette] is not in order. We have had 32 roll calls within a comparatively short time, all disclosing the presence of quorum. *Manifestly a quorum is in the building.* If repeated suggestions of the want of a quorum can be made without intervening business, the whole business of the Senate is put in the hands of one man, who can insist upon continues calls of the roll upon the question of a quorum . . . without the intervention of business . . . no further calls are in order until some *business* has intervened . . . I call the attention of the Chair to a decision in a case, which is on all fours with

Furthermore, La Follette extended the book’s argument to claim that railroads and states work at cross-purposes. Whereas it is in the interest of states to have small cities across a state, railroads want two major hubs, and are “interested in building great centers, widely remote” so as to encourage a “long haul,” which makes “transportation pay” (CR-7193).
this, made on March 3, 1897, when this precise question was raised . . . It is found on page 2737 of volume 29, part 3, of the RECORD.

Here we see Aldrich object to the thirty-third roll call because, “Manifestly a quorum is in the building.” La Follette should have challenged this, arguing that quorum needs to be present in the room, not in the building, but being fatigued after hours of talking, La Follette does not jump on the definition of what and where a quorum must be. We also see Aldrich using La Follette’s tactic of reading the Record against him, in order create ethos and establish precedent. Finally, in this opening salvo, we see Aldrich use almost the same argument La Follette used earlier—that it is not good for the Senate floor to be controlled by one man. But while they denounce the same effect, their causes are different. La Follette had denounced the lack of quorum and the ability of a single man to create an off-topic spectacle while virtually alone in the chamber (CR-7159).203 By contrast, Aldrich denounces the ability of an on-topic Senator to enforce an audience for his relevant speech through multiple roll calls. These are very different scenarios. La Follette was not using roll calls as a dilatory measure, as Aldrich avers; La Follette used it to engage in dialogue with and get a fair hearing from the sponsor of the bill. To La Follette’s agrarian sensibilities, it was healthy deliberation; to Aldrich’s value of efficiency it was excessive time wasting.

Rather than address the issue of time directly or debate the definition of quorum, La Follette and Aldrich debated the definition of Senate “business.”

The VICE-PRESIDENT. The Chair submits to the Senate the question of order raised by [Aldrich], which is that, the roll call of the Senate having disclosed the presence of a quorum and no business having intervened, the suggestion of the absence of a quorum is not in order.

Mr. LA FOLLETTE. Mr. President, I just wish to suggest, in order that it may appear upon the RECORD that debate has intervened since the last roll call.

Mr. ALDRICH. That is not business.

Mr. LA FOLLETTE. I just wish that to appear upon the RECORD.

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203 La Follette: Without quorum, “one man can get the floor, [and proceedings] may be conducted here for an unlimited period of time in the presence of the Presiding Officer and one single Senator . . . It might be possible for him to incorporate into the proceedings of this Senate the most outrageous matters” (CR-7159).
Mr. ALDRICH. My suggestion was that debate was not business.

Mr. LA FOLLETTE. And I want to remind Senators here to-night, before this vote is taken, that every precedent you establish to-night will be brought home to you hereafter.

Mr. GALLINGER. Mr. President . . . if the entire business of the Senate can be put in the hands of one man, that one man could destroy the Government; he could prevent appropriations made to carry on the governmental machinery, and it is absurd to suppose that it was ever so intended.

Mr. CULBERSON. Mr. President, I understood [Aldrich] to read from subdivision 2 of Rule V.

Mr. ALDRICH. I did not read any rule. I make the point upon the ordinary parliamentary law, which governs this body in the absence of rules, that the Senate itself has decided this precise point upon, I think, two or three occasions. I have one precedent before me, which is exactly on all fours with the present situation . . .

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays upon that question.

Despite La Follette’s warning that “every precedent you establish tonight will be brought home to you hereafter,” the Senate voted 35-8 with Aldrich to redefine “business” in the Senate as voting, not debate plus voting (CR-7195-6).204 Perhaps La Follette lost this quick exchange because he was “pretty well fagged and worn out” from twelve hours of talking (CR-7188). His tiredness would explain why he misses obvious objections, namely, objecting more ardently to the notion that debate is not business. Especially since La Follette preferred “extended . . . thorough discussion of the subject,” and “full, fair, and free discussion” as opposed to truncated, fast-talking, motorized deliberation, he should have argued that debate is business. This position comes from the assumption that deliberation is more than just talk—it is listening, question and answer, reasoning aloud together, and it should change minds. Aldrich, though is coming from another assumption: that everyone’s mind is already made up, so debate is a formality and should be speedy, so we can get to the true business of voting. In the industrialized verbiage of Senator Gallinger, speed was essential to maintaining the new, fast-paced “governmental machinery.”

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204 Right after the new precedent was established, Aldrich and Senator Culberson worked together to motion for quorum and object, so as to make the Chair enforce the new ruling that roll could not be called until a vote occurred (7189-90). When La Follette finally tried to call roll again two hours later and pleaded with the chair that “business” had surely transpired during two hours of debate, the Chair ruled against him and upheld the new definition of business (CR-7220).
Despite these different assumptions, and although La Follette had apparently drawn Aldrich into multiple contradictions, his filibustering had taxed the patience of his colleagues, and Aldrich out-flanked La Follette through rule change. Rules overcame collegiality. Efficiency defeated dignitas. And the fast-talking, Northeastern, modern progressive beat the slow-talking, rural, insurgent Wisconsin progressive.

2.3.7 Turn Toward Spectacle:

Immediately after the re-definition of “business,” La Follette incorporated less deliberation and more spectacle into his filibuster. Once roll-call votes ended, and those twenty minutes of invention and arrangement were taken away, La Follette relied more on style, memory, and delivery to filibuster. Moreover, without the ability to call roll, ensure an audience, and force dialogue, La Follette was forced to read more. The texts he read after the redefinition of “business” were much longer and less on-topic than before the ruling. He read a lengthy exchange from the 1897 CR, read from The Earnings Power of Railroads, read two citizen letters, a speech by the Chief Justice of North Carolina, an editorial, and began a chapter from a book called Millionaire Moloch before abruptly retiring due to an apparent poisoning.205

The filibuster ended with a fizzle, not a bang. After becoming suddenly ill, La Follette ceded the floor to his compatriot, Senator Thomas Gore. Gore spoke for some time, but, being blind, when he tried to cede the floor to another member of the filibustering junta, he could not see if the man was in the room. Since, under the new precedent, roll could not be called without an intervening vote, Gore could not ensure his ally (Senator Stone) was in the room. Thus, Gore

205 Burdette 1940, 88-9. La Follette ordered milk with eggs in it from the Congressional kitchen; it took a while to arrive, and when it did he took one drink, determined it was poisoned, tried to continue but retired within the hour.
tried to cede to the absent Stone and the filibustering gang lost the floor. The Aldrich-Vreeland Currency Bill was then brought to a vote and passed.  

Overall, the reductive re-definition of Senate “business” to voting, the ability of the chair to proclaim quorum without a vote, and the exclusion of roll-calls between votes had two major effects. First, the culmination of these rule changes led to a formal change for the filibuster. No longer could the filibustering speaker call the roll and hold their opponent in the room for questioning. Since the new rules could not keep the dyadic partner there, and since the speaker was not afforded rests to gather ideas, deliberation waned, and future speakers would need to rely on dramatic displays in order to energize themselves and their audience. Second, these rule changes redefined what little deliberation was still allowed in Senate debate. Under the old definition of “business,” deliberation was a two-part process: unrestricted debate that culminated in a vote. Now, re-defined, “business” was voting, preceded by restricted debate. In sum, these changes suppressed free speech in the Senate generally, and filibustering specifically. Unfortunately, the parliamentary rule changes passed in 1908 re-surfaced during the 1917 group filibuster against the Armed Ships Bill, as discussed in the introduction to this chapter. Furthermore, during that group filibuster, La Follette was denied the floor, raising the additional issue of recognition.

2.4 La Follette’s Last Gasp: Defending the Filibuster from Cloture

The day after the 1917 Armed Ships filibuster, President Wilson claimed that “little group of willful men” who filibustered had “rendered the great Government of the United States helpless and contemptible.” Combined with events such as the Zimmerman Note and the

\[206\] Burdette 1940, 89-90.

\[207\] See the start of this chapter for a detailed account of the 1917-Armed Ships group filibuster.

sinking of a merchant ship earlier in the year, these comments from the bully pulpit precipitated the public’s blood lust for speedy entry into WWI. La Follette was the scapegoat for the pro-war camp; he was burned in effigy.\textsuperscript{209} Capitalizing on war-fever, Wilson tampered with the separation of powers and called an immediate special session of Congress with instructions to pass the body’s first ever cloture rule.\textsuperscript{210} During the cloture debate, La Follette read into the record excerpts from speeches by expert parliamentarians who were against cloture in 1891.\textsuperscript{211} Using this authoritative technique of double-voiced argument, La Follette tried to re-brand the talking filibuster as a positive rhetorical tactic by historicizing the form’s origins, emphasizing its unique American character, and defending the parliamentary rules that allowed for unrestricted Senate deliberation: namely the right to recognition and the right to call roll and procure a quorum. These were the precise rules that had been changed in order to hurt La Follette during his 1908 and 1917 filibusters. In his signature fashion, reading from the Record, La Follette proceeded to defend each of these parliamentary maneuvers in turn.

\subsection*{2.4.1 Origins & American Character: Protect Agrarians from “Foreign” Cloture}

In order to re-narrate the origin story of the filibuster, La Follette uses excerpts from 1891 by expert parliamentarians Senators Gray and Turpie. First, reading Senator Gray, La Follette makes an argument that the absence of cloture made American deliberation exceptional. The British, on the other hand, had cloture, and passed it specifically to censor “home rule in Ireland.”\textsuperscript{212} Thus, much like the rural Irish being colonized by the British government in faraway London, the analogy can be extended to America, where elitist senators in faraway Washington

\begin{footnotesize}
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\item \textsuperscript{209} Burgchardt 1992, 87.
\item \textsuperscript{210} It was similar, but different from the “previous question motion” that was abolished in 1806; Arenberg 2012, 20.
\item \textsuperscript{211} La Follette had listened to those speeches during his stint as a Representative.
\item \textsuperscript{212} All quotations in this section are from the Congressional Record, 8 March 1917, 40-45, unless otherwise noted.
\end{itemize}
\end{footnotesize}
D.C. (who were in the pocket of railroads, munitions companies, and Eastern banks) were imposing cloture on poor, populist agrarians in the heartland.

Gray compares the censorship of cloture upon deliberation to the terrible effect of the Alien and Sedition Act on free speech. Free speech is American, but Gray argues cloture is “foreign.” La Follette reads, “Cloture, this foreigner . . . who can not talk the English-American speech, who has not the accent of liberty on his tongue, comes here and is knocking at the door of the Senate for admission . . . but it will not thrive when transplanted on American soil.” In other words, the filibuster is American; it grew in an American “soil” cultivated by yeoman founders and fertilized by temporal republicanism.

Free speech and unrestricted deliberation takes time, though; it does not work at the fast pace of industry. “If you want a smoothly working machine . . . a governmental framework . . . in the shortest time,” Gray warns, “go to your despotism, go to a crowned czar, or go to an unrestrained majority . . . and there you will get results speedily, quickly, and inexpensively, without cost of time.” This is the crux of the matter for La Follette and the deliberative filibuster form: lengthy sifting and winnowing yields the best policy, whereas despotic governments and czars use speed as an ally to run roughshod over public opinion. Motorized legislation is despotic, and the social acceleration of time when transferred from the culture into the Senate chamber leads to emaciated deliberation. Emaciation can be prevented through thorough deliberation (and occasionally, with deliberative filibustering), but emaciation is exacerbated, according to Gray and La Follette, by the alien tool of cloture.

2.4.2 The Right to Recognition: Weak Chair, Strong Members in the Senate

Having established the American and agrarian origins of filibuster against foreign and oppressive origins of cloture, La Follette moves to the primary procedure that protects a
senator’s right to free speech in the chamber: the right of recognition. Reading from Senator Turpie’s 1891 speech, La Follette addresses the recent slight he suffered during the previous week’s group filibuster, when he was not recognized or allowed to speak. La Follette wants to impress that recognition is a cornerstone of the American Senate, since the Founders were deliberately trying to reverse the power relations of British Parliament. The locus of power rested with the chair in the upper chamber of parliament—the British House of Lords. And the powerful chair had sole discretion regarding whom he may recognize and when the session would adjourn. If the chair was a “servile tool of the Crown,” and abused his power, he could remain seated up to “50 hours . . . holding the body in session simply by his presence in the chair”—all the while only recognizing members he liked or wished to honor. Thus, the British chair recognized at will, and could obstruct deliberation and chamber business on a whim.

The Founders, however, intentionally inverted this system by weakening the Senate chair and empowering Senators. American legislators should be able to easily stand and gain recognition at nearly any time, because “the function of recognition” is “the very highest function belonging to the Chair.” When the chair refused to recognize La Follette’s call for recognition during the Armed-Ships filibuster of 1917, then, the chair was forsaking his first responsibility and reverting to British tyranny. Furthermore, by recognizing some Senators three or more times before La Follette was ever recognized meant that in 1917 the two-speech rule was flouted—the same rule that was rigidly enforced in 1908. Thus, there was unfairness and hypocrisy toward La Follette, the constituents he represented, and his ability to gain recognition.

2.4.3 The Purpose of Roll Call: Procuring a Quorum and a Fair Hearing

With the American origins of filibustering and recognition firmly established, La Follette tries to right the biggest wrong from his 1908 filibuster: the rule change prohibiting roll calls
during debate. If recognition by the chair is a right, then one would think maintaining a quorum of one’s colleagues would also be a norm in the Senate. As long as roll calls were unrestricted, a quorum could regularly be secured. When roll calls were restricted, though, attendance of and attention from one’s colleagues became a luxury and not a right.

Once more, using the 1891 speech of Senator Turpie, La Follette argues for an unrestricted roll call. Allowing Senators to motion for a roll call allows them a fair hearing by forcing the majority to attend to the speech and, “giv[ing] to the minority a day in court.” Not only did this maintain an audience for the speaker—even on unpopular subjects—but it kept the quorum in the room, and not just anywhere “in the building,” as Senator Aldrich argued for in 1908. Moreover, being able to call the roll and enjoy a quorum made it likely that the sponsor(s) of a bill would hear what was being said for or against the bill. Even if the sponsor did not like what was said and left for the important work of commiserating with friends and smoking cigars in the cloakroom, roll could always be called to force them back into the audience. With the sponsor present, the filibustering speaker could engage them in a dialogue.

Calling the roll, then, can initiate deliberation. Turpie explains,

> The object of this rule was not to facilitate the passage of laws; . . . it was to compel deliberation. . . . It may be a long day . . . full of excitement in which a question is tossed from side to side . . . It is just in the midst of this excitement that the . . . roll [is] called. Let your communication be yea, yea, and nay, nay. It makes a pause. It compels pause. This rule is and always has been an element of force [to] compel deliberation, not enactment.

Roll calls were not just a ploy, or a way for La Follette to buy twenty minutes to rest his voice and plan his next move. It meant deliberation, not enactment; quorum, not speaking to an empty room; a fair hearing, not being ignored; debate, not voting; relational legislation, not rule-restrictions; temporal republicanism, not motorization—roll call meant all that.
2.4.4 True, Un-restricted Deliberation: Not a Voting Body

The last issue La Follette addressed in his 1917 anti-cloture speech was the ruling that debate is not Senate “business”—a decision that affectively re-defined deliberation in the Senate. In order to re-establish the antecedent definition of deliberation, La Follette returns to Senator Gray, and his parliamentary expertise during the 1891 debate. Gray asked, “What is deliberation?” He answered, “deliberation is distinctly the business . . . of this body.” If that is so, then it should be clearly defined.

I heard this body characterized the other day as a voting body. I disclaim that epithet very distinctly. I have heard it described elsewhere as a debating body. I disclaim that with equal disfavor. This body is best determined by its principle characteristic [:] It is a deliberative body—the greatest deliberative body in the world.

Deliberation, Gray continues, is a two-step process of 1. unrestricted debate and 2. voting. It should not be reduced to either one. Unrestricted debate includes the gamut of parliamentary procedures: recognition, roll call, quorum calls, offering amendments, points of order, question and answer, motioning, challenging, etc. It’s only when this multifaceted debate resolves of its own accord that a vote should be taken as the final act of deliberation. Because, if the Senate acts “hastily” to pass cloture and motorize legislation, La Follette warns deliberation, and ultimately democracy, will suffer. “A vote by compulsion is not a free act.” Deliberation is not reducible, therefore, to any one facet of the constellation of parliamentary acts that comprise it.

Underneath Aldrich’s claim that only voting is “business,” then, is the assumption that everyone’s mind is made up before the floor debate, and the speeches do no persuasive work. But undergirding La Follette and Gray’s antecedent definition of deliberation as unrestricted debate and voting, we find the guiding assumption that rhetoric actually does work, and floor debate could guide interlocutors to different conclusions than those with which they entered.
Dialogue can, should, and does sway votes—as such it *is* business. It just may take a long time for the filibustering Senator to wrap up his or her business.

2.5 **Afterword: Cloture, War, Censor, & Spectacle**

Despite Robert La Follette’s warning, cloture and other rule changes during his tenure would fundamentally re-form the filibuster and re-define deliberation in the Senate. His words were unheeded. Cloture was passed with only La Follette and two others opposed. One month later he was one of only a handful of Senators that voted against American entry into WWI. Once in the war, President Wilson and his modern progressives revved up the assembly line and stamped out motorized legislation. These included bills for the Selective Service, the War Revenue Act, Trading with the Enemy Act, and even the 18th Amendment (prohibition). Many councils were also created, such as the War Industries Board, which oversaw military manufacturing and rationing. Finally, this fast-paced government passed autocratic measures to suppress its citizens: the Espionage and Sedition Acts, “which seriously abridged civil liberties and traditional American rights.”

As Hart and Dillard remind us, the “unsavory alternatives to deliberation” are “force and violence.” This is clearly seen in the case of limiting deliberation through cloture, and the immediate entry of the USA into WWI. “War is never anything less than accelerated technological change.” Six months after the group filibuster and cloture fight, La Follette

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213 Byrd 1988, 418.
214 Byrd 1988, 418.
216 Hart and Dillard 2001, 213.
218 If connecting suppressed deliberation, cloture, and motorized legislation to American entry into WWI seems unconvincing, I note that cultural historian Stephen Kern makes a similar claim regarding the start of WWI in Europe. After Archduke Franz Ferdinand was killed, “A great many factors led to the breakdown of peace, but the sheer rush of events was itself an independent cause that catapulted Europe into war.” Specifically, the flurry of telegrams that flew between the diplomats and leaders of many European nations was problematic. Due to the speed of the telegraph, messages crossed, and due to the kinks and unpredictable timing of the technology, there were
was censored by the Senate and nearly expelled. It turned out that he kept resisting the war effort, and cloture did not shut him up. Luckily La Follette was able to successfully appeal to his colleagues’ gentlemanly virtues one last time, as he read from a long-prepared text on the topic of free speech. 219

While La Follette took innovative populist rhetoric, added some reading tactics, an agrarian understanding of deliberation, and ended up popularized the deliberative filibuster, he was ill equipped to filibuster in the face of a lack of recognition, rule changes toward roll call, and the passage of cloture. As a failed actor, 220 La Follette was not dramatic enough in his attempts to secure recognition or in his attempts to maintain attention on the floor. With the deliberative filibuster, La Follette thrived, but as the form changed, he was unable to produce the sort of spectacle needed to filibuster in the Roaring 1920s. In fact, no one mastered the filibuster in that decade. In the early Dirty Thirties, though, on the heels of a stock crash and another agrarian crisis called the Dust Bowl, a new populist champion arose, who could spell-bind audiences from backwater Louisiana to Washington D.C.: Huey “Kingfish” Long.

 delays and surprises that derailed efforts for peace. Furthermore, the medium was not conducive to diplomacy; for example, “the mechanical impersonality of [the Tsar and Kaiser’s telegraph] exchange excluded the expression of human sentiments that could have emerged in a face-to-face meeting.” This was especially problematic for diplomats and monarchs who were trained in slow 19th-century communication to think that “time alone is conciliator” (See Kern 1983, 262-77).

219 See United States Senate, “Free Speech in Wartime,” https://www.senate.gov/artandhistory/history/minute/Free_Speech_In_Wartime.htm

3  THE FILIBUSTER FORM AS DRAMATIC DISPLAY: HUEY LONG CREATES & SUSTAINS DRAMA THROUGH PERSONAE & MORTIFICATION

“Should a wise man utter vain knowledge and fill his belly with the east wind?

Should he reason with unprofitable talk?

Or with speeches wherewith he can do no good?”

—Job 15:2-3

“These scoundrels and scalawags cannot deter us . . .

We defy this unconstitutional, criminal skullduggery, and we will not stand for it.”

—Huey Long’s longest filibuster: June 12-13th, 1935

“It is great to give one’s life for the country . . . I am willing.”

—Huey Long’s last filibuster: August 26th, 1935

“At sunrise every soul is born again.”

—Huey Long’s longest filibuster: June 12-13th, 1935

After cloture passed in 1917, the new course for the filibuster was not immediately charted. While there were filibusters delivered during the Roaring Twenties, no one made a memorable contribution to the direction of the form. But when Huey P. Long entered the Senate in 1932, things changed. Long went on a filibustering spree between 1932 and 1935 that has not been rivaled. Eventually he withdrew from committee appointments to focus all his energy on the floor debates and filibusters. He eventually filibustered so much that the mere threat of one could stop legislation (the “speechless” filibuster).221 Senators who opposed Long eventually organized a group called the “Suffer Long Club” to outlast his diatribes.222 He was an unrivaled

222 See Williams 1969, 833; and Koger 2011, 113.
phenomenon, according to historian Franklin Burdette: “Filibusters of the past . . . paled in the brilliance of his restless energy. In drama and in virulent satire Huey Long transcended competition.”\(^{223}\) This chapter aims to show that this description is not mere hyperbole, but that the terms “drama,” “satire,” and “transcend” are crucial for understanding Long’s new form of filibustering.

Long’s filibusters were bombastic but brilliant. These were not the deliberative, on-topic, speeches of La Follette. The result of the Senate motorizing debate was that filibustering now became about gaining and maintaining recognition through display. It became “the court before [which] public prestige [could] be displayed—rather than in which public critical debate is carried on.”\(^{224}\) Long was the right person for this new, courtly venue, since he was well-studied in courtly rites as the Governor of Louisiana.

As with mechanization during the *fin de siècle*, during Long’s era the Senate was again motorized by Franklin Roosevelt’s first 100 days in office. Motorization diminished debate and heightened dramatic courtly displays. Some of Long’s filibusters notably lacked prestige: criticizing colleagues and throwing candy at those who fell asleep, yelling to the galleries, taking questions from the press, and reading family recipes into the *Record*. As individual acts, these episodes seem silly, but taken together, and read for themes and symbolism, Long created a spellbinding courtly enactment of his constituents’ suffering.

Considering the rule changes passed to restrict the deliberative filibuster in the La Follette era,\(^{225}\) the mystery becomes how the speaker can circumvent the rules to gain and retain

\(^{223}\) Franklin Burdette, *Filibustering in the Senate*, 1940, 172.


\(^{225}\) The major rule changes discussed in the previous chapter were non-guaranteed recognition, disallowing roll call votes during debate, the reductive redefinition of Senate “business” as voting only (not debate), and the passage of cloture. Long had these new rules used against him (CR 9090-9137). For example, the Chair ruled “a speech . . . is not business” (CR 9127), so Long could not call the roll without quickly violating the two-speech rule (CR 9137).
the Senate floor long enough to filibuster. What changed in the rhetorical situation between 1917 and 1932 that necessitated a new form of filibustering? What was it about Huey Long that made him capable of inaugurating the new, dramatic filibuster form? And, most importantly, what rhetorical work did the symbolism of the new form accomplish? By understanding the context, Long’s unique abilities, and the symbolism of his dramatic filibusters, we will be able to better understand how he attempted to help populist farmers transcend the plight of the Depression and the Dust Bowl. The aim of this chapter, then, is not only to trace the transition of the filibuster form from deliberation to dramatic, but also to understand the new form’s origins, functions, and its champion.

In this chapter I explore some of the changing cultural and socio-economic factors between the death of the deliberative and the birth of the dramatic forms of filibustering. Some of the factors surveyed include the advent of mass media, the expansion of the Homestead Act, factory farming, the Great Depression, the Dust Bowl, the election of FDR, and the urban-centric (First) New Deal. Since these social changes disproportionately affected the poor and farmers, they needed a champion, and Huey Long attempted to fill that role. The combined social, cultural, and historical contexts suggest Long’s dramatic filibusters should be read as an attempt to enact the plight of farmers before the nation.

Some historians and rhetoricians have a dim view of Long, calling him demagogic nicknames (the “Dictator of the Delta” and “Huey the 14th”), or casting him as a snake oil salesman. The more positive analogy casts Long as a type of Robin Hood who stole from Louisiana’s rich and gave to that state’s poor. Despite his personal faults and heavy-handed

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policy-implementation, it must be acknowledged that Long was a staunch populist with a devoted following. Part of his appeal to the working class was his policy to redistribute wealth. He was also popular due to the rustic, religious persona he crafted in his political campaigns and radio addresses, though, which to fostered identification with the rural poor he represented. During his filibusters, Long used variations of his rustic religious persona to heighten the form’s drama. Consequently, I argue that Long created the new filibuster form of dramatic display by enacting personae, and sustained this new form through representative mortification.

Specifically, Long’s purpose in defending poor farmers can be seen in his enactment of a populist patron persona during his Senate tenure. Once his purpose is understood, analysis reveals how Long created his dramatic displays with an insurgent courtier persona. Finally, as his talking filibusters protracted, and his suffering increased, Long began to enact a representative martyr persona in order to connect his constituents’ suffering with his own. Archetypal personae and vicarious suffering, then, are the “transcendent logics” undergirding Long’s performance of his constituency’s plight, and their eventual relief.

This chapter proceeds in three sections. First, I discuss the pertinent historical context, and document changes to the rhetorical situation from the passage of cloture to the emergence of the new, dramatic filibuster form. Second, I discuss the constraints and possibilities that enable Huey Long to bring the new form to fruition. Finally, in my analysis section, I detail how Long rhetorically manipulated the rhetorical situation in his longest and last filibusters, which were both in defense of farmers. Since each persona reveals another layer of Long’s rhetorical resourcefulness, the analysis is structured by them: Patronus, Courtier, and Martyr.

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229 Harrell and Linkugel, 1978, 264, 266.
3.1 Changing Context: From WWI to the Dust Bowl

A variety of historical factors between 1917 and 1932 negatively affected farmers and prompted another wave of populism. As in the days of Robert La Follette, Sr., these farmers needed to gain recognition in Washington, which necessitated a new populist champion. Specifically, the factors that led to a crash in the farming market began with an expansion of the Homestead Act in 1909. Doubling land claims was meant to entice pioneers to settle America’s final frontiers. However, the remainder was marginal farmland. The Southern Plains, for example, were nearly a desert and only received about twenty inches of rain in a good year. But a hopeful myth declared, “Rain follows the plow.”

A cultural reversal accompanied those trying to tame our final frontiers; they brought urban values and practices to the plains. Whereas during the fin de siècle, farmers moved to the city to work in modern factories, now the industrial values of standardization and efficiency spread back into the country. Farmers used new plows and tractors (not horses), and urban “suitcase farmers” staked land claims only to manage it from afar. All the while, WWI exacerbated the problem. Since Russian wheat was embargoed, the Department of Agriculture asked farmers to put all their acreage into service. The combination of the expanded Homestead Act, WWI (“Wheat will win the war!”), and efficient factory farming enabled “The Great Plow Up,” in which 11 million acres of virgin topsoil in the Southern Plains were plowed.

Free land, inflated prices, and good weather garnered some bumper crops and temporary wealth, but the situation did not last. When the stock market crashed in November 1929, farmers

\footnotesize
231 A desert has less than 10” of annual rainfall. The Southern Plains include land from modern-day Arizona east to Louisiana, and from the Gulf of Mexico north to parts of Kansas and Colorado (See Burns, 2012).
232 Burns 2012.
233 See Burns 2012.
who had expanded during the boom were primed to bust. The effects of the Great Depression were delayed in farm country, but by 1931 farms began to fail. Prices fell to one-eighth of their wartime high, and a drought began. Profits dried up like the land, and a stiff wind blew the remnants of the bonanza from memory. By January 1932, the dust storms (“dusters”) began to cross the Southern Plains, making it clear that the Roaring Twenties had eroded into the “Dirty Thirties.”

The Southern Plains became a desert, and once-prosperous farmers were suddenly peasants. Apocalyptic dust clouds rose hundreds of feet into the air; sand storms blew along the ground; dunes covered fields, buildings, and machinery. Then the plagues came, and it seemed like ancient Egypt: darkness, blighted crops, starved and suffocated cattle, children dead from “dust pneumonia,” followed by invading hordes of rabbits and swarming clouds of grasshoppers. Farmers began a mass exodus from the region, and many of these “Okies” and “Arkies” went to “the Promised Land,” California. The plagued region was termed the Dust Bowl; Woody Guthrie sang about it, and John Steinbeck wrote about it in *The Grapes of Wrath*. It was the worst man-made ecological disaster in US history, and it took fewer than fifty years to create. The people needed a Moses to deliver them. Who would deliver the people?

### 3.2 Huey Long: Up from the Bayou

In the dramatic plight of farmers, Huey Long saw an opportunity. He had outgrown Louisiana and was eyeing a higher office with more constituents. In Louisiana, Long had championed the state’s poor, and in his Senate filibusters he would defend the country’s rural poor. In order to do this, he donned a patronus persona, based on ancient Roman patrons. The

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235 See Burns 2012.
236 Burns 2012. Some called “dust pneumonia” the “brown plague,” and LIFE ran a story calling the Dust Bowl the “Plague Upon the Land,” http://time.com/3878664/dust-bowl-photos-from-an-american-catastrophe/
patronage system in the Roman Republic worked to protect both the wealthy “patron” (or “patronus,” from the patrician class) and their “clients”—who were vulnerable, lower-class plebeians. The patronus often was elected to the Roman Senate to formally represent clients. In the Senate, the patron secured jobs, wealth, and security for clients; in return, clients pledged loyalty and votes to their patron. Neither could sue each other nor witness against one another in Roman courts.237

Long’s time as the Governor of Louisiana was fitting preparation for his plan to be a benevolent patron to the rural-poor “clients” suffering through the Dust Bowl. In Louisiana, he dismantled the previously dominant Choctaw Political Machine, and set up his own robust patronage system.238 As a lawyer, Long boasted about never having sued a poor man; as RR Commissioner he defended rural towns and farmers against railroad price gouging; as Governor he taxed Standard Oil and redistributed the wealth to the poor.239 With that money, he build schools and supplied them with free books and education to the poor; he built hospitals, and funded many public works programs to build roads and bridges, programs that employed many poor Louisianans. Furthermore, Governor Long appointed many friends, family members, clients, and even cronies to government jobs. Although he made enemies among corporations and aristocrats, his patronage secured the unfailing support of poor people.240 The only problem, in Louisiana for Long was that he’d exhausted the client pool.

Exhausting the client base is unacceptable for a patron’s ego, since their dignitas is directly correlated with their number of clients. The more clients a patron has, the more dignitas

they accrue in the eyes of their fellow patrons. Since Long was ambitious and aspired to gain more dignitas, he either needed to court the wealthy in Louisiana, or court the poor nationally. He chose the latter and ran for Senate with an eye on national representation: the presidency.

Long entered the US Senate in 1932, and later that year helped FDR win the presidency. When the Mississippi and Arkansas wavered in their support of Roosevelt at the Democratic Convention, they had Long talk with delegations from those states, and it was his “red-necked eloquence” that solidified their crucial support for Roosevelt. But this created a scenario in which Long believed that the Roosevelt administration owed him. Long wanted the ear of the president, to advise on policy.

Whereas Roosevelt’s team initially tried to “keep [Long] happy,” they soon realized “it was impossible” because Long “wanted power, and could only get it at Franklin’s expense.” When the economy had not turned around by 1934, Long “decided that the time had come to begin nation-wide publicity for his plan to redistribute wealth,” and thus he launched his national network of patronage known as the Share Our Wealth (SOW) program with the goal of winning the presidency in 1936. This plan hinged on dividing from FDR, and positioning the choice as the “people’s young champion” versus the “old . . . tool[] of Wall Street.” Populist versus elitist. The motto of Long’s program was taken from a speech by the famous populist William Jennings Bryan: “Every man a king, but no man wears a crown.” Initially, Long announced SOW during a speech in Congress, and he subsequently “introduced numerous bills, resolutions and motions,” but “not one passed.”

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242 Hair 1996, 244-5.
244 Hair 1996, 269.
245 Hair 1996, 254.
246 Hair 1996, 259. The joke was that no one wore a crown, except when Huey was in Louisiana.
247 Hair 1996, 269.
Long did not give up, instead he innovated in two ways. Outside the chamber, Long used radio addresses to speak to his growing national constituency; inside the Senate chamber he decided not to focus on passing legislation, but on publicity. Long “saw in the filibuster an opportunity offered by no other parliamentary device to advertise himself and his ideas to the nation.”

The filibuster form, although restricted by new rules, still allowed populists to speak at length for their constituents and transcend the silencing tactics of elites. Thus, while Long was thwarted in his attempts to advise FDR directly, or publicize his ideas by passing legislation, he innovated by using the filibuster and radio. He heralded himself and his program; he grew his patronage by winning clients across the nation; his popularity pressured FDR to listen to this exiled advisor. Playing to his strengths, then, Long synthesized the roles of patron and advisor into a dramatic populist performance in his filibusters.

3.3 Long as a Populist Patron

“There is no calamity like that which befalls a ruling class which loses its power.”
—Josephus, quoted by Long in his longest filibuster: June 12-13th, 1935

Repeatedly in his filibusters, Long adopts a populist patron persona to champion his clients and delineate their needs and wants from the myopic aims of elitist Senators. Patron Long invoked the old virtues that governed the relational Senate of the 19th-century: “fairness,” and “courtesy” (CR 9135, 9137, 9140). He needs courtesy and fairness due to his alleged *pudor rusticus*—or country naïveté: “I ask only for fair play. I am a countryman, coming from the backwoods of Winn Parish. I have had very little experience in cities, and I want to be protected. I ask for fair play” (CR 9135). When not protected, Long even dipped into the patriarchal side of the patron persona to chide childish Senators: “Now, get together and stop this family row! (CR

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248 Williams 1969, 832.
9160). These patronly appeals did not play as well in the Senate as they did when stumping in the bayou, so Long often pivoted his appeals from virtue to the role of a legislator as a popularly elected representative of the people.

It is the popular support of his clients, after all, that justifies Long’s filibusters. Regarding his obstruction of the National Recovery Act (N.R.A.), he says, “My people sent me here, and . . . they expect me to tell the Members of the Senate what I know about these matters . . . whether Senators feel like they want to hear it or not” (CR 9126). Specifically, Long considers “my people” to be the large group of poor rural poor who were “naked, starving, and homeless.”249 These clients’ situation was dire, for more would die “as a result of the pestilence or the depression of the last five years than ever died from the Civil War or from the World War” (CR 9116). The “pestilence” includes poverty, generally, but was specifically the result of the apocalyptic Dust Bowl plagues: drought, dusters, sand dunes, darkness, deaths, and hordes of rabbits and crickets.

Long shines a light on those farms covered by a dark cloud. He stands up as the people’s patron and speaks their truth to those in power. By voicing their suffering, Long stood between the plains people and the onslaught of pestilence—like the Sentinel at Pompeii, who stood his post, even as the ash cloud from Mount Vesuvius rolled down upon him. The Sentinel alerted the people to danger, and for Long that meant alerting the electorate of the Democratic Party’s waywardness under Roosevelt. “I am standing on guard tonight as the sentinel stood at Pompeii, trying to keep the Democratic Party from betraying one more promise it made to the American people” (CR 9144). Although the Sentinel suffocated in the ash, he was always faithful, and his

249 This triad—“starving, naked, and homeless”—appears both in Long’s “Every Man a King Speech, and is a prominent plank in the platform of the Share Our Wealth Society, as outlined in the society’s official pamphlet. See Huey Long, Share Our Wealth: Every Man a King, 6-7, and Huey Long, “Every Man a King,” 23 April 1934. AmericanRhetoric.com, 1-9.
remains a reminder of virtue triumphing over expediency. For Long, then, it was better to stand on principle than compromise with Wall Street, as he believed FDR had done.

Compared to the horrors experienced by his clients, the discomfort and pain of the filibustering patron was negligible. “If it were not for the duty which I owe to the people, I would take my seat now” (CR 9126). But Long did his “duty,” and repeatedly filibustered bills he deemed harmful to farmers in 1935.\(^{250}\) If he shirked his duty, like most of his out-of-touch colleagues, it would be analogous to “the Congress of the United States fiddling while Rome burns” (CR 14545). But as long as Long intervened for his clients, the country would not “burn,” or succumb to the Depression or Dust Bowl. Although during the first years of the Roosevelt administration, cotton and wheat farmers were “left out in the dark” (CR 14719), Long refused to stand idly by. He did what he thought was his duty by advocating the redistribution of wealth. He would not fiddle, he would filibuster. Thus, he took advantage of a form that allowed a Senatorial patron to fight for his clients.

In order to fight for his clients, Long’s filibusters eschewed the New Deal value of efficiency. During his last filibuster, against the budgetary deficiency bill, Long ran out the clock on the session since funding for cotton and wheat farmers had been stripped out of the bill. Since the House had already adjourned, and could not amend the deficiency bill, Long claimed his filibuster was meant to give House members a voice. “If you will not let our elected Representative from Louisiana vote, then . . . their Louisiana Senator will talk for their vote” (CR 14724).\(^{251}\) Not only did Long purport to speak for Louisianans and their Representatives, he broadly claimed, “I am representing the people of the United States of America” (CR 14742).

\(^{250}\) Williams 1969, 812-32.
\(^{251}\) This upended the change to Senate deliberation in 1908: talking is NOT business; only voting = business. Long now is replacing voting with talk!
Considering the 8.5 million Americans who were part of Long’s Share Our Wealth (SOW) program, and the additional 25 million who’d heard his SOW radio addresses, the claim that he had clients throughout the country was true. In the month after the radio address, Long received thousands to telegrams and hundreds of citizen-visitors to his D.C. office; he crowed about the fact that he hired forty-eight secretaries and typists in order to respond to all the correspondence from his rapidly growing clientele. Long was confident enough in this claim and his popular patronage to “challenge Senators to find out anything I have ever stood for in this body that has not been popular among the people” (CR 14752).

Relying on his populist bone fides, Long decries Congress’ “hurry” to vote (CR 14720). Like La Follette, Long claims lasting change is achieved through deliberate legislative procedure. Taking a page out of La Follette’s playbook, Long “decline[s] to be stampeded and to be run out of the city of Washington D.C., in order to prevent the House . . . from having an opportunity to vote on wheat and cotton being protected” (CR 14720). Motorized legislation, then, is hurry, and when a group meant for deliberation is hurried, it becomes a “stampede.” A stampede is dangerous and favors the strong, who trample the week; likewise, as the strong players on Wall Street bought out Roosevelt Democrats, Long alleged that the poor folks who were the true base of the party would be crushed by FDR’s fast-paced flip flopping. Thus, Long slows down and is willing to obstruct relief if his clients are excluded. Long “will not have anyone tell me ‘You are not going to be allowed to speak more than 5 minutes because of the

254 Hair 1996, 269.
255 Also, from his time as dictator of the delta, Long knew the flip side of deliberation: that hurry and efficiency assisted his more autocratic measures get through the Louisiana legislature under cover of darkness or the confusion of the end of a session. Where La Follette and Long seem to agree on deliberation in the Senate, as Governors they were contrary—La Follette believing in sifting and winnowing, and Long, for example, demolishing the Governor’s mansion first and asking the legislature’s forgiveness later.
fact that it is not dared to trust the House . . . in the action it may take” (CR 14720). Slow and careful consideration and deliberation produces social justice for clients, not artificial hurry, legislative efficiency, and the silencing of populist voices. Representatives, then, “have a right to say whether they are for or against something; . . . if it takes 1 day or . . . 3 weeks or 3 months, that Congress has a right to stay in session long enough for both houses to say whether they do or do not want cotton and wheat or anything else protected” (CR 14721). However, twenty-four hours is all that will be needed, Long claims, for tomorrow morning farmers would gather in cafés all across the country, read the news of Long’s filibuster, discuss the matter, then telegraph their representatives to vote for farm relief (CR 14725). So long as Long was in the chamber, the voice of populist farmers would have a patron.

In their hurry, Long claimed many career politicians had forgotten how to communicate with the common man. Long prided himself with still being able to speak a populist dialect—the patron who could commune with the commoner. Perhaps it was the insular nature of D.C. that made Senators urbane: “a man stays here . . . [and] learns so much that when he goes back home [to] the country people, they do not know . . . what he is talking about. He has forgotten the kind of language to which those people are accustomed. That is the trouble. Then some old hillbilly comes out of the woods who understands their language, and licks the Senator . . . because he got so smart that nobody understood anything about his smartness” (CR 9133). The distinction between how urbane, sophisticated elites talk, and how rustic populists talk while maintaining their persona is a significant distinction. It makes that demographic feel “underst[oo]d.” Recently this same distinction factored into President Donald Trump’s 2016 election, since many of his supporters appreciated his non-scripted, off the cuff speaking style.²⁵⁶

Long once tried his rustic, preacher persona during a debate in New Your City, and the urbane audience laughed and guffawed at the rube. And although Long could code-switch and speak to aristocrats in their vernacular, he realized that he could go further by speaking to “the country people.” Thus, he doubled down on his rustic patron persona and launched the SOW program in rustic radio addresses. He even boasted about the newfound consistency of his persona: “You see, Senators talk here one way and then they go back home and talk another way. A good thing about me is that I have only one language” (CR 9139). Less code-switching, more rural poor clients for this patron.

In addition to his rustic radio addresses, Long peppered his filibusters with colloquialisms. He used populist vernacular to denounce his foes and the legislation in question. “These scoundrels and scalawags cannot deter us, they cannot put fear in our hearts in Louisiana. We defy this unconstitutional, criminal skullduggery, and we will not stand for it, and we never did pay the N.R.A any mind in Louisiana” (CR 9132). The more Long used terms like “scalawags” and “skullduggery” the more the aristocrats turned up their noses, and the more his clients cheered. “I do not care what the public press may think . . . But back there on the forks of the creek and in the blacksmith shop and filling station . . . they would uphold my hands” (CR 14747). The people “back there on the forks of the creek” loved their patron because he fought for them, and because he spoke their language.

The biggest affront to Long and his clients, though, was the gall of elites who distrusted the word of farmers for the word of technocrats in the Department of Agriculture. Farmers

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258 See the documentary Huey Long by Ken Burns, 1985. Every poor person interviewed reveres his memory fifty years after his death, while every wealthy person detests him and more than one describes how discussing Long’s assassination was common practice.
bristled then and now over city bureaucrats who try to tell them how to plow their land, raise their crops, and tend their cattle, all the while making relief money contingent on the alleged expertise of outsiders rather than on the wisdom of actual farmers. Long denounced this federal overreach in the strongest possible language, calling the N.R.A. “fascism and Bolshevism” (CR 9100). At a time in which these ideologies were rapidly growing in Europe and the Soviet Union, those were not empty terms, but accusations with teeth and bite.

The thought of un-elected, un-vetted N.R.A. bureaucrats being able to boss farmers in Louisiana infuriated the former governor and current patron to the rural poor—hence, the name-calling, the filibuster, and statements “against the ransackers of the country in the bureaus and departments,” while simultaneously “trying to bring back to this body the dignity and decorum and prerogatives which belong to it” (CR 9132). If FDR could implement New Deal programs at will without Senatorial advice and consent, how different was it from fascism? Plainly spoken, Long claimed the N.R.A. hurt “the people,” which “compels us to stay here fighting the war all over again to prevent carpetbaggers from seizing our section of the country” (CR 9141). Now, though, the “carpetbaggers” are members of the New Deal’s growing bureaucratic empire.

If local farm policy fell to New Deal technocrats with carte blanche, it could be disastrous. To convey the importance of an independent yeomanry, Long argues by authority, quoting Thomas Jefferson: “If we have to appeal to Washington as to when we shall sow and when we shall reap, sometimes we will be without bread” (CR 9148). So rather than sitting home, waiting to starve at the hand of carpetbaggers, Long went on the offensive. He invaded the citadel in Washington before bureaucrats could invade farms in the South, Midwest and West.

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259 Not only had the Supreme Court invalidated the first attempt at an N.R.A. because it was too controlling of farm commodities, but not FDR’s lackeys were trying to ram through N.R.A. 2.0 without any advice and consent from the Senate who led the new “blue buzzard” administration (Long called the program the “blue buzzard” nineteen times in quick succession in his longest filibuster. See CR 9094-9096).
By analogy, he implies that he is a Trojan horse in the Senate—the patron of the populists, obstructing elite New Dealers on their turf (CR 9105).

As a populist Trojan horse from the Democratic party, Long seemed innocuous for the first few months in the Democratically-controlled Senate. Colleagues joked with him that if he was a Trojan horse, then the horse was full of hot air, and spoke in a funny language (CR 9105). But as Long became disgruntled about the lack of redistribution of wealth, and became more disruptive in 1934 and 1935, colleagues began to take notice and agree with FDR’s assessment that Long was “dangerous.” Long’s disruptions in the Senate increased when he withdrew from his committee appointments to focus on the floor debate, publicity, and filibustering.

3.4 Long as Insurgent Courtier

Long’s populist patron persona, while it gained him rhetorical purchase in defending his rural poor clientele, was insufficient to his purposes. In order to go on the offensive, Long also developed a second archetypal persona: the insurgent courtier, which played variants of the role depending on the situation. Sometimes, Long fancied himself as a courtly advisor speaking truth to the king. At other times he needed to be the herald who publicized his efforts to filibuster and enact the people’s suffering. Third, Long periodically wore the mask of the courtly jester in order to provoke others without retaliation.

Upon President Roosevelt’s election in 1932, many believed he would deliver the people from the Great Depression. He hit the ground running, but results took time. In the flurry of activity, some—such as Long—became alarmed at the amount of power being accrued in the Executive Branch. Although some drastic measures were warranted, the Democratic Congress basically gave FDR carte blanche during his first 100 days in office. In that time, FDR

\(^{260}\) Cortner 1996, xi-xii.
temporarily closed and re-opened American banks, created many bureaucratic agencies to deal with aspects of the Depression, dramatically grew the size of the government, and called in the gold and exchanged it for silver certificates. In order to sell these changes to the American public, FDR deftly used the medium of radio and his “Fireside Chats” to inform and calm the electorate.  

For a number of reasons, Long soon became Roosevelt’s chief opponent within the Democratic Party, and Long denounced Roosevelt’s power as kingly. First, Long wanted power, and his favorite way to accrue it was to attack the king of the hill: Roosevelt. Second, Long disliked the urban-centric nature of the “First New Deal” (1932-36). Third, Long was fixated on what many thought was a throw-away line in FDR’s 1932 Democratic Nomination Acceptance Speech, which called for “a more equitable opportunity to share in the distribution of national wealth.” For Long this was a commitment to redistribute the wealth in America, to take from the rich and give to the poor; it was not an empty line. Although Long supported half of the Roosevelt’s measures in the first 100 days, Roosevelt did not redistribute the nation’s wealth. Instead he bolstered the banks. Within months, Long was predicting revolution without redistribution in a speech titled “The Doom of the American Dream,” and in return, FDR was calling Long “one of the two most dangerous men in the United States today.” Hence, when it became clear that redistribution would not happen under FDR, Long decided he would do it.

In order to begin redistribution, Senator Long did not just bide his time waiting for the 1936 Democratic primary. Outside the chamber, he used the medium of radio to found the

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262 Hair 1996, 254-5.
263 Hair, The Kingfish and His Realm, 1996, 254.
264 White 2006, 172.
265 Williams 1969, 558.
266 Cortner 1996, xi-xii. The other most dangerous man, according to FDR, was General Douglas MacArthur.
national Share Our Wealth (SOW) program. Inside the chamber, he began to furiously filibuster and to slow down the agenda Roosevelt had motorized in his first 100 days.

### 3.4.1 The Courtly Style & the Courtier Persona

One means by which Long dramatically slowed Roosevelt’s agenda, was the adaptation of an insurgent courtier persona. In medieval European courts, there were a variety of courtiers, and a single courtier often played different roles depending on the situation. Courtly roles included being an advisor to the crown, a knight, a noble lover to the courtesans, a herald, a minstrel, or a jester. An individual courtier played multiple roles by “masking,” or “arranging one’s personal appearance properly, wearing the right clothes, and behaving in such a way that one plays perfectly the roles society offers.” By arranging and re-arranging their appearance, clothes and behavior, “the ideal courtier produces an endless series of brilliant performances, pausing only long enough to exchange one mask for another.” This fits Long, who produced a series of courtly performances in his filibusters, by exchanging masks.

No matter the mask, the courtier should exhibit certain characteristics and virtues at all times. Concerning characteristics, the courtier should be a well-rounded renaissance man who is athletic, intellectual, and humorous. For virtue, the courtier should display dignitas, like the patron Senators of Rome, the Lords of England, and the gentlemanly American Senators of the

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267 William Hair, *The Kingfish and His Realm: The Life and Times of Huey P. Long*. Louisiana State University Press, 1996, 272. Long hoped to parlay this rapidly increasing number of clients into a national presidential campaign for president in 1936. Although he would likely lose the Democratic nomination in 1936 to the incumbent (FDR), he hoped splitting the party in a loss would eventually lead to winning the presidency in 1940. See Hair, 1996, 254. Long, not Roosevelt, would be the people’s true deliverer. “He was willing to let the country suffer for four years [under Republican rule] so that he could then save it.” Williams, *Huey Long*, 1969, 844.


271 Castiglione 2002, x.

272 Castiglione 2002, xvi; & Rebhorn 1978, 40.
19th-century. Additionally, the courtier should possess balanced moderation (mediocrita) between gravita (serious solemnity)\textsuperscript{273} and esprit (effortless wit).\textsuperscript{274} This balance provides insight into Long’s dual impulse to protect suffering clients—as their patron and representative martyr—while also using humor in his dramatic displays.

Esprit was by no means the least important duty of the courtier. In fact, telling jokes and witty stories must be practiced and consciously applied. The “joketeller . . . must have a quite theatrical repertory of gestures, expressions, and techniques if his joke is to produce laughter.”\textsuperscript{275} Thus, the courtier should use imitazione of “gestures, sounds, and modes of speech” to produce humor.\textsuperscript{276} But whereas the ideal courtier of Castiglione’s day was to avoid buffoneria,\textsuperscript{277} the populist courtier in the era of dramatic mass media may thrive by walking the thin line between esprit and buffoonery.

3.4.1.1 Long as Populist Courtier:

None were as prepared as Huey Long to play the courtly foil to Roosevelt’s kingly persona. Long’s filibusters effectively propelled the drama, because he had cultivated his ability to produce political theatre for years. From his first days in politics, his public appearances and speaking style exploited every possible bit of pageantry. He loved barnstorming. He traveled with an entourage and arrived at every stump speech with a sound truck and loud speakers.\textsuperscript{278} He wore gaudy suites with loud shirts and clashing ties. He would rail against J.P. Morgan for owning one hundred suits, then foreclose questions about how many he owned by taking off a

\begin{thebibliography}{99}
\bibitem{273} Rebhorn 1978, 40.
\bibitem{274} See Madeleine de Scudery’s texts in Bizzell, Patricia, and Bruce Herzberg, eds. \textit{The rhetorical tradition: Readings from classical times to the present}. Bedford/St. Martin's, 2001, 761-778.
\bibitem{275} Rebhorn 1978, 31.
\bibitem{276} Rebhorn 1978, 24.
\bibitem{277} Rebhorn 1978, 24.
\bibitem{278} Burns 1985/2011.
\end{thebibliography}
shoe and delighting the crowd by showing them a hole in his sock. He called himself “The Kingfish,” after a gullible character on the Amos and Andy radio show. While he made speeches, Long flailed his arms, and gestures that began as histrionics turned into passionate gesticulations that were described as the churning of a “windmill” or the vigorous flailing up and down of a long-handled water pump.

He had a photographic memory and a deft ability to code-switch. When with the hicks, he twanged and drawled; when with the cultured, he quoted Shakespeare; with the pious, he quoted chapter and verse. Poor people loved him: the redneck messiah; and aristocrats loved to plot his assassination. He loved ribbon cuttings, reviewing the Louisiana National Guard, leading the Mardi Gras parade, and any event with high visibility. He tore down the Governor’s mansion without the legislature’s permission and built a palatial replacement. At LSU football games, he marched with the band, ran on the field with the players, and flirted with the cheerleaders. He even claimed to have helped composed the fight song. He did everything but throw the touchdown passes. He wanted to be the grand marshal of every parade, the bride at every wedding, the corpse at every funeral, the portrait above every hearth.

Considering his stature and penchant for courtly rites as Governor of Louisiana, Long’s behavior aligns with the courtly style. “The courtly style is centered on the body of the sovereign, displaces speech with gestures, and culminates in immobility”; furthermore, the courtly style “seems to be particularly resurgent within mass media representations of political

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280 Williams 1969, 558.
Governor Long “centered” all things to his “body.” He carried no money and relied “upon associates to pay for his meals, tips, and gifts to strangers in need.” He met foreign dignitaries in pajamas, underwear, or in the nude. He ate food off of his associates’ plates at restaurants to demonstrate his dominance. Finally, if these tactics did not assert enough dominance, Long had one final tactic: “pretend[ing] to miss his mark in the urinal and hit another Senator.” He was the sovereign body at the center of a courtly style.

Long loved courtly drama, and he coveted the spotlight. This spotlight grew bigger as he became Governor, then as a nationally-known Senator due to his SOW program and filibusters, and then as an assassinated presidential hopeful. Although he died young, he would have been delighted that 100,000 people attended his funeral. Thus, Long had the dramatic flair and the masking ability to turn the Senate floor into a stage for his courtly performances. Moreover, he had a great sense of humor, and his filibusters are riddled with laughter and witticisms. He was the insurgent courtier to Roosevelt’s kingly persona.

3.4.1.2 Insurgent Courtier: Advising the King, Heralding the People, Jesting for Hours

While analyzing Long’s longest and last filibusters, three variations of the courtier persona emerged as his means for creating dramatic displays: denouncing the king, heralding the public, and jesting. This fits with how Long’s pre-eminent biographer, T. Harry Williams,
described Long’s behavior in the Senate. Without putting it in terms of the courtier, Williams
notes that Washington correspondents during Long’s tenure speculated that his motives were
threefold: to assert mastery over the Senate, to seek “publicity,” and to pester the
administration. The multifaceted courtier persona from the renaissance helps schematize these
three motives, since the desire to assert mastery aligns with the courtly role of advisor,
“publicity” aligns with the herald, and pestering aligns with the jester role.

A winning quotation from the filibuster that accurately depicts Long’s view of himself as
an adversarial advisor to FDR is, “Someone must speak the truth to the people in the presence of
the king. Someone must speak the truth to the king in the presence of the people” (CR 9126).
Long was in a unique position to do this, considering his ability to speak the people’s language,
his position within the Democratic Party, and as a former ally of the administration. The truth
FDR needed to be told, according to Long, was the hard truth that he was selling out his party
and hurting the rural poor. Put in biblical terms, “There is a time wherein one man ruleth over
another to his own hurt” (Long’s quotation of Ecclesiastes 8:9, See CR 9146). The “hurt[s]” to
Long’s clients accumulated: beginning with FDR’s failure to redistribute wealth, continuing with
the administration forsaking the anti-trust laws in the party platform, and culminating in the
N.R.A (CR 9154, 9117).

Farmers were particularly horrified by the N.R.A. plan to stabilize deflation by reducing
the supply of commodities, i.e., plowing under crops and killing livestock. This idea originated
in the Hoover administration, but as a lame duck, Hoover did not have the political capital or the
chutzpah to implement the aggressive plan. Roosevelt did implement this unpopular Republican
idea, however. For that, Long made Hoover and FDR consubstantial, calling them “Tweedledum

292 Williams 1969, 832.
According to Long, FDR should be afraid of alienating the key Democratic constituency: farmers. Not only was FDR cavalier in destroying their property, he added insult to injury by excluding farm aid from the deficiency bill.

Instead of taking care of a loyal constituency who had fallen on hard times, Long alleged that FDR was schmoozing the elites. Twice in his filibusters Long told about FDR sailing around with Vincent Astor’s family, before passing yacht subsidies instead of farm aid (CR 9107, 14729-30). After insinuating that FDR was taking bribes from a pirate like Astor, another Senator had had enough (CR 9107). Senator Lewis was incredulous and asked if Long was really “intimating” that the President was being bribed by the rich to pass oligarchic policies; Long responded, “Yes,” and that Astor’s bribery was easy: “like taking candy away from a baby” (CR 9108). Still chagrined, Senator Lewis claimed that speaking ill of FDR publicly, on the floor of the Senate, will reach “the audience in the galleries, to the public, and to the . . . press” (CR 9108). That did not dissuade Long, however, who further justified speaking ill of Astor and Roosevelt by comparing himself with Robert La Follette and his fight against corrupt corporations and robber barons (CR 9109). If these tactics were good enough for a virtuous insurgent populist like La Follette, then the tactics were good enough for Long.

In opposition to this representative anecdote depicting Roosevelt as a subservient monarch to aristocratic robber barons, Long poses himself not only as an insurgent courtier, but as the intra-party member who should straighten out Roosevelt by being his chief advisor. Long begins his advisory role by reading and annotating the Constitution. After discussing Article I for ten long pages of the Record, Long quipped, “I now come to Article II of the Constitution . . . I am going along rather fast in this discussion” (CR 9112). A fellow courtier, Senator Thomas,

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293 Long also made the case in his radio address that FDR and Hoover are consubstantial: see Long, Huey P. “Share Our Wealth Radio Address to the Nation,” 7 March 1935. AmericanRhetoric.com
noted that Long forgot to discuss the preamble, so Long did him one better by going back and narrating why the Constitutional Convention was called and the biography of the founders. Next, Long advised by reading into the record a nine-part proposal for a new law (CR 9115-17). Instead of liquidating the surplus of wheat and cotton crops, as Roosevelt is doing, Long lays out an alternate proposal that mirrored the SOW platform: a plan not to destroy supply and surplus but to build barns to store it for later years if the Depression persisted.294 The point is that Long wants to be the Joseph to Roosevelt’s pharaoh: the “king who was troubled by locusts for 7 years. If we only knew that for the next 7 years the scourges would not be any worse . . . we would feel . . . remarkable relief” (CR 9106). Long advised that the government did not need to stabilize deflation by destroying supply (crops and cattle), it could increase demand by buying and stockpiling excess grain in huge barns like Joseph did in ancient Egypt. If the drought worsening, the country could be fed from these stores; but if commodities were destroyed now, America would need to import later—which defied common sense.295 By positioning himself as Joseph, Long expertly dons the courtier mask. He is the chief vizier to Pharaoh Roosevelt, ready to assume the throne. Whereas Roosevelt was a “blind guide” to the people, Long would be “a good friend” to his populist clientele as the next president.

3.4.2 The People’s Herald

To get through to the king and alert the people, Long tried to publicize issues by adopting the persona of a courtly herald. Long “viewed the Senate primarily as a forum from which he

295 The plan to build storage barns was right out of the story of biblical Joseph. See Genesis, chapters 39–46. Of course, Long’s religious personae had rhetorical significance for his populist clients. That argument is well made in Hogan and Williams’s article "The Rusticity and Religiosity of Huey P. Long." Rhetoric & Public Affairs 2 (2004): 149-171. Additionally, much of the next chapter of this dissertation, on Frank Capra and “Mr. Smith Goes to Washington” will deal with Smith’s Christ persona. As such, in this chapter, I mostly keep my analysis of Long’s biblical allusions to my discussion of his Job/martyr persona, which unlike these allusions, is subtler.
could advertise Huey Long to the country.”

Publicity could be more easily gained from the floor than in committee work, so Long resigned from all his committee appointment in order to focus on the floor debate. The filibuster was the foremost form for garnering publicity in the chamber, and by 1935 he was regularly filibustering to rile his clients and organize a populist pressure campaign aimed at getting Roosevelt to assist farmers. At times during these filibusters, Long heralded the galleries and the press rather than the colleagues seated before him. “We are getting a better crowd here. The news has gotten around after 9 hours that I am making a marvelous speech . . . I shall instruct my Secretary . . . to wire back home to tell my people that the crowd has grown . . .” (CR 9137). One reason Long spoke to the press and the public was that the audience of colleagues was sometimes as small as fourteen, since the speaker could no longer call roll during his filibusters (CR 9114). Long decries Senators’ absence: “The place for Senators is on the floor of the Senate. That is where Senators belong” (CR 9122). When Senator Clark rose to leave the chamber during the Roosevelt-Astor-yacht story, for example, Long called him out: “I hope the Senator from Missouri is not going to leave the Chamber; I will mention his name in a minute, and it will be a complimentary reference, too.” Clark responded, “I will return in just a moment” (CR 9107). However, it seems that Long never makes that complimentary mention. Apparently not every Senator could be heralded to do Long’s bidding because they were not as motivated as Long was by publicity.

Since Long “should like to have as large a crowd as possible” (CR 9122), and since so many Senators left the chamber, Long began to herald the galleries and the press, while noting that the performance was being enshrined in the Record. When a sympathetic colleague, Senator McCarran, finally questioned quorum, and Senators returned for the roll call, Long noted, “Now

296 Williams 1969, 560.
297 Williams 1969, 808-832.
that so many Senators have returned, I am no longer talking for the benefit of the Record. I am talking now for the benefit of the Senate . . . I was speaking to the country a moment ago” (CR 9124). Thus, Long was adaptable: if Senators were present, he spoke to them; if they left, he spoke to the galleries, press, and public through dramatic displays until his colleagues returned. He also believed that a fair number of citizens would learn Long’s message merely through the circulation and reading of the Congressional Record.

Colleagues picked up on Long’s herald persona and objected that he just “wishes to provide publicity for himself, and get himself in the newspapers, and talk to the occupants of the galleries” (CR 14744). Rather than denying the charge, Long responded with a mild threat: if Senators left the chamber again, he’d stop reading something enlightening and return to extemporaneous, inane speaking. It was difficult for Long to stay on-topic, though, and soon he was falling back on his populist, rustic bone fides and discussing the “chicken-coop case” that struck down FDR’s first N.R.A. department (CR 9128-9). In reaction, his frustrated colleagues exclaimed, “We are going to fight every time the Senator uses the methods he has used in the past five and a half months [i.e. filibustering]. We are through” (CR 9150). Senator Lewis Schwellenbach specified that he was through with allowing Long his “selfish desire to get publicity” 298 Thus, the opposition group known as the “Suffer Long Club” 299 was created as a reactionary group to Long’s filibusters, his herald persona, and his attempts at publicity.

Long was unmoved by the oppositional “Suffer Long Club,” though. Not only did he think he could outlast this group, but he claimed, “I will be here longer than the Vice President [the Chair] can sit down” (CR 9171). With this comment, Long—like La Follette—was invoking the uniquely American character of the filibuster form in the US Senate. Unlike British

298 White 2006, 256.
299 See Williams 1969, 833; and Koger 2011, 113.
parliament, the chair could not decide when to end the session, and instead a recognized Senator could run out the clock by filibustering. Long chose to publicize his concern for his clients and opposition to FDR through filibustering. Using personae to assist in his dramatic filibusters was an innovation that went beyond the previous iterations of the form. Whereas La Follette was stymied when he could no longer call roll, force deliberative exchanges with a bill sponsor, or have his aide track quorum, Long adapted and heralded the galleries and the press.

Moreover, Long embraced publicity by finding a new use for his pages: circulating press releases and collecting incoming communiqué for him to read. This innovative use of publicity would later figure into Capra’s treatment of the filibuster in the film “Mr. Smith Goes to Washington” (see Chapter 4). However, Capra depicted a mostly one-direction mass media that also happened to be largely corrupt. Thus, the popular reaction of the people was delayed due to the news cycle, and corrupted due to the propaganda spread by the oppositional party machine. In Chapter 5, though, some of these issues—although exaggerated by Capra—are remedied in the social media era by Wendy Davis’s deft use of publicity. In that chapter, Long’s heralding of the people and use of the media realizes its potential as a way to mobilize supporters and denounce opposition.

3.4.3 Courtly Jester

“The wilt thou find a cavern dark enough to mask thy monstrous visage? Seek none, conspiracy; hide it in smiles and affability.”
—Long quoting Julius Caesar, CR 14731

The third and final variant of Long’s courtier persona was the courtly jester. Through esprit, Long drew the continuous attention of the press and the public to his filibusters. Humor also helped to make his rebukes of the king and the king’s “toadies” more palatable (CR 9121). Long’s jests included many stories, countrified terms, religious sayings, and name-calling. In a
representative anecdote, Long spoke at length about chickens. He reduced the Supreme Court’s “chicken coop case,” which struck down N.R.A. 1.0, to allowing a free market for “pickin’ chicken” rather than government interference (CR 9128-29). Then Long drew an analogized between a “chicken snake” and the “pot-bellied politicians” advocating for N.R.A. 2.0 (CR 9098). He completed his jesting by reading a poem about chickens (CR 9129, 9130). When one Senator had enough of chickens and left the chamber, Long quipped that he had “flown the coop” (CR 9102). This colleague was seemingly too chicken to join Long’s stand against Roosevelt.

When Long ran out of material on chickens, he told stories from the bible, from classical history, and from the biography of his heroes. These stories were riddled with rustic terms and sayings. Antagonists in these stories were expertly insulted and given nicknames. FDR, for example was called “the high muck of the high-muckety-muckers” (CR 9131). Long’s best jest, though, was riffing on the N.R.A acronym: “What is the NRA? The national racketeers’ arrangement. [Laughter.] . . . NRA—Nuts Running America [Laughter.] NRA—Never Roosevelt Again. [Laughter.]” (CR 9144). He may have been a pest, but his filibuster jests could captivate

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300 Chicken snakes apparently swallow whole eggs, then slither through fence boards to crack and digest the eggs (See CR 9098).
301 Biblical stories included Jacob and Esau, the Israelites’ exodus from Egypt, the parable of the rich man and Lazarus, and Jesus overturning the tables in the temple. See CR 9132, 9144. History of the Trojan Horse and the Sentinel at Pompeii, see CR 9105, 9144. Biographies included a little-known Bayou politicians, Judah P. Benjamin, and internationally known leader, Frederick the Great, whom Long lauded for acting first and justifying his behavior later (CR 9167). As Gov. of Louisiana Long followed the example of Frederick the Great: often acting first and getting the legislature to authorize it post hoc.
302 Rustic terms included “dadgum,” “limflamming,” “hunky-dory,” “rascality,” and “folderol” (CR 9114, 9106, 9108, 9142).
303 Names and insults included “polecat[s],” “scoundrels and scalawags” were denounced for the “row and fuss” they created with their “muley” and “hoggish” “skullduggery” (CR 9131, 9132, 9149, 9167, 9175). When a colleague suggested he sing, Long told him he wasn’t pretty enough to sing to; Harold Ickes, FDR’s aide, was called a “chinch bug;” the N.R.A. was repeatedly called the “blue buzzard” after its logo (CR 9114, 9106, 9131). Rustic saying included: “one doesn’t have to eat a whole beef to tell it’s tainted;” “we bored for the hollow horn;” “that is the whole bug under the chip”; “The night is dusty, and good soul’s rusty”; and two-plus-two equals four, an elephant can’t go through a keyhole, and the N.R.A is just no good (CR 9108-10, 9142, 9144, 9149, 9158). Religious phraseology included: “Build your foundation on a rock,” “A good name is better than ointment,” and “Stand on guard for Mammon!” (CR 9144, 9145, 9161).
the court. By using these terms, names, and sayings to add levity to his dramatic, insurgent filibusters, his harsh populist truths were tolerable. After all, it’s easier to catch flies with honey.

Long even jested about the shared suffering of speaker and audience during a filibuster. When his audience got ripe after ten hours in the hot chamber, he joked, “it is only two days from Saturday, when most of you [Senators] will want to take a bath. [Laughter.]” (CR 9170). In the meantime, Senators should enjoy the drama, because, “Years from today there will be great jealousy over the fact that Senators will be claiming that they were among those who heard my memorable speech. [Laughter.]” (9135). Perhaps, Long joked, his filibuster would break the record, since, “After having spoken here for 10 hours today, I seem to hear a voice that says, ‘Speak 10 hours more! Speak 10 hours more!’ [Laughter.]” (CR 9141). Long joked that this voice of inspiration was from “the glorious statesmen of old”: Calhoun, Clay, and Webster (CR 9141, CR 14747). This desire for lengthy speaking and honoring the American Triumvirs prompted Senator Boon to call Long an “old-time legislator” who valued virtue and relationships above rules and efficiency.

In hopes of lasting ten more hours, Long began to joke about the areas in which he too was suffering: hunger and sleep. He first revealed to the elite chamber family recipes for low-country delta-delicacies: fried oysters, potlikker stew, and Roquefort cheese salad dressing (CR 9122-3, 9148-50). He belabored the recipes: giving full lists of ingredients and directions while miming the preparation. Talk of food affected the hungry audience. Senator Tydings asked Long if he realized “how appetizing [fried oysters] seem to be, that those of us who are listening

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304 Williams 1969, 834.
305 Details included types of oysters, how to shuck, how to fry, in what pan, with how much oil, for how long (CR 9122-3). While discussing the simple dish of potlikker stew (turnip greens and salted meat) he uses amplification and periphrasis to discuss proper green washing for an entire paragraph (CR 9123).
are being inhumanely punished?” (CR 9122). After that statement, Tydings walked out, as Long gloated, “He has left the Chamber. I am afraid I made him hungry” (CR 9122).

After supper it was bedtime. Each Senator would rather be home, in bed, than enduring a filibuster. In order to induce his colleagues to leave, Long began to weave a sleepy *phantasia*: “Imagine how marvelous it would be to lie down on a good Seely [sic] mattress at this hour . . . just to lie there at ease and in comfort, with nobody to worry and nothing to think about—except my speech [Laughter.]” (CR 9151). Soon minstrel Long was singing lullabies to his sleepy colleagues: “Sleep, sleep, close your eyes in sleep [Laughter.]” (CR 9164). Perhaps he could induce a few heavy eyelids to close.

The Senate chair was perturbed by Long’s jesting filibuster and denounced it as a “comic-opera performance” by “the great actor from Louisiana.” But while the chair recognized Long’s “comic” jester persona was furthering the operatic drama, his colleagues were less understanding—calling his dramatic displays a “circus” and a “ridiculous performance” (CR 9154, 9168). Likewise, the contemporary press did not know what to make of Long’s dramatic filibusters: was he a “boor” or a “buffoon” or “a preacher of strange doctrines that sound stranger still because of his lack of social and intellectual graces?” Senator Clark expressed his disdain for Long’s jests when uncharitably comparing Long’s effort to La Follette’s: “Does the Senator realize that while he is still short of the record, the record was set by a man who talked exclusively to the bill before the Senate—the elder Senator Robert M. La Follette, from Wisconsin” (CR 9175).

While Senate leaders and peers scoffed at Long’s dramatics, and the contemporary press was skeptical, historians of the filibuster recognize Long’s genius with the form. “Filibusters of

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306 Williams 1969, 561.
the past, exciting spectacular, and even ludicrous though they sometimes were, paled in the brilliance of his restless energy. In drama and in virulent satire Huey Long transcended competition. His Senate speeches were ever galling to his political opponents . . . He minced no words; he spoke with a freedom, with a jeering raucousness, with a slang invective new and disturbing to the august assemblage. Senators found him impervious to sarcasm, and no man could silence him.”

He spoke “flamboyantly, pertinaciously, and even wildly” during his filibusters, and “completely without subservience to the celebrated dignity of the chamber.” In other words, the “dignity” of the “august assemblage” that faded when the Senate exchanged relationships and virtue for rules restrictions against La Follette, was now being overturned by Long and his emendations to the filibuster form. His insurgent courtly personae of advisor, herald, and jester helped him destroy Senate decorum from the inside out—a populist Trojan horse inside an elite citadel. His “slang,” “jeering raucousness” and “galling” “satire” added up to a new “drama”: the dramatic filibuster. He had changed the form. The only mystery left was how he could sustain his theatrics.

3.5 Merging the Patron & Courtier through Martyrdom

Once the dramatic display was created by donning different masks within the courtier persona (advisor, herald, and jester), Long needed to sustain the drama. Since filibustering for hours is arduous, Long adapted a suffering persona in order to endure the physical strain. This suffering persona allowed Long to protract his representative enactment of his clients’ suffering. Long’s performance of representative suffering was an attempt to disrupt the hegemonic elitism of the New Deal; and if the performance resulted in policy change, the pain would be

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309 Burdette 1940, 183, 172.
transcended into relief for patron Long and his clients. To better understand Long’s representative suffering and attempted transcendence, we turn to Kenneth Burke’s hierarchy of motives.\textsuperscript{310} This hierarchy of motives helps explicate the “transcendent logic” that undergirded Long’s “motivation” to suffer, mortify himself, and become a martyr for his populist clients and their cause.\textsuperscript{311}

Burke theorizes that mortification is one means by which agents can expiate their guilt, sin, and pain in order to reach a state of relief or re-birth. Despite being a social construct, the hierarchy of motives motivates humans to avoid mystery and prefer order.\textsuperscript{312} At the bottom of the hierarchy is disorder, or in religious terms, “guilt.”\textsuperscript{313} To eschew or absolve guilt, various strategies can be taken.\textsuperscript{314} Although he uses other strategies to a degree, Long’s main strategy for expiating the people’s pain in his filibusters is “mortification.” In mortification the guilt is not projected onto an external “other” who is punished (a “scapegoat”), because the guilt is internalized.\textsuperscript{315} The person internalizing the guilt then punishes himself or herself through self-imposed suffering: self-loathing, self-ostracization, self-punishment.\textsuperscript{316} In extreme cases, the person incites the punishment of others as a suicidal manifestation of mortification, called “martyrdom.”\textsuperscript{317} Mortification is undertaken, then, with the hope that after some amount of

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\item \textsuperscript{310} Burke alternately calls the “hierarchy of motives” the “guilt and redemption cycle.”
\item \textsuperscript{311} Harrell and Linkugel, 1978, 266, 269.
\item \textsuperscript{312} Brummett, 1981, 255.
\item \textsuperscript{314} The least ethical is means for ridding oneself of guilt is “victimage,” or projecting your inner guilt onto an innocent scapegoat who is then punished in your place. See Burke, Rhetoric of Religion, 234. A slightly more ethical way to deal with guilt is through “mortification” (discussed in text). But while there is no external victim, this strategy is also fraught because guilt is internalized, one’s self is punished, and the victim is you (Brummett, 1981, 256). Another means is to “transcend” the guilt, by denying that the guilt-inducing behavior is a sin. In transcendence the guilt is re-labeled, or a nobler hierarchy is appealed to so the sin disappears (Brummett, 1981, 256). The final means for expiating guilt is “apology” (Brummett, 1981, 255-256). If forgiveness is granted, the guilt should dissipate quickly.
\item \textsuperscript{315} Burke, Rhetoric of Religion, 190.
\item \textsuperscript{316} Burke, Rhetoric of Religion, 208.
\item \textsuperscript{317} Burke, Rhetoric of Religion, 248.
\end{itemize}
punishment or some length of ostricization, the guilty party—and their clientele—may reach a state of relief, called “redemption,” or even a state of re-birth, called “purification.” As I discuss later in this section, it seems Long’s longest filibuster aimed for twenty-four hours, in which he would mortify himself for an entire legislative day, and be re-born at sunrise. Twenty-four hours would also break the filibuster record set by La Follette.

When the press alerted the country to Long’s effort, the religious, agrarian, and poor could identify with Long’s performance. Through the filibuster they would share a “knowledge of the body in pain . . . its very instability, its very voicelessness.” Through performance, the clients’ pain became the patron’s pain, their cause his cause, their starvation, nakedness and homelessness mirrored in his wretchedness, hoarseness, and weakness. Their mutual suffering would make Long and his constituents consubstantial. Thus, representative mortification is “a rhetorical device with a sharp political edge.” Once they heard of and identified with Long’s “martyr’s body,” a “community of suffering” would be created, which played on a mythos of early Christianity, when “death in the natural order . . . [became] the fulfillment or completion of mortification in the socio-political order.” Hence, Long was the representative Christian in the colosseum, while Franklin Delano Caesar and elitist Senators sat high above, watching for a chink in the armor and waiting for representative mortification to turn into martyrdom.

Specifically, Long protracted his mortification by enacting two main suffering personae. One persona fused his patron persona with a religious martyr: his Job persona. The second synthesized the courtier and the martyr: his Gwynplain persona. Using his near-photographic

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319 Oliver, Sophie. "Sacred and (Sub)Human Pain: Witnessing Bodies in Early Modern Hagiography and Contemporary Spectatorship of Atrocity." At The Interface / Probing The Boundaries 63, 2011, 111.
321 Oliver 2011, 124.
322 Burke, Rhetoric of Religion, 207.
memory, Long was able to recall these texts, and when he needed help enacting the personae, he occasionally read from the Bible or from Victor Hugo. The ability to recall political, religious, and cultural texts figured prominently in Long’s filibusters, and assisted him in recalling, reciting, invoking, and enacting suffering personae. Since what a rhetor can recall determines his invention resources during an extemporaneous speech, such as a filibuster, having a good memory was crucial in assisting Long innovate in creating and sustaining the dramatic form. Especially after roll calls were outlawed mid-filibuster, memory was critical for invention, since La Follette could gather more resources and evidence during twenty-minute roll call breaks, but Long had to filibuster continuously: remembering and inventing. Personae jogged his memory and were a catalyst for his endurance.

3.5.1 Long as Tragic Courtier:

Long’s non-religious martyr persona dovetails with his courtier personae. This is the Gwynplaine persona from Victor Hugo’s novel The Man Who Laughs: By Order of the King. Gwynplaine who was born a British noble but kidnapped by a troupe of jesters who disfigure his mouth into a permanent smile. He then spends time entertaining in the royal court while an imposter sits on the throne that’s rightfully his. Once the truth is uncovered, Gwynplaine enters the House of Lords. But none take him seriously due to his disfigurement. He warns the Lords that they must repent or be judged, but they despise a rebuke from a (former) jester, and Gwynplaine is banished.

Long identifies closely with Gwynplain, because Long also believes he is the rightful heir to a throne: the presidency. Quoting Gwynplain assists Long in making a populist plea for wealth

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323 To assist with all his filibusters, Long kept his favorite sources in his desk: a Bible and an index of Shakespeare quotations. See White 2006, 172; Williams 1969, 557.

324 Hugo’s book was published in 1869, but it had recently been made into a Hollywood movie, in 1928. It was made in the years where Hollywood films were transitioning from silent films to “talkies.”
redistribution to his elite colleagues: “My lords, I am an advocate without hope, pleading a cause that is lost: but that cause God will gain on appeal. As for me, I am but a voice. Mankind is a mouth, of which I am the cry . . . I am weighed down by the burden of all I have to say . . . I have gathered together in the vast diffusion of suffering, my innumerable and scattered pleas” (CR 9120). This passage astutely conveys the representative mortification of filibustering. Like Gwynplain, Long, “suffer[s]” and “cries” due to the “weigh[ty] . . . burden” of his vicarious suffering. He speaks the people’s “scattered pleas,” but they are so “innumerable” across the “vast diffusion” of the Great Plains. However, the pleas must be gathered and presented (dramatically), since the king and aristocracy will not hear the people’s scattered cries; they need a single, representative voice—a populist patron, an insurgent courtier, a representative martyr. It is a job worth fighting for, worth dying for. Perhaps upon his death the former jester and his cause will finally be taken seriously.

The identification between Long and Gwynplain was so strong that Long called the author, Victor Hugo, a “prophet” and his work a “prophecy” (CR 9121). Unfortunately, the prophetic voice afflicts the rich and comfortable, and Hugo became an “exile” for telling the truth (CR 9121). Likewise, Long also was a pariah in the Democratic Party since Roosevelt and his “brain trust” were pressuring him to conform or leave (CR 9145). Long claimed it was not he who had changed, but the Party, and many Democrats of the past would leave the current party, including Thomas Jefferson, Andrew Jackson, and William Jennings Bryan (CR 9145). Like these men, Long stood on traditional Democratic principles, and like Gwynplain, he asked the pseudo-New Deal Democrats to repent. However, Long knew this was a hard message, and

asked if his exile from the party was due to his honesty: “Am I therefore become your enemy because I tell you the truth?”  

3.5.2  Long as Biblical Patron:

With this Biblical quotation, Long shifts from Gwynplain to his religious suffering persona: Biblical Job. Like Long’s agrarian clients in the South and West, Job was a once-wealthy rancher who lost everything. In one day Job’s children were killed and all his cattle were stolen (Job 1). Like the farmers in the Dust Bowl, Job had no insurance, no social safety net, and no legal recourse to regain his property or livelihood. The only thing Job could do was protest: “Therefore I will not keep silent; I will speak out in the anguish of my spirit, I will complain in the bitterness of my soul” (7:11). But whereas Job could gain a direct audience with God, Dust Bowl farmers needed a someone to represent their suffering in Washington.

For twenty-eight chapters Job held forth; he sat in the dust, pleaded with God for justice, and debated with his ‘friends’ about his righteousness (Job chapters 3-39). Finally, God responded by relieving Job’s boils and physical suffering, restoring his farm and fortune, and most importantly, his family is re-born (see Job 42). This sort of relief was what Long was trying to achieve for the Dust Bowl farmers he represented.

Although Long never explicitly cited Job in his longest or last filibusters, Job is at the heart of Long’s martyr persona. Evidence of Job’s centrality can be found in an in-depth interview of Long conducted by The New York Times, in which he said Job was one of his two major heroes.  

Job was brought up once during Long’s filibuster, but by another Senator—

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326 Long quoting Galatians 4:16, see CR 9126.
327 See Owen, The New York Times, Jan 29, 1933. Long’s choice of Job baffled the reporter, who wrote, “Why he picked Job as his other hero . . . is incomprehensible to those who have seen him. There is no meekness and long-suffering in Long. . . . But it is probable that he likes Job as a direct antithesis.” I disagree with this reporter, who misinterpreted the book of Job and overlooked the long-suffering of Long’s filibusters. Long’s other hero was Frederick the Great, whom, I claim, Long emulated as Governor of Louisiana.
when Sen. Barkley asked Long to “turn to the fifteenth chapter of *Job* and read the second and third verses?” (CR 9161). Due to his photographic memory, Long declined to read the passage, which asks, “Should a wise man utter vain knowledge, and fill his belly with the east wind? Should he reason with unprofitable talk? or with speeches wherewith he can do no good?” Barkley must have thought this passage accurately described Long’s dramatic filibuster, and he was right. However, Barkley did not understand the deeper meaning to Long’s “unprofitable talk.” Sure, it was an off-topic, disjointed speech, but the symbolism of Long’s representative mortification was the transcendence of his clients’ pain. Not so “vain” after all.

Even without explicitly mentioning Job, Long included ample biblical evidence to establish a suffering religious persona. In order to make his case heard and prevent the government from “cutting the throat of the wheat farmers and the cotton farmers of the United States” (CR 14746), Long used many religious terms and allusions. For instance, using the parable of Dives and Lazarus (see *Luke* 16:19-31), Long likens Dust Bowl farmers to beggars who want scraps from the rich man’s table. Elite Senators not passing farm aid are like the rich man who denies Lazarus food. Subsequently the rich man dies and from Hades sees Lazarus in the bosom of Abraham where he is comforted (CR 9139-40). The application is that the Senators who are not empathetic now toward these farmers will later wish that they had been. Senators could still help the people now, but soon it will be too late.

Repentance, then, is the only thing that can deter ruination. Long exhorts his colleagues half a dozen times to “weep” for the farmers in peril (CR 14731). He is the prophet, giving them a course of remedial action. Not only will these colleagues avoid punishment, they will be rewarded for their good deeds, for, “There is more rejoicing in heaven over one lost sinner who

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repents . . . than over the ninety-nine” (CR 9126). Those who have sinned against the poor can still repent, but they need to do it now: “So long as the lamp holds out to burn, the vilest sinner may return” (CR 9126). No one knows the day or hour of the final judgment. It is better to repent now, rather than after the people turn on the Democratic Party and it is too late for reelection.

At this point, Long flips the script, and claims it is not he who is making his colleagues suffer, but in fact they are the ones perpetrating and perpetuating the suffering of Long and his populist clients. It is the elitism of pseudo-Democrats in the Senate and Administration that “holds us [suffering populists] here and punishes us . . . puts our feet to the fire . . . bakes us . . . sweats us” with “affliction” “and compels us to stay here fighting the war all over again to prevent carpetbaggers from seizing our section of the country” (CR 9141). If these elites would just repent of trying to boss farmers around, repeal Roosevelt’s N.R.A. program, and instead listen to a true populist like Long and his plan to redistribute the country’s wealth, then the suffering of the rural poor would be transcended, there would be a collective relief from the Depression and Dust Bowl and the country could be re-born without mass inequality.

3.6 Redemption & Rebirth: Clients, Patrons, and the 2nd New Deal

The Suffer Long Club was moved by Long’s mortification—moved to strengthen their opposition. When Long found out they had each drunk three cups of coffee in order to outlast him, Long quipped that they drank “slop,” not coffee (CR 9175). He was unfazed. However, at least one of Long’s colleagues noticed the analogy between Long and a prophet presenting the path to deliverance, so his representative mortification was not totally in vain. This sympathetic colleague, Senator Schall, said he admired Long’s “courage,” and that, “He has taken his punishment like a man. He has displayed moral and physical stamina. He has made the sacrifice” (CR 9176). Moreover, Schall noted that Long was like Moses and John the Baptist, since they
spoke difficult messages of repentance, and correctly prophesied about the judgment to come (CR 9176). I’ll add that both prophets, like Long, died before the people were saved.

### 3.6.1 Redemption: “Harmony” & “Salvation”

Late in Long’s filibuster, he began to push through the symbolic mortification, transcend the physical pain, and achieve a state of redemption that he alternately called “harmony” and “salvation.” Long’s stated goal was not to obstruct, but to delay the vote until the floor debate had reached a harmonious understanding. “I am very sorry that we are not to have a vote on this thing at a later date when everybody could be happy . . . There is no harmony that would be other than good. There would be no discord” (CR 9161). Harmony is “happy;” it is nothing but “good;” it is a state of relief and redemption, since time stretches out the “discord” into an embellished harmony.³²⁹ Time makes all things harmonious, according to Long.

The amount of time needed to achieve harmony and redemption is apparently twenty-four hours. Per Long’s stated goal: “If it could be said that 24 hours of good, staunch, stable, sincere, faithful, wholesome defense had been given to the Constitution of the United States in the Senate, it would encourage every market in the whole civilized world tomorrow. Nothing would have greater influence” (CR 9161). This is the sort of relief Long wants: good, staunch, stable, sincere, faithful, and wholesome relief. So rather than bad, half-baked, measures that included destroying farm commodities and betraying the party faithful, Long’s ideal solution would redeem the country from depression. For that reason, Long claims, “All this evening I have labored for one thing, and that is to promote harmony in this body” (CR 9161). Mortification can

give way to relief when the interval of time produces harmony. In other terms, Burke describes this transcendence as, “the solving of a problem by stretching it out into a narrative arpeggio.”

The second term Long used to signify the transcendence of his clients’ pain was “salvation.” Hence, Long turns from his previous, prophetic challenges, to priestly comfort. “I am here as an evangelist, begging you to adopt the salvation that is necessary for your own souls” (CR 9164). Salvation, however, involves forsaking Wall Street and helping constituents. Like Christians, who are “sending missionaries back to the Holy Land . . . the cradle of Christianity,” Long is a populist missionary, sent to Senators who “forg[o]t the principles they are here to represent, that need now and then to be revived” (CR 9164). To hammer home this message of salvation Long recites Jesus’ prayer upon the cross: “forgive them; they know not what they do” (CR 14726). If the principle of representing the poor is revived, God would forgive, and Senators would gain salvation.

By Long’s last filibuster, he was resigned to the fact that his efforts may have only saved one soul in the Senate: his own. But perhaps he could still save his clients from government tyranny. During his last filibuster he claimed, “If I saved the bill Saturday night,” by running out the clock on the regular session, “I have a right to save the American people Monday night” by getting farm aid attached to the budgetary deficiency bill in the special session (CR 14741). Long tried to save a condemned bill and his destitute clients by filibustering.

While Long saved aid for farmers, he also mused in his last filibuster, “For all I know this might be my swan song,” but it is an honor “to give one’s life for the country . . . I am willing” (CR 14732, 14728). It was his swan song. Ten days later Long was dead, and relieved from his roles as populist patron, insurgent courtier, and representative martyr. Even though he died

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before getting a chance to run for the presidency, his legacy was partially redeemed in death. In life, the poor had revered him while the rich had reviled him; but in death, some in the ambivalent middle class began to appreciate him. Over time, his ends were remembered, and some of his anti-democratic means as Louisiana Governor were forgotten. The representative anecdote of Long’s redemption is his mural in Washington D.C. and the fact that he artist added a halo above Long’s head upon his death. When asked about the halo, the artist claimed, “It just seemed to fit the character.” Long’s representative mortification had been redeemed.

3.6.2 Re-birth: “At sunrise every soul is born again.”

Redemption was not Long’s only fate; his Share Our Wealth agenda experienced a re-birth after his untimely death. In the last hours of his filibuster, Long discussed rebirth in a beautifully eloquent phantasia. “Two hours and one-half from now the sun will be coming up over the eastern horizon, and the lazy mist will be driven before it; the darkness will fade as the mist fades, as though it were driven by the sea-bore gale. The honeysuckle in all its myriad splendor will glisten in the sunshine. The humming birds will be singing about and everything will be gay and everything will be happy. At sunrise every soul is born again” (CR 9166). As this phantasia outlines, Long was trying to reach “sunrise,” when “every soul” he represented could be “born again.” He already stated that he wanted to talk for twenty-four hours about the Constitution. Thus, the dawn, the new day, the twenty-four-hour cycle, the darkness fleeing before the morning, all pointed to rebirth. Long hoped that re-birth would be for the farmers who had lost everything in the Dust Bowl. Perhaps they could have their families and cattle restored,

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331 Some of Long’s ends were made into national policy in Roosevelt’s Second New Deal and Lyndon Johnson’s Great Society. See final section of the chapter.
like Biblical Job. Thus, as long as patron Long underwent representative mortification, his clients could achieve restoration and re-birth.

Not only were some farmers relieved and re-born due to Long’s efforts, but after his death, much of the country was re-born due to government programs he had championed. Maybe Long’s chief convert was FDR, although he could not admit it while Long was alive. Long’s critique of Roosevelt’s (First) New Deal was that it was urban-centric and did not truly help the rural poor. Coinciding with Long’s death, though, the New Deal was revamped—a major alteration that historians have come to call the Second New Deal.333 It just so happens that the Second New Deal reflected many of the policies Long initiated as governor and outlined for national implementation in his Share Our Wealth Program. Possibly as many as twelve major contributions to the Second New Deal came from Long’s playbook: Social Security, benefits for WWI veterans, college financial aid, national public works (modeled on his LA program), FDIC bank insurance, certain labor rights, regulation of public utilities, tax reform (inheritance and graduated income taxes), food stamps, housing assistance, and last but not least, farm assistance.334 Long and his ideas were re-born. The Second New Deal is really the Long Deal.335

3.6.3 The Dramatic Form of Filibustering:

In the end, Huey Long successfully fashioned a new form of filibustering. He took the remnants of La Follette’s deliberative form and figured out how to gain and sustain recognition on the Senate floor in the mass media age—through dramatic displays. The purpose of Long’s filibusters is best understood as in terms of a patronage system, specifically, Long’s adaptation of

335 In addition to the 2nd New Deal, Long was also a great influence on Lyndon Johnson’s Great Society. Lyndon Johnson stated, “I was simply entranced by Huey Long” (See White 2006, 146). Thus, it is not a stretch to give Long a modicum of credit for the Great Society Medicare and Medicaid programs. As such, Long’s insurgent progressive policies were re-born yet again.
the ancient Roman patronus persona. The patronus gained *dignitas* in the estimation of his peers by providing for his continually-growing clientele. After this persona gave him purpose, and propelled Long to the Senate, he needed another persona to create a dramatic display within a chamber that was more motorized than ever. The neo-courtly persona Long enacted was the insurgent courtier, in three variations: advisor to the king, herald to the people, and the courtly jester. Finally, with his purpose as patron, and use of the courtier to gain the floor, Long made his masterstroke in maintaining the floor by enacting two variations of the representative martyr persona. By adapting the tragic Gwynplain persona from Victor Hugo’s book *The Man Who Laughs: By Order of the King*, Long was able to expertly merge his jester and martyr personae. Then, by adapting the persona of one of his heroes—biblical Job—Long was able to merge his patron and martyr personae. The combination of the populist patron and the insurgent courtier personae allowed Long to enact his constituents’ pain unto relief and rebirth. Like many prophets, Long did not live to see the relief of his people. But upon his death, Long’s policies were re-born in President Roosevelt’s Second New Deal.

When that courtier has the ear of the king, he is an advisor. When he needs the support of the people, the courtier becomes a herald. And when the courtier cannot secure recognition in any other way, they must obstruct by becoming the comic jester or the tragic martyr. Is it really a wonder that Huey Long—the pariah of the party—would filibuster to gain attention? Is it really surprising that Long invokes tragedy in his dramatic filibusters, such as when he cites *Julius Caesar* to indict FDR’s empiricism, and glorify the plot by Brutus and Cassius to dethrone him?\footnote{Long believes opposition to him and his clients amounts to a conspiracy, and quotes Brutus to denounce it. “O, conspiracy! Shamest thou to show they dangerous brow by night . . . O, then by day/Where wilt thou find a cavern} What other recourse does a courtier have? He had the filibuster. And considering the alternative—conspiracy and murder—the filibuster seems pretty tame.
The new filibuster form inaugurated by Huey Long did not last long, though. This was partially due to his death. Although his policies were re-born in the Second New Deal, he could not sustain the dramatic filibuster form from the grave. However, Long’s dramatic filibuster was co-opted by Frank Capra’s 1939 movie “Mr. Smith Goes to Washington.” The movie ends with a filibuster, which uses the dramatic form to depict the martyrdom of the protagonist, Jefferson Smith. How Capra heightened the drama of the form and changed the filibuster into a full-fledged spectacle is the topic of the next chapter.

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dark enough/ To mask thy monstrous visage? Seek none, conspiracy;/ Hide it in smiles and affability” (CR 14731). In other words, members of an alleged Democratic conspiracy against Long are nice to him in person, but behind his back they conspire against him. Long is unwilling to pardon FDR for this, for his betrayal of the people, and for his dictatorial power grabs. As such, Long denounces FDR by quoting Cassius: “Upon what meat doth our Caesar feed?” (CR 14723). By using Shakespeare, Long drives home the point that pork prices are low, farmers are starving, and yet the modern-day Caesar sits in the White House, turns his back on the people, and makes farmers suffer, while dining like a king. It’s an inflammatory sentiment, cloaked in Shakespearian garb.

Perhaps a critic with a better working knowledge of *Hamlet* can prove me wrong.
4 THE FILIBUSTER AS SPECTACLE: AMPLIFYING THE FORM’S DRAMA AND VISUALS IN FRANK CAPRA’S MR. SMITH GOES TO WASHINGTON

“It’s a 40-foot dive into a tub of water, but I think you can do it.”

—Clarissa Saunders (Jean Arthur), Mr. Smith’s secretary, mentor, & love interest

Following Robert La Follette’s deliberative filibusters and Huey Long’s dramatic treatment of the form, the next evolution in filibustering occurred in the 1939 movie “Frank Capra’s Mr. Smith Goes to Washington”338 (hereafter Mr. Smith). Although there is a brief spate of deliberation between Smith and his nemesis before the formal declaration of the filibuster, the movie’s finale is nearly deliberation free. Hence, Capra’s filibuster is not a recuperation of the deliberative form. This filibuster has much more in common with Long’s dramatic filibusters. But while Long’s filibusters were “dramatic” for the Senate, his longest speeches were still much too long and boring to be considered mass entertainment. Capra’s treatment may have looked to Long for its germination, but it ultimately used him as a point of departure. The question regarding Capra’s treatment of the filibuster is how did he re-from the filibuster to be hit entertainment for a mass audience? More precisely, what dramatic elements from Long did Capra heighten, and what new elements did Capra add as he adapted the filibuster for film? Lastly, going forward, how did Capra’s adaptation of the form affect subsequent filibusters?

This chapter aims to understand how Capra changed the form of filibustering. Although Mr. Smith “has become synonymous with the filibuster,”339 filibuster scholars in rhetoric, political science, and Senate history have not studied this case seriously.340 There is plenty of

338 Starting with this film, Capra experimented with putting his name in the title.
339 Wilkinson, Alissa. “Mr. Smith Goes to Washington has become synonymous with the filibuster—for good reason,” Vox, 8 Apr 2017.
340 Of course, it is mentioned in passing in the introduction to studies on filibustering, but only to build a significance argument, and never as the artifact of study itself.
scholarship on Capra, his oeuvre, and his populist style—often pejoratively called “Capracorn.” There is also a large body of literature in film studies on Mr. Smith, the history of the script, the reception of the film, and its place within Capra’s populist “Little Man Trilogy.” However, how Capra re-formed the filibuster remains unstudied. Moreover, and more importantly for this project, how Capra’s reformation of filibustering affected our cultural perception and worked its way into future filibusters has not been considered. I aim to fill these gaps in the literature by closely reading the dramatic and visual content in the film’s finale.

In this chapter, I argue that Capra created the spectacular filibuster form by amplifying the dramatic and visual aspects of filibustering. While Huey Long created his dramatic courtly displays by adopting courtly personae, Capra heightened the drama to a spectacle by introducing the concept of chivalry. By juxtaposing the chivalrous Jefferson Smith with the cynical D.C. establishment, Capra was able to crystalize good and evil. In the film, cynicism has corrupted the Senate, and has allowed members to abandon chivalry for the dubious power of the political machines. Contrary to cynicism, chivalry was a system of valor adapted by knights in the Middle Ages, which emphasized virtue and duty. The “classic virtues of good knighthood” and chivalry were prowess (achievement), loyalty, wisdom, generosity, courtesy, and courage. These virtues were directed toward three main groups to whom chivalrous knights held their duty: 1. to the knight’s countrymen—from his lord to the peasants of the realm, 2. to God and the

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Church, and to protect and honor ladies and damsels. Whereas Long was able to adopt the variations of courtly advisor, herald, and jester within the constraints of his rhetorical situation, Capra’s fictional depiction of the form was heightened to spectacle as he incorporates aspects of chivalry, knighthood, and courtly love.

Concerning chivalry, it is significant that, in *Mr. Smith*, both the protagonist and antagonist are referred to as “knights.” Senator Joseph Paine (Claude Rains) is referred to three times as “The Silver Knight,” the sobriquet he won before turning to the dark side. No less significant, when Saunders (Jean Arthur) still thinks Smith is a naïve rube, she refers to him six times as “Don Quixote”—the famous literary character who became enchanted with knighthood by reading chivalrous romances. In the end, Smith is not delusional, like Quixote; Sir Smith is truly chivalrous and even wins the heart of Lady Saunders. In the film, then, Capra emphasizes chivalrous virtues and duties so thoroughly that I contend chivalry is the best way to understand the plot and the reformed filibuster.

Whereas virtue (*dignitas*), duty to countrymen (populist patronage), and religious allusion (Job, martyrdom, and salvation) have previously been discussed in Chapters 2 and 3, Capra amplifies those *topoi* far beyond his predecessors. Long handed Capra a form ready-made for a dramatic courtly style, rife with personae and mortification. While Capra took these up and was accurate to the form, overall, he was able to take liberties due to the fact that his filibuster was in a fictional film. He kept virtue, duty, and religion, and added chivalry, courtly love, and American civil religion in order to move from the realm of drama into the realm of spectacular entertainment.

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347 Keen 1984, 4. Knights were considered the “strong right arm of the Church,” and periodically this reasoning was used to justify wars, imperialism, and the Crusades.
348 Keen 1984, 7-9.
In addition to amplifying and expanding the dramatic aspect of the form, Capra amplifies the visual aspect of the filibuster through editing. Rather than showing a full 23-hour filibuster—which would be theatrical suicide—Capra crafts a filibuster out of a motorized series of fragments. The motorization resulted in Capra (a former editor) compressing a 23-hour filibuster into the 20-minute final act. This compression of time was accomplished through the editing techniques of jump cuts and montage. The act is comprised of nine short scenes, which become shorter and shorter until the last scene. By increasing the speed of these successive scenes, Capra builds tension into the act and creates a sense of acceleration as the speech careens toward a conclusion.\(^{349}\) Capra unites these scenes into a coherent narrative through such devices as “establishing shots” of the Senate clock or shots of a boy, a farm scene, or the printing press when cutting to the Boy Rangers out West.\(^ {350}\) Additionally, through “parallel action editing,”\(^ {351}\) Capra shows both what is going on on-stage, in the Senate chamber, and backstage with the press, the Taylor political machine, Saunders, and back home with his mother and the Boy Rangers. Through parallel editing then, the visual and dramatic amplification is synthesized into a spectacle worthy of the big screen.

To make this argument, I first summarize the film and give a synopsis of the finale with its nine-scene filibuster. Throughout the synopsis, I analyze the spectacular visuals Capra created through editing techniques. Second, I analyze Capra’s dramatic amplification through the schema of chivalry—especially in Smith’s clear duties to his countrymen, to God, and to women—paying special critical attention to the prominent courtly romance between Smith and


\(^{350}\) Price 2001, 58. “Establishing shot” is a technical term in the film industry and film studies.

\(^{351}\) Price 2001, 185.
Saunders. Finally, I briefly describe the reception of the film and how it affected the way future filibusters were enacted and received.

4.1  *Mr. Smith: Summary of the Film, Synopsis of the Filibuster*

*Mr. Smith* begins with a vacant Senate seat in a non-disclosed western state. The corrupt governor of that state colludes with the state’s powerful party boss (Jim Taylor) and the state’s remaining senator (Joseph “The Silver Knight” Paine) to select Jefferson Smith to fill the empty seat for the remainder of the term. Smith is picked for two reasons. First, he is young and naïve and should not be an obstacle to the state’s corrupt political machine. Second, Smith runs a scouts-like program called the Boy Rangers, which may translate into popular support among the Rangers’ parents for Smith’s confirmation and future loyalty to the Taylor machine.

Smith is confirmed at a banquet, and then travels east to Washington, D.C. On the long train ride, he reconnects with his idol, Senator Paine, who used to work with Smith’s father. Paine promises to mentor Smith and to show him the ins-and-outs of Washington. But shortly after they arrive, Smith discovers a cynical press, corrupt politicians, and a scheme by Taylor and Paine to buy his vote for a dam-building project back home. This scheme derails when Smith proposes building a Boy Ranger camp on the very same tract of land as the dam. When Smith’s vote cannot be bought, Senator Paine betrays him and charges Smith with plotting to profit off the building of the Boy Ranger camp on land he allegedly owns. Smith is framed by false witnesses and forged evidence in an ethics committee hearing and is about to resign and leave town when Clarissa Saunders—Smith’s worldly-wise and politically-astute secretary—finds him at the Lincoln Memorial and convinces him to come back and fight. He agrees, and re-enters the chamber the next day, as the Senate is about to adopt the ethics committee report and

352 Played by Jean Arthur.
expelled him from the body. Smith rises to filibuster the deficiency bill to which the graft has been attached. Filibustering a deficiency bill is an homage to Huey Long. But whereas Long proclaimed he was trying to save poor farmers, Smith is attempting clear his good name.

Capra uses three techniques to splice together Smith’s spectacular filibuster in nine brief scenes: jump cuts, montage, and parallel action editing. Jump cuts are “abrupt breaks in the continuity of action by omitting portions of an ongoing action.”\textsuperscript{353} Jump cuts compress the film’s drama.\textsuperscript{354} It jumps, or cuts, to the chase. Through Capra’s liberal use of jump cuts, he was able to depict a twenty-three-hour filibuster in twenty minutes. However, Capra cuts so skillfully that the casual viewer is virtually unaware of many of the cuts, and leaves thinking that they have seen a filibuster, not that they have missed any drama. Thus, Capra is successful in creating a sense of continuity while using jump cuts to reduce the filibuster to 1/100\textsuperscript{th} of its length.

The second editing technique Capra uses is montage. Montage also compresses time by moving at rapid speed. In contrast to a jump between two well-rounded scenes, montages suture together brief fragments of action from different perspectives. “Montage editing builds a scene out of many brief shots, each of which typically presents a fragmentary view of the action and locale . . . the total picture of the event emerges from the montage as a whole.”\textsuperscript{355} The most prominent montages are in scenes three, six, and eight, which Capra uses to show the reaction to Smith’s stand and Taylor’s propaganda back home. The montage in scene eight especially works to increase the dramatic tension of the spectacle.

Third, Capra uses the technique of “parallel action editing.” In parallel action editing, “the editor goes back and forth, typically with increasing speed, between two or more lines of

\textsuperscript{353} Price 2001, 196.
\textsuperscript{354} Price 2001, 196.
\textsuperscript{355} Price 2001, 197.
action.” This technique allows Capra to not only follow Smith’s speech, but to crosscut between five simultaneous dramas. These cross cuts amplify the dramatic tension and the pacing, and the result is that Capra creates a spectacular filibuster. The first drama is Smith’s speech in the Senate chamber and his interaction with colleagues, the Chair, Dick the pageboy, and the galleries—including Saunders. Meanwhile, a second drama unfolds in the Senate offices, where Paine conspires with Boss Taylor and his propaganda machine to smear Smith in the press back home. The third drama is between Saunders and the newsman, Diz, and their attempt to publish the true story in Smith’s home state. The fourth story unfolds back home, where Ma Smith and the Boy Rangers battle the Taylor machine in an effort to mobilize public opinion regarding Smith’s filibuster. Finally, a fifth drama unfolds in the Senate cloakroom, as senators discuss Smith’s sincerity and their plan to support or oppose him. In the synopsis of the nine-scene filibuster, I pay special attention to these five dramas and Capra’s editing technique.

4.1.1 Filibuster Synopsis:

In the long first scene of the filibuster, Capra explores some of the older touchstones of the form. These include the right of recognition, deliberation, and “imputing” a colleague. Since Smith is a novice parliamentarian and Saunders is an expert, she positions herself in the gallery, directly above the Chair, where she can signal to Smith. Her first signal is when he should rise, address the Chair, and gain recognition. Smith sees the signal and rises in the nick of time to say, “Mr. Speaker.” Another colleague addressed the chair (nearly) at the same time, and

357 Senate Rule 19.2 states, “No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator . . . any conduct or motive unworthy or unbecoming a Senator.” See Rules of the Senate at https://www.rules.senate.gov/rules-of-the-senate. Recently, this rule came up when Senator Elizabeth Warren was found to have imputed to Attorney General nominee (and current Senator) Jeff Sessions unbecoming conduct. She was made to yield the floor. See article here http://www.politifact.com/truth-o-meter/article/2017/feb/08/did-elizabeth-warren-break-rules-plus-5-other-ques/
the chair has to determine who has the floor. Unlike the chair who kept La Follette from speaking against the Armed Ships Bill in 1917, Smith is recognized and begins his defense.

Next, Capra briefly gestures to the old deliberative form of filibustering, with a three-minute exchange between Smith and Paine. They debate whether Smith should be given a second chance to clear his name after failing to do so in the committee hearing. During this deliberation, Paine claims that Smith is imputing to his character conduct unworthy of a Senator, which is against Senate rules. Paine even proclaims, “I regret I ever knew [Smith],” before striding out of the chamber in protest. By walking out, Paine repeats Aldrich’s actions in 1908: ending the deliberation by walking out if he cannot win. Capra makes this dramatic walkout a spectacle, by having all the other Senators follow suit in a mass walk out. Smith is briefly chagrinned by Paine’s words, but he is resolved to clear his name. Since the Senate will not allow him to return home to collect evidence for his defense, he proclaims, “I guess I’ll just have to speak to the people of my state from right here.” As he says this, he reaches inside his suit coat to produce a thermos, apple, orange, banana, and a donut. This excites the press, who run from the gallery to the pressroom to file stories, shouting, “Filibuster! A filibuster!”

Back in the chamber, no senators or press remain, and Capra uses this scenario to revisit quorum. Smith remarks to the chair, “Well, Mr. President, we seem to be alone,” and states, “I think it’d be a pity if these gentlemen missed any of this.” This comment prompts Saunders to hold up a Senate rulebook, and the numbers 5 and 3. Smith gets the message, finds his copy of the rulebook, opens to Rule 5, Section 3, and reads, “If . . . a quorum is not present, a majority of the Senators present may . . . request and, if necessary, compel the attendance of the absent
Senators.” Subsequently, Smith questions quorum, and the chair calls the roll. Pageboys scamper to the halls and the cloakroom, rounding up senators and yelling, “Call to quorum; quorum call.” As quorum is counted, Saunders finds Diz in the pressroom and urges him to, “Get on [Smith’s] side; fight for him!” Diz then dictates a new story, calling Smith “David,” and the Taylor machine “Goliath.” The scene ends with Diz asking Saunders if she loves Smith, to which she replies, “What do you think?”

Following a jump cut, the second scene of the filibuster documents parallel action in Paine’s Senate office and back in the home state. This scene depicts Taylor trying to quash Smith’s speech back home, and a conversation between Paine and the party boss. Taylor asks Paine, “Don’t you think you’d better get back in that Senate?” A reticent Paine responds, “Jim, the boy’s talking to that state. If he can raise public opinion against us . . . If any part of this sticks . . .” and he trails off. Taylor flatly replies, “He’ll never get started. I’ll make public opinion out there within five hours. I’ve done it all my life.” Taylor menacingly adds, “If he [Smith] even starts to convince those Senators, you [Paine] might as well blow your brains out.” As Paine leaves the room, Taylor gets back on the phone with a major newspaper editor to ask him to smear Smith, line up other local papers, and “tie up” any pro-Smith media outlets. He finishes by telling the editor to “get the hoi polloi excited. Have them send protests, letters, wires.”

The scene ends with a brief montage depicting these demands being implemented. The montage begins with frantic music and spastic headlines: “SMITH DISGRACES STATE,” “JAILBIRD DEFIES NATION.” In the next fragment, radio announcers call Smith “cowardly,”

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358 This rule was changed in the 1908 ruling that debate is not “business” and therefore roll cannot be called between votes. However, Capra is depicting a fictional filibuster, and is adhering closer to the truth than some would by invoking a defunct rule. Smith’s stand wouldn’t be as spectacular if no colleagues were there to watch.
and say he was “caught red-handed stealing from boys.” The montage ends with four quick shots of anti-Smith billboards: “Stop Smith: Wire Congress,” “Send Smith to Jail! Where he belongs,” “Smith talks [and] the people starve,” and “Get behind Senator Paine.” Apparently, Taylor’s well-oiled machine really has the potential to suppress positive news about Smith and “create” public opinion. Furthermore, in this scene, Capra plants the dramatic seeds for the spectacular finale: a turf war between Taylor and the Boy Rangers, the telegrams that are hauled into the chamber, and Paine’s suicide attempt.

The third scene of the filibuster depicts more parallel action: senators conferring in the cloakroom. Some senators are becoming sympathetic toward Smith: “No man who wasn’t sincere could stage a fight like this.” Senator Paine enters, though, and gives an emotional speech about holding the line against Smith—who was found guilty of corruption in committee, after all. Smith appeals to chivalry, claiming that his “honor” and “reputation” are being questioned, as is the legitimacy of the ethics committee and the entire Senate. Then Paine threatens to quit if his colleagues don’t side with him. His colleagues are persuaded by this ultimatum and resolve to “break” Smith’s filibuster by “maintain[ing] quorum in relays.” With new resolve, these twenty Senators leave the cloakroom and re-enter the chamber. As they re-enter Smith quips, “looks like the night shift’s coming on.” However, there is no Joe in tow, as revealed by a crosscut to Joe Paine standing in the hallway with his hand on the door. But Paine decides not to enter and walks away. He would not return until the very last scene, armed with telegrams.

The fourth scene begins with a jump cut to a narration by real-life CBS radio announcer, H.V. Kaltenborn. Capra’s use of a real radio personality blurs fact and fiction and demonstrates that even his fictional account is attempting to stay true filibustering. Kaltenborn informs the audience, “Half of official Washington is here to see democracy’s finest show of filibuster,”
which he also refers to as “democracy in action,” and “free speech in its most dramatic form.”

This is political theater—a spectacle. Capra then uses the narration for some exposition: “once [a Senator] gets . . . that floor, by the rules, he can hold it and talk as long as he can stand on his feet. Providing always, first, that he does not sit down. Second, that he does not leave the chamber or stop talking.” This exposition audience members unfamiliar with the rules of a filibuster up to speed, and the jump cut to and from Kaltenborn omits any boring parts of Smith’s speech. When Capra returns to Smith’s speech in the next scene, the audience does not know if five minutes or five hours have passed.

Scene five is back in the chamber, as Smith reads the Declaration of Independence. While Smith annotates the phrase “life, liberty, and the pursuit of happiness,” members of the gallery begin to applaud. Despite the people’s approval, the other senators ignore Smith and read newspapers. Meanwhile, Capra depicts parallel action in the gallery, where Saunders hands pageboy Dick a book. A minute later the pageboy approaches Smith, and hands him a copy of the Constitution with an inscription from Saunders advising him to read it “slow.” As Smith begins the Preamble, Diz brings Saunders outside the chamber to confer. He informs her, “Not one word of what he’s saying is being printed in that state . . . Taylor has practically every paper . . . line up, and he’s feeding them doctored-up junk.” Saunders is astounded at Taylor’s ability to “muzzle” the free press of a whole state. She quickly has an idea, though, and says, “Come on” to Diz, and they run to the next scene.

Now in a secure location, scene six begins with Saunders and Diz huddling around a telephone, speaking to Ma Smith back in Jefferson Smith’s home state. Saunders asks Ma if they can print and circulate pro-Smith articles in the Boy Ranger circular: “Boys’ Stuff.” Surrounded
by twelve of Jefferson’s boy apostles, Ma agrees, and the boys spring into action, using pencil
and paper to jot down the story fed over the phone.

The rest of the scene is a montage juxtaposing the small time Boy Ranger press with
Taylor’s massive propaganda operation. Desperate to help their hero, the boys run to their
printing press, yelling, “Get to the presses.” A sequence of shots shows them setting the
removable type for the pages by hand, inking the masters, printing a couple hundred papers, and
bundling the papers by hand. This is all set to a folk music soundtrack.

Alternately, the high-tech Taylor machine has rapid typists, an army of printers, and an
arsenal of presses printing thousands of papers that are bundled by yet more machines. There is a
notable lack of human involvement in this massive propaganda operation, almost as if these cold
machines are printing on their own. Capra splices these staccato fragments into a rapid sequence,
set to disconcerting, allegro music. This machinery is beautiful and terrible, possibly fitting what
David Nye has called the “technological sublime.”359 Whereas the assembly lines of La Follette’s
day were just beginning to affect and motorize legislation, now Senate motorization is the rule,
not the exception, and an efficient mass media can rapidly produce and disseminate propaganda
against the rustic Jefferson Smith. The people are now endangered on two sides: by legislators
who are slouching toward elitism and autocracy, and by a press that is not holding politicians
accountable, but rather trying to make or break politicians in accordance with whatever political
machine the particular media outlet serves.

The seventh scene is brief, but crucial to furthering the courtly love story between Smith
and Saunders. Capra jumps from the rising tension between the Boy Rangers and Taylor back to
Washington where Smith is speaking through the night. An establishing shot of the Senate clock

informs the audience that it’s 1:22 am. Smith has spoken for twelve hours, but he is still going strong. Now he is reading from Bible, and as Smith reads, Capra cuts to Saunders sleeping in an empty gallery. The shot quickly zooms to a close up of her, and she awakens to hear, “faith, hope, charity . . . but the greatest of these is charity.” Since I claim this scene is added primarily to further the (courty) love story between Smith and Saunders, I analyze it in the next section when discussing chivalry and courtly love.

The eighth and penultimate scene jumps to the mounting parallel action back in the home state between the Taylor machine and the Boy Rangers. The entire scene is a fast-paced montage. It begins with the Boy Rangers falling asleep after a long evening of printing. Then it jumps to a wake-up scene, in which quick cuts show an alarm clock at 5:03 a.m., child trumpeting reveille, a rooster crowing, dogs barking, and the boys rise as one, grab bundles of papers, and hustle to their delivery wagons and bikes to start the paper route.

As the Rangers canvass the town Taylor’s men get wind of it. Following a shot of the local boss shouting, “What are you standing there for? Kill it!” a succession of jump cuts shows the lackeys doing just that: confiscating the boys’ papers, destroying their press, running over their wagons, and slapping the head Boy Ranger. This rapid-fire montage ends with a disturbing shot of a Taylor truck running a car full of Rangers off the road. With the Boy Rangers clearly losing an increasingly-violent turf war to corrupt adults, this rapid montage concludes with Ma Smith reporting back to Saunders, “Children hurt all over the city. Tell Jeff to stop!”

The pacing, music, and dramatic content of this parallel-action montage drastically increase the tension in Capra’s filibuster spectacle. The tension is so high, that the viewer expects the finale, since the visual pacing has reached max velocity. If the editing got any faster,
it would be an incomprehensible blur. Moreover, the life and death struggle between the boys and Taylor’s lackeys primes the audience to see Smith’s filibuster as a matter of life and death.

As the ninth and final scene starts, the fatal aspect of Smith’s filibuster is reinforced. Once again Capra uses H.V. Kaltenborn to both mask a jump cut yet fill the audience in on what has happened through exposition. We are told that Smith’s “tired Boy-Ranger legs are buckling. Bleary-eyed, voice gone, he can’t go on much longer. And all official Washington is here to be in on the kill.” Foreshadowing a “kill” makes explicit the theme of death that was previously implicit through the parallel editing of the Ranger car crash.

Inside the chamber, the clock now reads 11:28 am, so Capra has jumped six hours ahead of the last clock shot. The time also means that Smith has been speaking for twenty-three hours and sixteen minutes, which beats La Follette’s record for longest solo filibuster. Saunders re-enters to tell Diz the bad news from Ma Smith, but Diz informs her that the senators are finally “listening to him. Anything might happen now.” The rest of the scene seems to take place in real time: no more montages, no more parallel action, and only very small and subtle jump cuts.

Capra moves to a close shot of Smith, and the audience sees and hears what the radio announcer said: Smith is exhausted, disheveled, and nearly hoarse. He’s leaning on the desk for support—hair mussed, brow sweaty, and tie loosed. However, he is still passionately defending himself and denouncing corruption, while the other senators seem to be listening. He declares his thesis: “There’s no place out there for graft or greed or lies or compromise with human liberties. And if that’s what the grownups have done with this world . . . then we’d better get those boys’ camps started fast and see what the kids can do.” The whole corrupt system needs to die corporately, and then it could be corporately reborn as long as the ideals of the Founders are taught to the next, still-uncorrupted, generation of boys. Thus, whereas Huey Long’s dramatic
filibusters played on notions of martyrdom and redemption for the individual, Capra tops him through this spectacle of corporate death and rebirth.360

As Smith completes his monologue, Paine—looking regal and rested—re-enters the chamber for the first time since the filibuster began. Paine baits the hook, and re-states Smith’s goal, “speaking to the people of his state,” for the purpose of inspiring their defense of Smith’s chivalry. Smith bites; yes, that is his purpose. Paine sets the hook: “Would the gentleman be interested in knowing what those people have to say?” After Smith says yes, Paine has the pageboys haul in a spectacular number of telegrams. Paine claims it is 50,000 telegrams, “demanding that he [Smith] yield this floor.” Gotcha.

In the gallery Saunders shakes her head. With tears in her eyes and a quavering voice she tells Diz, “I can’t stand to see him hurt like this.” Smith also shakes his weary head in disbelief and Stumbles up the aisle to inspect the telegrams. He reads one, then another, and another from different piles. He quickly goes from denial to heart-broken. He looks around at his colleagues, then mournfully upward with his eyes slightly unfocussed—maybe to heaven, maybe to Saunders, perhaps both. Saunders “can’t stand” it any longer, and shouts, “Stop, Jeff, stop!” With tears in his eyes, Smith hangs his head above the pile of telegrams. It is finished.

Capra inserts a reaction shot of seven pageboys looking at Smith sympathetically. In the center is Dick, nearly on the verge of tears himself. Smith looks up from the telegrams, at the Vice President, who gives him a sympathetic smile. Smith’s eyes re-focus, he smiles back, then turns to his left, to face Senator Paine with renewed vigor. A reaction shot shows a hesitant Paine; he’s out of ammunition, and Smith—the new Silver Knight—is up off the mat.

360 Corporate death and re-birth is discussed more in the next section on chivalry and the duty to God and country.
Smith says, “I guess this is just another lost cause, Mr. Paine”—alluding to the cases Paine and Smith’s father fought together in their youth. Paine is not evil, he has just forgotten why he once fought for the lost causes, which Smith claims is for “just one plain, simple rule, ‘Love thy neighbor’.” As Smith says this he walks to Paine’s desk. Capra switches to a telling, extremely low-angle shot. The shot gazes up passed the seated Paine to the standing Smith, who towers over him, arms grasping Paine’s desk. Behind Smith, the clock and members of the gallery peer down. The people are on this virtuous populist’s side again. His honor has won the love of a lady, the people, and now it will defeat his corrupt enemy.

Smith wheels back to the telegrams and declares, “You all think I’m licked. Well, I’m not licked! . . . And I’m gonna stay right here and fight for this lost cause . . . Somebody will listen to me. Some . . .” With that, Smith faints and Saunders screams.

Reacting to Smith’s collapse, a stricken Senator Paine runs from the room. Meanwhile, a few colleagues rush to Smith, turn him over, and check his vitals. One dabs water on his face in an attempt to revive him. Another says, “He’s okay—just fainted.” Relaying the good news, Dick the pageboy turns toward Saunders, smiles, and hoarsely whispers, “Okay.” She receives the signal and sighs with relief as we see another shot of the men dabbing water on Smith’s face.

Suddenly shots ring out. Capra cross-cuts to the hallway, where two men wrestle a pistol from Senator Paine, while he cries, “I’m not fit to be a senator. I am not fit to live.” He runs back into the chamber, shouting, “Expel me!” before confessing to the body: “Willet Dam is a fraud. It’s a crime against the people who sent me here . . . Every word that boy said is the truth. Every word about Taylor, and me, and graft, and the rotten political corruption of our state . . . I’m not fit for office. I’m not fit for any place of honor or trust! Expel me!”
The final series of shots includes the group of pageboys celebrating. Next, a shot of the clock at 11:35 am establishes an end time to the filibuster. The press is again shown scampering out to file stories about the conclusion of the filibuster. A shot shows Saunders jumping, hugging Diz’s neck, celebrating, and shouting “Hurray! He did it!” while Diz tries to pull himself away to file his story. This is followed by a shot of the pandemonium on the floor, and the Vice President trying to gavel everyone back to order. The crowd won’t quell, and the VP eventually stops pounding, sits back, reflecting on the fete he just witnessed. Another shot of Saunders celebrating and shouting “Yippee!” in the gallery is included, before she runs from the gallery (presumably to find Smith). The final shot is of the Vice President still sitting back in his chair, smiling as he surveys the revitalized chamber.

This concludes the twenty-three-hour filibuster that Capra compressed into twenty minutes. Visually Capra accomplished this through various editing techniques. By using jump cuts, parallel action editing, and montage, Capra was able to omit all the boring sections of the filibuster, show simultaneously the dramatic on-stage and back-stage action, and unite fragments into scenes of increasing pace and tension.

What these editing techniques add up to for the filibuster form is a visual motorization and amplification of the drama. Capra took Huey Long’s dramatized form and added spectacular visuals to go with the textual beats. Moreover, with the slow sections of a real filibuster removed, the acceleration of the action resulted in accelerated, spectacular pacing. The audience can hardly look away, can hardly catch their breath. The form is so riveting the audience is unable to take a break once the twenty-minute, spectacular filibuster begins.
4.2 **Chivalrous Mr. Smith: Knights, Ladies, & Capra’s Courtly Lovers**

While Capra amplified the filibuster to the level of spectacle through visuals and film-editing techniques, he also amplified the drama of filibustering by introducing a code of chivalry.\(^{361}\) Whereas Long’s courtly style had no schematic approach to donning variations of the courtier personae, Capra used chivalry as the organizing concept for Smith’s filibuster. Chivalry is difficult to define succinctly, but it was a code of conduct adhered to in European courts in the Middle Ages\(^{362}\) and practiced primarily by knights. Chivalry consisted of societal duties, behavioral norms, a set of idealized virtues imbued with “ethical and religious overtones.”\(^{363}\) At the time, (male) society was split into classes: royalty, aristocracy, clergy, knighthood, and commoners.\(^{364}\) Success in battle and knighthood was one of the few avenues for social advancement in Medieval Europe. The three venues for warriors to test their strength and achieve knighthood were one-on-one “jousts,” “tournaments” between teams of knights, or at war.\(^{365}\)

The code of chivalry bound knights to uphold certain virtues and fulfill certain duties. Regarding moral character, the “classic virtues of good knighthood” were prowess (gained through achievement in jousts, tournaments, and war), loyalty to God and country, generosity (or “charity”) toward peasants, courtesy toward ladies, and “above all . . . courage.”\(^{366}\) A noble knight possessed these virtues.

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\(^{361}\) Since the last section interwove the summary of Mr. Smith’s filibuster finale with the visual analysis, that section is significantly longer than this section written sans summary.

\(^{362}\) The years in which chivalry flourished were approximately between A.D. 1100-1500. Keen 1984, 1-3, 7-9, 16.


\(^{364}\) Keen 1984, 3.

\(^{365}\) Keen 1984, 91.

\(^{366}\) Keen 1984, 2, 10.
### 4.2.1 Chivalrous Duty to Country:

In addition to these ethical guidelines, chivalrous knights had three primary duties: to country, to God, and to ladies and damsels. First, regarding country, a knight’s countrymen included their lord, foremost, but also the commoners of the realm.\(^{367}\) In “Mr. Smith Goes to Washington,” Jefferson Smith feels a great duty to his countrymen, and to restoring the country’s founding ideals. This duty to country propels Smith to found the Boy Rangers in order to instill our ideals of life, liberty, and the pursuit of happiness in the next generation.

Since America has no official aristocracy, Smith begins his quest by serving other lords: the memory of his father and his father’s former colleague: “The Silver Knight,” Senator Joseph Paine. Because Smith is loyal, it takes him a long time to recognize Paine’s corruption. Even when Smith could denounce Paine, he instead denounces the machine boss (Taylor), greed, and political corruption. In the finale scene, Smith uses reverse psychology, and praises Paine’s nobility (“fighting for the lost causes”) rather than deriding his corruption. It works, and makes Paine feel guilty. Hence, in defense of the country, our Founders, his father, the Boy Rangers, and as advocate for Paine’s redemption, Smith is a chivalrous, populist knight.

### 4.2.2 Chivalrous Duty to God:

The second duty of chivalry is to God and the church.\(^{368}\) In the film, Smith serves the church of “American civil religion.”\(^{369}\) While there is no simple definition of American civil religion, Russell Richey and Donald Jones outline three meanings for the phrase: “the transcendent universal religion of the nation” as a source of national “meaning” and “social

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\(^{367}\) Keen 1984, 7-8.

\(^{368}\) Keen 1984, 4, 7, 9. Knights were considered the “strong right arm of the Church,” and this reasoning was used to justify wars, imperialism, and the Crusades. See Keen, 4.

\(^{369}\) See Robert Bellah’s lead article titled “Civil Religion in America,” in *American Civil Religion* (Ed.s Russell Richey and Donald G. Jones), HarperCollins Publishers, 1974, 21-44.
solidarity”; “religious nationalism,” in which the nation is “the object of adoration and glorification”; and “democratic faith” rooted in the “ideal of equality, freedom and justice.”

Capra’s film exemplifies these meanings, and Smith’s reverence for America’s Founders and our founding documents functions as the foci for civil religion in the film. Not only does Smith take a patriotic tour of the monuments and statues around the national mall, but he continuously quotes our founding documents. Even if some of the Senators have forgotten our founding ideals, as long as Smith can teach our founding documents to the boys of the country, he believes he can preserve our civic religion.

These documents are Smith’s scriptures: The Declaration of Independence, The Constitution, and The Gettysburg Address. These scriptures succinctly demarcate our national creed and have even been collectively called by scholars, “The American Testament.”

For instance, during the filibuster, Smith reads from The Declaration (“… life, liberty, and the pursuit of happiness . . .”) and from The Constitution. The paramount example from the American Testament, though, involves the Gettysburg Address and the Lincoln Memorial. The culmination of Smith’s monument tour early in the film is a trip to the Lincoln Memorial, where Smith listens to a young boy read part of the Gettysburg Address with his grandfather’s assistance: “that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain; that this nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.” While meditating on this passage of scripture, Smith decides that like his father—who died giving his

last “full measure of devotion”—he too would honor the memory of the fallen by taking “increased devotion” by spreading the gospel of American civil religion outward from this temple.

Following this initial monument tour, Smith enters Congress, but encounters corruption and cynicism. In the face of these obstacles, Smith attempts to maintain his devotion to God and country by submitting his bill for the Boy Ranger camp. But when he is falsely accused of graft he decides to leave town. Right before the final act, Smith has his bags packed and is ready to catch the train back West but stops one last time to genuflect at his temple: the Lincoln Memorial.372 This time Capra literally highlights the conclusion of the Gettysburg Address for the audience as Smith reads, “this nation under God shall have a new birth of freedom—and that government of the people, by the people, for the people shall not perish from the earth.” Not only does this quotation align with the populist aspect that permeates Capra’s “little Man Trilogy,” but the line foreshadows the religious allusions in the finale. There is a new birth of freedom, since Smith experiences a symbolic death and rebirth at the end of the filibuster. Hence, it is serendipitous that Smith pauses to read this line just long enough for Saunders to find him, and suggest he make that suffering stand. By filibustering he chivalrously concludes his duty to God and country.

4.2.2.1 The Christ Persona and Martyrdom

Considering the symbolic re-birth of the final scene, Capra may begin with chivalry and duty to God, but goes far beyond those topoi by incorporating the religious aspect of Kenneth Burke’s guilt and redemption cycle. Capra is in sync with Huey Long’s dramatistic filibusters.

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that fused the courtly with the martyr, then, and Capra amplifies this theme. Like Long, Smith
dons a martyr persona in order to represent to people’s pain before elite senators. Smith’s display
of representative mortification for nearly twenty-four hours ends up transcending the elite
opposition and corruption. But while Long took on Job and Gwynplaine personae to reach relief
and redemption, Capra does him one better and turns the drama into a spectacle. Capra makes
Smith a messianic, Christ-figure who obtains both an individual and corporate re-birth in the
film’s final scene.\footnote{Some literature describes Smith as messianic in passing. For the best example, see Charles Wolfe, ”Mr. Smith
goes to Washington.” Close Viewings: An Anthology of New Film Criticism (1990): 300-32.}

Capra begins to construct Smith’s Christ persona early in the film. At the outset, the
audience finds out that Smith’s father is dead, and he still lives with his mother. Likewise,
tradition holds that Jesus still lived with Mary around age thirty because Joseph was presumably
dead. Jesus began his public ministry around age thirty, and Smith is appointed to the Senate in
his early-to-mid thirties. Furthermore, Smith was framed and found guilty of corruption by an
ethics hearing. Likewise, Jesus was falsely accused and wrongfully tried by the Sanhedrin and
Pontius Pilate. Smith had disciples (Boy Rangers) and was betrayed by a friend (Senator Paine)
who then attempted suicide by pistol. Jesus had disciples and was betrayed by his Apostle (Judas
Iscariot) who subsequently hung himself. These are clear parallels between Smith and Jesus
Christ.

In the final scene of the filibuster the audience is told by narrator H.V. Kaltenborn that all
of official Washington is there to be “in on the kill.” Paine attempt the kill shot by hauling in the
50,000 telegrams. However, Smith rallies and reminds Paine of the Golden Rule: “Love thy
neighbor.” But just as Smith proclaims that he will continue to fight for his lost cause, he faints
due to exhaustion. Fainting is a symbolic death, and it allows Capra to depict two symbolic
rebirths. First, a corporate death and rebirth takes place. After railing against corruption and
greed, Smith says, “If that’s what the grownups have done with this world that was given to
them, then we better get those boy [Ranger] camps started fast so we can see what the kids can
do.” The present, corrupt generation must relinquish power and suffer political death, so that the
next generation—trained in American civil religion—can arise in a symbolic rebirth of American
idealism. As his colleagues begin to listen to Smith in the final scene, they begin the
redemption process, but it is not until Smith faints, or symbolically dies, that new political life is
reborn. It is reborn in the colleagues who run to him, in Paine’s confession of corruption, in the
approval of the chair and the press, and in the political spirit reborn in the pageboys who once
were lost, cynics, but are now found jumping for joy.

In addition to the corporate rebirth of our body politic, Capra depicts a second, individual
rebirth in the final scene. After Smith faints, Dick the pageboy lets Saunders (and the audience)
know that Smith is “Okay!” The boy resembles Smith in complexion and facial features, is
dressed in a similar suit, and wears his hair like Smith. Even the boy’s raspy whisper that Smith
is “Okay” corresponds to the timbre of Smith’s voice as Smith became hoarse during the speech.
Therefore, the boy represents the individual rebirth of Smith. The audience is left with the
hope that this boy, the re-born personification of our founding ideals, will lead his renewed
generation as an inverse corollary to Smith’s inability to lead his corrupt generation. As Smith is

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374 This sort of corporate re-birth is depicted in religious terms, through Jesus’ words in Matthew 19:14: “Let the little children come to me, and do not hinder them, for the Kingdom of Heaven belongs to such as these.”

375 Another scene of rebirth was shot but ultimately cut from the movie. A clip from that scene was included in the film’s original trailer, though. This cut, homecoming scene depicts a tickertape parade in Smith’s honor, and the crowd showering him and Saunders with confetti as they ride in a convertible. His career is reborn, signaled by the parade and a sign reading, “Send Smith to Congress for life.” The car is surrounded by Boy Rangers—the same ones who were tragically run off the road by Taylor’s men. If not “reborn,” here these Rangers are at least revived, since the audience didn’t know if they survived the crash. Moreover, it looks like the same auto they crashed in is not carrying Smith in the parade. It too survived.

376 The Biblical corollary is from John 3:3: “Jesus replied, ‘Very truly I tell you, no one can see the kingdom of God unless they are born again’.”
carried off the Senate floor, Capra makes an homage to the pieta. As colleagues lift Smith, still faint, and carry his limp body toward the anteroom, his arm is awkwardly held above his body. This visual of a (symbolically) dead body being cradled, with arm akimbo, specifically invokes Bernini’s pieta, which features the messiah’s arm above his head while he is cradled after being taken down from the cross.

In this way, Capra surpasses Huey Long’s dramatic mortification and redemption to depict spectacular individual and corporate deaths and re-births through Smith’s adaptation of a Christ persona. As such, Capra, exceeds the chivalrous obligation to God by turning his protagonist into the messiah of the American civil religion.

4.2.3 Chivalrous Duty to Ladies:

The third and last duty of a chivalrous knight was to protect, honor, and aid ladies and damsels. The bi-fold reward for going into battle, after all, was “heaven” or “recognition of noble women.” Courtly love in the Middle Ages took various forms, but was generally “an amorous ethic of service to a lady” by a knight. Although courtly love was centered on “[a]doration” and yearning, it often did not involve “consummation.” Thus, the knight’s devotion to his lady was comparable to his “faithful service to [his] lord” and the Church. This (chaste) devotion was acquired and proved in non-sensual ways. One Middle Age primer on courtly love claims it is acquired in three true ways: beauty, excellent character, and “extreme

377 In the renaissance, it was popular for artists to paint pietas, or images of Christ coming down from the cross. The most famous is Michelangelo’s Pieta at the Vatican, in which Mary is holding Jesus. Michelangelo’s Florence Pieta also depicts Christ with an arm askew. (This is not the most famous pieta, which is Michelangelo’s pieta at the Vatican.)
378 Keen 1984, 7-8.
379 Keen 1984, 30.
380 Keen 1984, 30.
382 Keen 1984, 30.
Thus, deft rhetoric was one means of attraction. In Mr. Smith, Smith is attracted to Saunders’ beauty and “readiness of speech,” since she is a learned political insider. In return, once Smith’s “excellence of character” combines with his “extreme readiness of speech” during his filibuster, she in-turn falls for him.

Once acquired, “Courtly love required that lovers show their devotion by writing romantic poetry, performing heroic deeds, and remaining utterly faithful to one other.” The courtly love between Smith and Saunders bears this out, since her devotion hinges on his performance of a “heroic deed[ ]”: filibustering for twenty-three hours. But once the heroic deed is seen and appreciated, if the lady reciprocates the knight’s feelings, he becomes empowered to perform even more-heroic deeds.

Capra weaves romance and Smith’s sense of duty toward women throughout the final act. True romantics in the audience may have detected something when Saunders searched for Smith at the end of the previous act, and convinced him to stay and fight. Other viewers may not have picked up on the budding romance until the end of the first filibuster scene when Diz asked Saunders, “You love this monkey, don’t you?” and she coyly responds, “What do you think?”

This romance resumes in the fifth scene of the filibuster, when Saunders professes her love to Smith. She does this in an inscription inside the cover of the Constitution, which she had the pageboy run down to Smith from the gallery. The audience reads with some suspense: “Diz thinks I’m in love with you.” Below this there is a “P.S.” that Smith uncovers to reveal, “He’s

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384 Andreas Capellanus, The Art of Courtly Love, 1969, 2. The text also informs the reader that two false ways of acquiring beauty are 1. wealth, and 2. sex.
385 Capellanus 1969, 1.
386 Capellanus 1969, 2.
387 Or even earlier in the film, when Saunders fumes and then goes out and gets drunk with Diz in a hilarious scene. She is angry with the Taylor machine’s exploitation Smith’s crush on Senator Paine’s daughter, whom they used to prevent Smith from being present for the corrupt bill in question by giving Smith a tour of the city.
right.” Saunders does love him. After Smith reads this, he looks up to her in the gallery. She gazes back, smiling, nodding, and encouraging him to press onward. A rejuvenated Smith begins to read again, empowered by the love of a noblewoman. Her love is his second wind, and his chivalrous duty to her primes his “readiness of speech” for many more hours.

Although Smith could not verbally reciprocate Saunders’ love immediately, by scene seven he figures out a creative way to respond. Like the troubadours of the Middle Ages, Smith reads Saunders a love poem. This poem happens to be from one of the few texts in his desk: the Bible. The passage is 1 Corinthians 13, made famous as the love chapter read, and at many weddings. Smith reads, “now abideth faith, hope, charity, these three, but the greatest of these is charity.” During this reading, Saunders is shown alone in the gallery. It is the middle of the night, and all others have left. But the beautiful, faithful damsel has remained loyal to her knight. Her presence, and their near-privacy inspire Smith to finally reciprocate the love that Saunders’ professed hours earlier.

Within the constraints of Senate decorum and the strictures of courtly love, this is a steamy as their romance can get until Smith yields the floor. But Saunders’ presence through the night watch inspires Smith, similar to a lady’s “presence,” which “endowed [jousts between] knights with strong erotic undercurrents.” Moreover, “the potency of love” is “a force that urges man to seek to test himself, to prove his worthiness of his mistress.” Suffering and love, then are in a symbiotic relationship, since it is the chivalrous virtue displayed during the physical test that wins the affection of the lady; in turn, that affection inspires the knight to continue the

388 Keen 1984, 30.
389 The King James Version says “charity,” but the New International Version says “love.”
390 Keen 1984, 91.
391 Keen 1984, 116.
ordeal. The greater his chivalry, the greater her love. The longer the filibuster, the greater the courtly love between knight and lady.

Their courtly love is not featured again in the film, but it is present in smaller ways. As the final scene starts, and Paine has the telegrams hauled in, Saunders is chagrined and tells Diz that she can’t bear to watch Paine “hurt him like this.” Her love becomes protective, and she yells, “Stop, Jeff! Stop!” But he only stops when he faints. His fainting causes the tide to turn, and after Paine confesses, a now-jubilant Saunders exalts, “Yippee!” She is passionately in love with her chivalrous knight, and she no longer needs to keep it a secret.

In sum, Smith and Saunders’ relationship has the prominent features of a chivalrous courtly love from the Middle Ages. The film ends without an embrace or kiss and with them apart. It is a classical courtly love; it is modern-day Tristan and Isolde; a love that stresses yearning and valor, not consummation. Whereas fast editing was Capra’s signature visual emendation to the form, and Smith’s Christ persona was an amplification of Long’s martyr persona, the courtly love angle was Capra’s wholly original addition to the filibuster.

4.3 Critical Reception of the Film

Contemporary film critics noted Capra’s visual and dramatic innovations to the filibuster form. Despite some pushback to the film from senators and journalists at the Washington D.C.

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392 An alternate ending with Smith returning home to a ticker-tape parade, also emphasizes courtly love. Since Saunders is on the seat next to Smith and Ma is in another seat, it means she not only traveled all the way West with Smith, but went home with him, and has replaced his mother as the most important woman in his life. Moreover, Saunders wears a hat with netting that partially veils her face. The veil is a subtle allusion to her being a bride—his bride. However, this scene was cut both for time, and to help Capra avoid the happy endings for which he was already becoming known. See Wes Gehring, “Mccarey Vs. Capra: A Guide to American Film Comedy of the ‘30S,” Journal of Popular Film & Television 7.1 (1978): 67. Fragments of this ending are in the original film trailer, which can be found on YouTube.
critical reception to the film was enthusiastic upon its national release. Critics noted how much drama Capra crammed into two hours through his fast-paced editing. The industry publication, *Variety*, praised the pacing: “[Capra] keys the motivation of his basic premise without wasting time, and then carries it through vigorously.” Following a brief plot summary in *The New York Times* review, their critic explained, “If that synopsis is balder than the Capitol’s dome, it is because there is not space here for all the story detail[s] . . . that have gone into Mr. Capra’s two-hour show.” However, it was not a dizzying speed, and the editing was “paced . . . beautifully.” The spectacular visuals were speedier the film’s contemporaries.

Another element praised by critics was the romance between Smith and Saunders. While Saunders began as a wise but “cynical senatorial secretary” who “tosses a line and bats an eye with delightful drollery,” she is eventually softened by Smith’s “ideals.” Finally, she “falls in love with him,” while remaining a “key figure and advisor in the famous filibuster.” Capra weaved the “romance lightly through the political phases . . .” and lets neither the romance nor the politics dominate. In sum, what the critics wrote about the film’s courtly love echoed the

393 A massive, 4,000-person premier for “Mr. Smith Goes to Washington” was hosted by the Nation Press Club, and was attended by politicians and their families, journalists, Beltway insiders, and Capra himself. As the audience realized that Capra’s depiction of the Senate and press was largely one of corruption and cynicism, they reacted with a “cool reception.” Some walked out—including Senator Burton Wheeler (D-MT), on whom the screenplay was loosely based; a few journalists took issue with Capra at the after party for depicting them as drunks; some senators denounced the film in the press for making the senate look ridiculous; and State Department officials attempted to censor the film abroad because they believed it made American democracy look vulnerable to corruption (See Lehman 309-10, Regin and Moran 213-217, and Smooldin 15-20).

394 Even today critics and viewers on Rotten Tomatoes give the film a 94% approval rating, https://www.rottentomatoes.com/m/mr_smith_goes_to_washington/


film’s original trailer, which teased that the “homespun boy” wises up and earns the love and respect of the “hard-boiled, worldly-wise” urban working girl.

In addition to the critics, theater owners raved about the film. Since its release was around election time, they ran special promotions linking the film with local civic engagement.401 Theater owners also advertised to teachers and students by promoting the film’s realistic depiction of the Senate, the monuments of Washington D.C., and the film’s edifying civics lessons. Classroom study guides and teachers’ materials were included in the film’s promotional materials, which apparently worked, since even the country’s largest teachers’ union—the National Education Association (NEA)—promoted the educational value of the film.402 Thus, the film affected civic education, enhanced our civil religion, worked its way into our cultural knowledge about filibustering.

4.4 Capra’s Influence on Future Filibusters: Visuals & Drama

Since the film was well received by the public, Capra’s spectacular form began to change the popular perception of filibustering. Capra’s influence on filibustering can be noted in the press coverage of notable filibusters in subsequent year. For instance, chivalrous themes of martyrdom and courtly love were heavily emphasized in the coverage of Senator Wayne Morse’s (I-OR) 1953 filibuster, Strom Thurmond’s (D-SC) 1957 filibuster, and Robert Byrd’s (D-WV) 1964 filibuster.

4.4.1 Suffering and Courtly Love:

In 1953 Wayne Morse set a new filibuster record by speaking for 22:26 in opposition to a bill about offshore drilling. Press coverage of Morse’s filibuster emphasized some of Capra’s

touchstones. Although Morse stayed mostly on-topic, he displayed his knightly bona fides by discuss “horseback riding.” Another of Capra’s themes that reappeared was discussion of Morse’s suffering. The New York Times reported, “Morse attributed his feat to his excellent physical condition and the fact that he drank very little liquid throughout the speech.” The little bit he ate included crackers, chocolate, and ice chips, while he only “sipped sparingly from cups of bouillon and tea.” As with the Suffer Long Club and Capra’s depiction, Morse’s suffering was prolonged by colleagues who kept “watch” in “relay.” Although quorum was not required due to the inability to call roll, the chair still had to be filled in “relay” in “the long hours after midnight.” Like Smith, Morse’s suffering was noted by his flagging vocal quality: “the determined Senator droned on in a voice, normally husky, that grew hoarser and hoarser but remained distinct to the end.” Although Morse did not faint, as had Smith, the papers noted that he received hundreds of “laudatory telegrams.”

Although the telegrams were a nice consolation after the fact, the thing that buoyed Morse’s spirits during the filibuster was courtly love. The New York Time article dwells on the courtly love between Mr. and Mrs. Morse. She joined the gallery, and “watched all night” with her daughter. The reader is twice told that Senator Morse only intended to speak for about ten hours (matching his previous personal record), and the journalist implies that that record was shattered by Morse’s new all-time record (22:26) due to the encouragement garnered by the courtly love of the on-looking Lady Morse. Mrs. Morse’s presence—even the couple times she “dozed”—mirrored Saunders’s support to Smith. As such, Morse’s chivalrous duty to his lady

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404 Morris, NYT, 26 Apr 1953.
405 Morris, NYT, 26 Apr 1953.
406 Morris, NYT, 26 Apr 1953.
and his country enabled him to “dramatize” his speech and make his stand.\footnote{Morris, \textit{NYT}, 26 Apr 1953. Morris writes twice that Morse’s attempt to slow down the deliberation was an attempt to “dramatize.”} Once Morse retired, he could return to his farm, where this Knight Errant “kept five horses and a herd of cattle.”\footnote{Morris, \textit{NYT}, 26 Apr 1953.}

The tenants of chivalry were also amplified in press coverage of the next record-setting filibuster, by Strom Thurmond (24:18) in 1957. Concerning physical fitness, “Thurmond does push-ups every morning,” and on weekends, this chivalrous knight “bicycles with his wife.”\footnote{“Last-Ditch Southerner: James Strom Thurmond,” \textit{The New York Times}, 30 Aug 1957} Lord and Lady Thurmond have traded in their steeds for bikes. Physical preparation helped Thurmond finally hit the coveted twenty-four-hour mark in filibustering, but to get there he had to endure suffering. As with Capra’s filibuster, press coverage characterizes Thurmond’s vocal strain as both a “futile last-gasp battle” and him as “sleepy, but still strong in wind and limb, with hours of droning left in him.”\footnote{The New York Times, 30 Aug 1957.} Another article was even more to the point: “Until the very end Mr. Thurmond was hoarse, his voice hardly audible, and weaving on his feet in great fatigue,” but at “the close he rallied and spoke strongly.”\footnote{William S. White, “Senate Votes Rights Bill and Sends it to President: Thurmond Talks 24 Hours,” \textit{The New York Times}, 30 Aug 1957.} Thus, with phrases such as “last-gasp,” “strong in wind,” “hours of droning,” “hoarse,” and “rallied and spoke strongly,” journalists thoroughly covered vocal strain—a hallmark of Capra’s filibuster. To soothe Thurmond’s suffering voice, another Senator offered him “ministrations” of orange juice.\footnote{The New York Times, 30 Aug 1957.} This ministration mirrors the Senators who dabbed water on Jefferson Smith’s face after he fainted in Capra’s treatment of the form.
In both *The New York Times* and the *Atlanta Constitution’s* coverage of the filibuster, it is noted that Thurmond’s suffering was alleviated, and his stamina was bolstered, by courtly love. Similar to Smith and Saunders, and Mr. and Mrs. Morse, Thurmond’s courtly love was the presence of his wife in the gallery. Outside of chivalry and duty to women, it is difficult to account for the attention paid to Jean Thurmond. *The New York Times* covers how they met, how he proposed (by intra-office memo), how they married, that she is much younger, and that they still had no children.\(^{413}\) *The Atlanta Constitution’s* coverage did one better on the courtly love angle, devoting its entire article to Lady Thurmond’s dutiful support of her white (supremacist) knight. The article opens, “Beaming, beautiful Jean Thurmond stuffed her senator husband with sirloin steak last night just before he started his marathon talk against the civil rights bill. Then she sat up all night listening to him.”\(^{414}\) Not only did she fuel the fire with steak, but the sight of her in the gallery further inspired Thurmond to endure the ordeal. Their inter-generational, possibly-chaste relationship was depicted by the Southern press as a pure, courtly love from a bygone, more-chivalrous era. In sum, according to these articles on Morse and Thurmond, Capra’s point is remade: the courtly love between the speaker and a courtesan in the gallery enables a chivalrous Senator to prolong his suffering stand.

### 4.4.2 Motorized Spectacle Versus Slow Drama:

While these speakers adapted Capra’s dramatic additions to the form, they ignored Capra’s motorization of the filibuster. However, the press still mentioned pacing. The fast-pacing of Capra’s fictional, spectacular, romantic comedy filibuster is fundamentally contrary to the

\(^{413}\) Jean met Strom while he was Governor of South Carolina and she was his secretary. She was half his age, but he proposed by inter-office memo (“Will you?”) and she replied in kind (“Yes”). Now in Washington the childless couple bicycles every weekend. See “Last-Ditch Southerner: James Strom Thurmond,” *The New York Times*, 30 Aug 1957.

\(^{414}\) Margaret Kernodle, (1957, Aug 30). Fetches steak for filibuster. *The Atlanta Constitution*
real, dramatic filibuster, since the form is meant to delay, deliberate, and dramatize until the bill is thoroughly vetted. In Burdette’s terms, “the technique is designed to consume time.” But in post-Capra news coverage, we see the clash between accelerated expectations and the retarded reality. Whereas comedy is fast-paced, one journalist significantly describes Morse’s process of slowing down Senate business as “dramatizing” his opposition.

In the coverage of Thurmond’s filibuster, his back-story is used as the reasoning for why haste is bad, and deliberateness is good. Haste nearly prevented Thurmond from being elected to the Senate in the first place. Like the plot of Mr. Smith, Thurmond going to Washington began with a vacant seat. The Democrats decided time was too short to hold a primary and nominated someone. They did not nominate Thurmond, who cried foul, and mounted a write-in campaign. The former governor won by a landslide. The lesson is that slow and steady wins. Haste was reckless in that election, much like Thurmond’s belief that a motorized Senate will pass reckless legislation that infringes upon states’ rights. His filibuster was meant to slow things down and restore full participation to the deliberative process.

By Robert Byrd’s (D-WV) final civil rights filibuster in 1964, the expectation of motorization fully overshadowed any allusions to chivalry. The press hardly mentioned Senator Robert Byrd’s fourteen-hour filibuster, and instead focused on cloture as an accelerant to debate. The suffering aspect of Byrd’s filibuster is minimized, and only mentioned after he voted “no” to cloture and then “slumped wearily” into his chair. In Byrd’s fainting, then, there was no symbolic martyrdom or re-birth, as with Long and Capra; Byrd’s exhaustion was pure defeat.

415 Burdette 1940, 5.
416 See Morris, NYT, 26 Apr 1953.
Although there were “far more women than men” in the gallery, none of them were an object for Byrd’s courtly love, because many of them were Catholic nuns or school girls on field trips.\footnote{Hunter, \textit{The New York Times}, 11 Jun 1964.} Without courtly love there was no distraction from his physical suffering and no inspiration for Byrd’s second wind. Instead, his efforts were stymied, and press coverage emphasized the fast-paced cloture vote taken to end his filibuster.

During the brief cloture vote, some Senators loudly cast their votes, which were characterize as loud “pistol shots.”\footnote{Hunter, \textit{The New York Times}, 11 Jun 1964.} This appears to be an allusion to Capra’s film, when a loud shot is heard as a distraught Senator Paine tries to end his disgrace. Finally, the most spectacular moment of Byrd’s filibuster belongs to another was Senator: Clair Engle (D-CA) was wheeled into the chamber to vote, after being hospitalized and wheelchair-bound for two months, following two brain operations.\footnote{Hunter, \textit{The New York Times}, 11 Jun 1964.} This constituted a “brief drama,” but a “high drama”\footnote{Hunter, \textit{The New York Times}, 11 Jun 1964.} that was the centerpiece of the motorized, “10-Minute” cloture spectacle that ended Byrd’s filibuster.\footnote{Hunter, \textit{The New York Times}, 11 Jun 1964.}

In sum, the contrast between Capra’s and Byrd’s treatment of the form is that filibustering is intentionally slow, yet cloture is quick. Therefore, when Capra shifted the popular form to the motorized spectacle, it fundamentally mischaracterized filibustering—which has always been about a temporizing. Whereas the suffering aspect was accurate, and the media noted it and the alleviation of suffering through courtly love in Morse and Thurmond’s filibusters, by the time we get to Byrd, suffering and courtly love give way to motorization. Motorization is the domain of cloture, not the filibuster. Ergo, Capra’s depiction of amplified
drama and visuals through courtly love and motorization continued after *Mr. Smith’s* credits rolled.

### 4.5 Inheriting & Bequeathing Formal Characteristics

Despite being fiction, Frank Capra’s depiction of the filibuster in “Mr. Smith Goes to Washington” is thoroughly in conversation with its predecessors and its progeny. Capra took what La Follette and Long had crafted, amplified the visuals and the drama, and bequeathed a new, spectacular form pre-made for the burgeoning television age. While Capra could have taken more liberties with, he stayed true to many formal aspects of the filibuster.

For example, he not only adapted Long’s dramatic touches, but Capra even tried to stay true to the rules of the filibuster. In doing so, Capra gestured to the rule changes La Follette faced regarding recognition, imputing colleagues, roll call, and quorum. Capra also mirrored La Follette regarding walk outs; like Aldrich leaving after La Follette cornered him, in the film, Paine walks out after Smith “imputed” to him conduct unbecoming of a Senator. Both antagonists left the chamber rather than admit defeat or extend the deliberation. Thus, even in the depiction of parliamentary procedure, Capra was quite accurate to the form. However, Capra did not re-enliven the deliberative form. Deliberation is rarely spectacular, after all. Instead, his project took Huey Long’s dramatic emphases and amplified those aspects of the filibuster.

Frank Capra’s filibuster in *Mr. Smith* shared many formal similarities with Huey Long. Like Long’s last filibuster, Smith was filibustering against a deficiency bill. Both protagonists, Smith and Long, refused to yield to colleagues, except for questions. Both were fighting powerful political machines: Long fought the Choctaw machine in Louisiana, and Smith fought the Taylor machine in his state. With powerful, coordinated opposition, Long claimed that he was elected despite being opposed by every major paper in Louisiana; likewise, in the film,
Smith beats the machine despite Taylor’s control of all the papers in Smith’s home state. Furthermore, both Long and Smith read from the Constitution and the Bible during their filibusters. They share these scared texts.

Most importantly, though, both Long and Capra emphasize the physical suffering of the form and enacted the filibuster as a way to transcend elitism and help populist constituents gain relief or re-birth in the political order. While Long created his dramatic displays by adapting a courtier persona, Capra schematized the drama of his film with the courtly concept of chivalry. However, Long and Capra diverge on how to in the sustain the suffering. Whereas Long sustained his drama by adopting the suffering personae of Gwynplaine and Biblical Job, Capra introduced a courtly love angle to help Smith endure the mortification. The presence of Lady Saunders in the gallery buoyed Smith’s spirits and energized the chivalrous knight to speak and suffer for many more hours. Long teed-up the major dramatic topoi of suffering and the courtier persona. Capra began there and amplified those dramatic and visual aspects into a spectacle.

Regardless of what Capra continued from former filibusters, his film solidified the form in the public imaginary in ways that still reverberate. In the next chapter on Wendy Davis’s 2013 filibuster in the Texas Senate, aspects from Mr. Smith affect how she and her supporters enact the filibuster. For instance, the interaction between Davis and her vocal gallery is reminiscent of Saunders’s interaction with Smith from the gallery.

Moreover, regarding citizen involvement, Capra and Davis share similarities. Whereas La Follette and Long mentioned that constituents would be wiring them telegrams in passing, Capra emphasized telegrams in a spectacular way by hauling 50,000 telegrams into the Senate chamber. However, this number was dwarfed by Davis’s contemporary equivalent, for during her filibuster nearly one million impressions were shared on social media.
Furthermore, whereas Capra was able to use parallel action editing to show his audience five simultaneous dramas, narratives by the media and on social media were able to portray at least three simultaneous narratives during Davis’s filibuster. These three include the drama in the Texas Senate chamber (floor and gallery), the drama in the rotunda and on the Capitol grounds outside the chamber, and the drama and deliberation between internet citizens (“netizens”) in the virtual public sphere of social media.

Whereas Long and Capra used drama and spectacle to transcend the speaker’s mortification unto relief and re-birth, Davis and her supporters leverage social media in order to emancipate spectators. In the next chapter, the emphasis shifts from the person filibustering to their constituents, from spectacle to spectators. In the process Davis re-enlivens the older, deliberative and dramatic forms of filibustering and fuses those with Capra’s spectacle.
5 THE FILIBUSTER AS A FORM OF EMANCIPATION: WENDY DAVIS &
#STANDWITHWENDY, SYNTHESIZING DRAMA & DELIBERATION
THROUGH SPECTACLE AND SPECTATORSHIP

“Ms. Davis Goes to Austin! #standwithwendy”

andy harold @TheAndyHerald 25 Jun 2013

Around noon on June 25th, 2013, Texas Senator Wendy Davis (D) rose in the state
capitol, in Austin, and declared her intention to filibuster the Omnibus Abortion Bill (SB5). The
filibuster was an attempt to run out the clock on a special session that was allegedly called to
take up bills that were neglected during the regular session. However, pro-choice Texans and
activists claimed the session was called under false pretenses and was really an attempt to pass
unpopular abortion restrictions while regular order was suspended and cloture was not
allowed.424 That assumption was proved accurate when at the conclusion of the regular session
Lieutenant Governor and Senate President David Dewhurst (R) Tweeted “We fought to pass SB5
. . . & this is why!”425 This statement was followed by an image created by Planned Parenthood,
which stated in opposition to the bill, “If SB5 passes, it would essentially ban abortion
statewide” (Fig. 1). Repeated claims by Republicans that the bill was to protect women’s health
were undercut by Dewhurst’s re-appropriation and re-Tweet of the meme, which allowed
Dewhurst to use someone else’s words say he wanted to “essentially” ban abortion.426

424 In the regular session, two-thirds were needed to allow floor debate on a bill, and the Democratic minority could
block debate through cloture. Not so in special session, when only a simple majority was needed to bring bills to the
floor for debate and a vote.
425 David Dewhurst@DavidHDehurst 19 Jun 2013. “We fought to pass SB5 thru the Senate last night, & this is
why! #StandWithTXChildren #txlege” Tweet. The meme Dewhurst re-Tweeted was a re-appropriation of an image
created by Planned Parenthood. See Figure 1.
As Davis rose, she referred to these circumstances as a “raw abuse of power.” While, “Partisanship and ambition are not unusual in the state capital,” Davis said, the lengths Governor Rick Perry and Lt. Gov. Dewhurst went to, first, table the bill in regular session and, then, call a special session to pass it seemed “extraordinary” even by the standards of the deeply divided Texas statehouse. After denouncing SB5 as “unreasonable,” “uncalled for,” and without “a hint of evidence . . . as to why it’s needed,” Davis directly addressed Dewhurst’s Tweet. “Dewhurst’s tweet told us why” they are trying to ram this bill through in a special session: “because the real aim of this bill is not to make women safer, but it is to force the closure of multiple [women’s health/abortion] facilities across the state . . .”

While Davis took Dewhurst to task in her own words, internet citizens (“netizens”) reacted in real time. For example, Dinah Miller Tweeted at Dewhurst, “You’ve already tipped your hand. Politics is your passion, not healthcare. #standwithwendy Trust Texas Women.” Additionally, Davis read three pre-screened citizen testimonies during her filibuster that denounced Dewhurst’s Tweet. The most poignant of the three read, “There has been a lot of dissembling about the purpose of this legislation being to make healthcare safer for women. I salute our . . . Lieutenant Governor for his honesty yesterday in tweeting the truth: that the purpose of this legislation is to end abortion in Texas.” Since these critiques of Dewhurst came

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428 Mardoll 2014, Location 124-41.
429 Mardoll 2014, Location 240-258.
430 Mardoll 2014, Location 240-258.
431 Dinah Miller (DinahMillerTX), 25 Jun 2013. Tweet.
432 From Jane from of Manchaca, TX. See Mardoll 2014, Locations 1012-1029. Another testimony from April in Austin read, “We’ve heard from [legislators] that this bill is to protect patient safety. But we all know, after seeing Lieutenant Governor Dewhurst’s Twitter account, that isn’t the goal at all” (Location 988). The last testimony from Martha in Luling, Texas read, “[He] bent the rules to get them on the fast track of this special session . . . We now know because of his irresponsible tweet on Wednesday morning that Dewhurst’s goal is to close all clinics in Texas that provide abortion services, and we are not amused” (1294-5).
from three sources (Davis, netizens, and read testimonies), it demonstrates the co-created nature of Davis’s dramatic filibuster. Citizens inspired her, she spoke, they listened and responded, and she incorporated some of their feedback.

The aim of Davis’s filibuster was to protest, “These voices,” of pro-choice citizens, who “have been silenced by a Governor who made blind partisanship and personal political ambition the official business of our great state.”

Figure 1: Dewhurst's Tweets PP's meme

Figure 2: Quotation & protestory

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433 Mardoll 2014, Location 124-41.
434 A meme quoting this poignant opening line began to circulate on social media. The meme combining text and image, and the quotation was superimposed over a picture of a crowd that gathered in the Texas Capitol rotunda.
The implication of the meme juxtaposing Davis’s quotation with the crowd of protestors (Fig. 2), who rallied late in the day in the capitol rotunda, is that her filibuster caused the rally. These protestors, who were the previously “silenced” “voices,” were not only inspired to find their voice and rally at the capitol, but some shouted from the Senate gallery for the last twenty minutes of the session to kill SB5. This citizen involvement has led some to call this filibuster a “citizen filibuster.”

Although additional factors in this rhetorical situation must be accounted for, when a speech inspires a political rally and leads to rowdy citizen dissent, those effects need to be accounted for.

This filibuster was not just symbolic, for it also had pragmatic effects on the audience, on the issue, and on Davis’s career. Nearly 200,000 viewers livestreamed the filibuster on YouTube, and it garnered 1 million impressions on social media. Moreover, citizens took action. Approximately 3,000 protestors rallied at the Texas Capitol, nearly 1 million dollars was donated to Davis, and that fiscal year saw a 76-million-dollar spike in donations to Planned Parenthood. The filibuster raised Davis’s political profile so much that she ran for Texas Governor in 2016. Although she lost her bid for Governor, Wendy Davis was, for a time, the new face of American feminism.

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436 Mardoll 2012, location 3.
437 Stephanie Stouffer @StephStouffer 25 Jun 2013. “Cumulative exposure for #StandWithWendy growing by the minute. Nearly 1M potential impressions so far.” Tweet with graph from Topsy.
The massive audience participation in Davis’s filibuster raises questions. How did Davis take the filibuster form—hobbled by emaciated deliberation after La Follette, culturally beholden to Capra’s unrealistic spectacle, and besmirched by civil rights obstruction—and make it work in the 21st-century? Furthermore, how do we account for mass audience participation? Although Capra depicts one gallery member (Saunders) participating in Smith’s fictional filibuster, Davis’s real-world viewers becoming active, passionate participants *en masse* must be accounted for in this emergent form of filibustering.

It is difficult to account for this co-created drama with the existing literature. Elyse Janish provides a thorough reading of Davis’s filibuster by blending discourse analysis (Erving Goffman) and rhetorical theory (Kenneth Burke) in her methodology. However, these theorists do not explain the mystery of how passive observers become active participants in the drama. Mass citizen participation is new to the form and creates resources for the rhetor. The co-created nature of drama in our social media age can be a resource. Also, the deliberative dimensions of the read testimony, social media engagement, and the floor debate that was generated by citizen engagement, are all new variants that call for a theorization of this emergent form of filibustering.

I argue that the new form of filibustering is a collaborative populist spectacle that synthesizes deliberative and dramatic elements. This new form also has the possibility of achieving emancipation for both speaker and spectator. Unlike Long and Capra’s representative mortification, within this new form the speaker does not have to do it all, and spectators regain

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443 Since citizen participation was much greater during Wendy Davis’s filibuster than during Rand Paul’s and Ted Cruz’s 2013 filibusters, the focus of this chapter is Davis and her constituents’ co-created filibuster in this chapter.
agency and subjectivity by helping co-create the spectacle. Furthermore, unlike Capra’s motorization of the spectacle, Davis is able to protract the spectacle by reviving La Follette’s deliberative aspects: reading (testimony) and engaging in floor debate.

To study the co-created drama, deliberation, and spectacle of Davis’s filibuster, this chapter analyzes not only the transcript of her speech, and deliberation on the floor, but corresponding Tweets and memes that circulated among netizens in the social media sphere as she spoke. The analysis highlights lines that prompted reactions on Twitter. Responses—from identification, to empathy, to deliberation, to political donations, protest, and finally the emancipation of those in the gallery—are charted.

This chapter proceeds by first briefly surveying the historical context of Davis’s filibuster. Then the formal context is considered: why the filibuster was necessary, and what resources and constraints the form offered Davis. The next section proposes an intervention in order to better understand the synchrony of filibustering and social media. The intervention is the useful language of Jacques Rancière, which synthesizes established concepts of “drama” and “spectacle” while adding “emancipation” as a key term for understanding Davis’s filibuster.

5.1 Historical & Formal Context

Texas’s Omnibus Abortion Bill (SB5) was not the first volley in what had become known as the “War on Women.” Nationally, during the 2012 election, various remarks by Republicans had generated a narrative of a party so old, white, and male, that it not only misunderstood women, but was actively discriminating against them. These instances included a GOP Senate nominee from Missouri who tried to create a distinction between fake and “legitimate rape.”

Mitt Romney, the Republican Presidential nominee, furthered the sense that his party was an out-of-touch old-boys-club. When asked about possible female cabinet appointments, he could not name anyone specific; instead he tried to take refuge in his campaign’s thorough preparation, and its compilation of “binders full of women.”\footnote{Marlow Stern, “Mitt Romney’s ‘Binders Full of Women’ Comment Sets Internet Ablaze,” \textit{The Daily Beast}, 17 Oct 2012.} This ill-put phrase put off many women and was part of the reason Obama won re-election.

The “War on Women” began even earlier in Texas when, in 2011, the state passed the controversial Sonogram Bill. This bill required women seeking abortions to view a sonogram of the fetus and wait 24 hours before aborting.\footnote{Mariano Castillo, “Texas law requires sonograms, explanations before abortions, \textit{CNN}, 20 May 2011.} Abortion rights activists strongly denounced the bill; some even called unwanted yet mandatory vaginal-sonograms “state sponsored rape.”\footnote{SportsPrincess@SportsPrincess25 Jun @CCSL_States @RiskyLiberal oh yeah!The pervs in the GOP state sponsored rape w/ unnecessary vaginal ultrasounds! #sb5 Perverts!} When the Sonogram Bill and the 2012 War on Women combined with Texas’s 2013 Omnibus Abortion Bill,\footnote{SB5 bundled four smaller bills. One limited abortion-inducing drugs (emergency contraception); the second required abortions after sixteen-weeks to take place not in one of forty-two clinics but in one of five Ambulatory Surgical Centers; the third banned abortions after twenty weeks; and the fourth measure required doctors performing abortions to have admitting privileges at a hospital within thirty miles. See Mardoll 2014, Location 146-223.} pro-choice advocates claimed it created an “undue burden” for women seeking an abortion. Creating “undue burden[s]” was prohibited by the Supreme Court in the landmark \textit{Roe v. Wade} decision of 1973, which protected a woman’s right abort.\footnote{Gerber, Drew. “‘Undue Burden’ on Trial in SCOTUS Abortion Case,” \textit{U.S. News}, 15 Mar 2016.} Pro-life groups projected that this bill would drastically reduce abortion in Texas, but the pro-choice response was that SB5 would not reduce abortion, it would only reduce legal abortion and thus endanger women who would have to seek one by extreme measures. The anti-feminist context created a volatile political climate, which came to a point of \textit{krisis} during Texas’s special session consideration of SB5. The scenario prompted Davis’s filibuster.
5.1.1 *Formal Need, Constraints and Resources*

Due to the different rules of a special session in Texas, Davis and Texas Democrats were not allowed to levy a (secret) hold on SB5, and her only recourse for protecting abortion rights was obstruction by way of an old-fashioned talking filibuster. Rand Paul had filibustered three months prior in the US Senate, and the attention he garnered demonstrated that the public and media were still fascinated with the form.\(^450\) Paul’s filibuster drew some social media response (#StandWithRand), some traditional media coverage on a slow, winter news day from D.C. (#filiblizzard), and a show of bipartisan support from other libertarians in the Senate (namely Mike Lee, Marco Rubio, Ted Cruz, and Rob Wyden, D-Or), who assisted Paul by asking friendly questions.\(^451\) Considering the rules of the special session, and the media attention given another recent filibuster, it seemed a filibuster was Davis’s best means for both running out the clock and creating public pressure to end the Texas GOP’s support of SB5 and their War on Women.

Despite being the right rhetorical maneuver for Davis’s situation, the filibuster offered both resources and constrains to Davis. Constraints on the form include the rules and decorum of parliamentary bodies. Whereas the U.S. Senate still does not have a standing germane rule, in Texas, debate must be germane, or pertinent, to the text of the bill being considered. Texan Senators are given three strikes; if a speaker goes off topic four times, their speech may be terminated. The germane rule figured into ending Davis’s filibuster near midnight, and it was the major constraint to her ability to run out the clock. Second, the filibuster has obvious physical


\(^{451}\) Friendly questioning is a pseudo-deliberative technique that is within the letter of Senate rules but not the spirit of true debate or deliberation. During friendly questioning, the “questioner” makes long statements that end in the form of a question, in order to eat up time and give the speaker’s voice a break.
constraints: foot and back pain caused by hours of standing, vocal strain, and bladder pain. This constraint was covered in the media’s and public’s fixation with Davis’s pink running shoes—which alleviated some foot pain—and when she put on a back brace. Third, public memory constrains our expectation of what a filibuster looks like, due to Capra’s pop culture depiction. The expectation is that the filibuster will be an entertaining, motorized spectacle, including shouting, reading, suffering, laughter, and a big finish. She may not have shouted or laughed, but Davis read, suffered, and had a huge finish.

For each constraint, Davis found a corresponding, transcendent resource. Some of these resources came from previous rhetors, and some were Davis’s innovations. First, although Senate decorum can be stifling, it has long been accepted that appealing to dignitas is an acceptable way to temporarily flout decorum. As with La Follette and Long, dignitas can be used to enable long-suffering for just causes. During this long-suffering, Senators may breach decorum, since the justness of the cause justifies the breach. Furthermore, as we saw with Long, attempts to increase popular support can be justified with dignitas, since the more clients a patron has, the greater their honor. Second, the constraint of physical pain can be transcended through symbolic representative mortification. If the speaker believes their suffering is not merely their own, but for others and for a higher purpose, it allows the speaker to transcend the pain unto redemption. Third, Davis’s innovations demonstrate that the constraint of the filibuster as an entertaining and motorized spectacle can be overcome with social media, citizen testimonies, and the co-creation of drama. Capra began to outline how a drama can be co-created by depicting five simultaneous dramas through parallel editing and allowing Saunders and Senator Paine to contribute to Smith’s drama. But this was not his focus. His focus was entertainment and a spectacular, twenty-minute finale. Davis, on the other hand, was able to fully
co-create her drama with her audience through social media and by reading sixty-two citizen and four expert testimonies. Considering the online discussion and floor debate prompted by Davis’s reading of testimonies, I claim she was able to re-enliven the deliberative aspect of filibustering to combat Capra’s motorization of the form.

5.2 Interventions: Social Media Deliberation & Rancière

The major catalyst for the increased audience participation in Davis’s filibuster was social media. Social media enabled Davis and Planned Parenthood to solicit testimonies for her to read. Twitter, specifically, allowed audience members to discuss the speech, and their barrage of Tweets at the hashtags #StandWithWendy, #sb5, and #txlege made the filibuster “trend” internationally.452 Once interested parties began to read each other’s Tweets, they could deliberate amongst themselves, or encourage further participation such as donating to Davis or her cause. Some even used social media to organize a rally at the Texas capitol.

Just as Robert La Follette, Huey Long, and Frank Capra used the new technologies of their eras—telegraph, radio, newsreel, and film—Davis and her pro-choice allies recognized the power of social media in a kairotic moment. As of June 2013, social media had exploded: Twitter had 218 million active uses,453 and Facebook had 1 billion accounts.454 As an inexpensive medium with millions of active users, social media allowed an unprecedented amount of audience participation in Davis’s filibuster. From high school girls455 to the President of the United States, anyone could Tweet at Davis. (President Obama did Tweet at Davis: “Something special is happening in Austin tonight.”456) While Capra’s fictitious drama included

452 For the basics of Twitter usage and terminology, see Janish 2014, 7-10.
455 Emily Spangler @EFSpangler “Yes, I'm 15 years old and I'm watching @WendyDavisTexas and her filibuster all day. Got a problem?” 25 Jun 2013. Tweet.
456 Barack Obama @BarackObama “Something special is happening in Austin tonight.” 25 Jun 2013. Tweet.
a spectacular number of telegrams at the end of Smith’s filibuster, it was unrealistic due to the
time delays of news coverage and the expense of wiring a telegram. In the real-world case of
Long, he only received to a handful of telegrams as he spoke.\textsuperscript{457} On the other hand, the
immediacy and inexpensive nature of social media allowed for a major innovation to the form. It
is a populist medium, enabling a co-created drama that can blur the line between passive viewers
and active participants.

It is ironic that Tweets shorter than 140 characters, and brief citizen testimonies, could
revive the filibuster’s deliberative aspect, which La Follette practiced in hours-long exchanges
with Aldrich and others. However, without a rule change, and a return to un-restricted roll-calls
so that the speaker can hold a bill sponsor in the room, we cannot fully return to that sort of
protracted deliberation in the classic, La Follette mode of “a dialogical process of exchanging
reasons for the purpose of resolving problematic situations that cannot be settled without . . .
cooperation.”\textsuperscript{458} Yet, there is a deliberative aspect to Davis’s filibuster—both in the online
debate it inspired and in the floor debate it renewed. While online debate is flawed, and may not
be considered classic deliberation, under a broader view of deliberation as “thinking aloud
together,”\textsuperscript{459} both the exchanges among likeminded netizens and between disputants have a
deliberative aspect. Finally, the floor exchanges between Davis and her colleagues that were
prompted by citizen testimony fit another definition of deliberation: “personal reflection and
conversation directed at producing well-informed decisions about a course of action.”\textsuperscript{460} Due to
the personal subject matter, each of the senatorial deliberators—a formerly poor woman, a

\textsuperscript{457} Hence the old quip, “Telegrams expensive! Stop.”
doctor, and a Catholic from a big family—spoke from “personal reflection” and attempted to articulate their “well-informed decision” about how they and others should “act[]” and vote on SB5. In sum, this filibuster renewed deliberation to transcend the lingering effects Capra’s motorization has had on the form.

5.2.1 Rancière on Drama, Spectacle, & Emancipation

To explain how social media prompted the co-creation of drama in the Davis/citizen filibuster, this chapter introduces some useful language from Jacques Rancière. Rancière builds on Burkean dramatism by theorizing “drama” as a co-creation between actors and a live audience. “Theatre is the place where an action is taken to its conclusion by bodies in motion in front of living bodies that are to be mobilized.”461 The audience “to be mobilized” is invited to “become active participants as opposed to passive voyeurs.”462 In other words, the “performance,” and “the energy it generates,” prompts viewers to become “reactivated.”463 In the audience’s reactivation their potential energy becomes kinetic. Considering this interplay between audience and actors, “‘theatre’ is an exemplary community form,”464 because the principle actor(s) and the audience co-create the spectacle together. Since there really are no passive spectators in a theater, or in the live audience at a speech, “drama means action.”465

“Emancipation” is the moment at which a passive (unratified) audience becomes an active (ratified) group of protestors.466 Emancipation is the all-important moment at which an

466 See Jacques Rancière, The Emancipated Spectator. Verso, 2011. Print. Whereas most of the critical theorists from Kracauer to Adorno, Althusser to Habermas, and Debord to Baudillard were highly critical of spectacle, Rancière’s project recuperates the potential of spectacle by shifting focus from the spectre to the spectator. Beginning in Dis-agreement (Dis-agreement: Politics and Philosophy 1999) continuing in Dissensus (Dissensus: On Politics and Aesthetics 2010) and culminating in The Emancipated Spectator, Rancière theorized agency back into spectacle.
Two ways audiences take action are either through identification and empathy with the actors, or through deliberating and rendering judgment about the subject matter. While researching Davis’s filibuster, these actions emerged from the data along with a couple others. Hence, the analysis herein works to accurately depict the incremental transition from spectators passively watching a live-stream, to Tweeting, donating, rallying, and actively shouting down the vote on SB5.

Finally, the shift in focus to the audience of spectators is crucial. Whereas spectacle tends to objectify the audience, learning to critique the spectacle can re-subjectify us. Work on spectacle, then, must account for both the spectre and the spectator for “a comprehensive theorization.” Rancière gives us a vocabulary (“drama,” “spectator,” “emancipation”) that helps us make sense of this shift in focus, account for the social media participation, and the audience activation that occurred during Davis’s filibuster. The next section uses this vocabulary to analyze the intricate interplay between the filibuster, social media, floor debate, outbursts by protestors in the gallery, and reprimands by the Senate chair—all of which constitute the text.

5.3 Speech Synopsis, Identification, Empathy, & Deliberation

Davis’s speech began with an exposition of the history of SB5, its parts, and how the current and dubious special session was called in order to pass the controversial bill while cloture was suspended. Davis then spent a few hours reading four lengthy expert testimonies, and sixty-two shorter citizen testimonies. Expert testimony was read from the Texas Medical Association, Physicians for Reproductive Health, Texas Hospital Association, and three testimonies from the

American Congress of Obstetricians and Gynecologists (ACOG). The expert testimony was followed by the first batch of thirty-one citizen testimonies, which were disallowed when a committee hearing on the bill was cut short. Next, Davis read thirty-one testimonies that were submitted via social media after she declared her intention to filibuster. These social media testimonies were twice interrupted with lengthy deliberative exchanges on the floor between Davis and Senators Bob Deuell and Eddie Lucio. Once Davis ran out of testimonies and these deliberations with colleagues concluded, she began to read news articles regarding Texas’s abortion laws.

As Davis read, two Democratic colleagues (Senators Watson and Ellis) attempted to assist her with a back brace and with the pseudo-deliberative technique of “friendly questioning” about Roe v. Wade. These acts drew points of order from Republicans and effectively ended Davis’s filibuster with a second and third strike. Chair Dewhurst’s patience had worn thin after hours of filibustering, and he feared Davis was going to be successful in obstructing the bill. Thus, Dewhurst reneged on his earlier statement that anything “on the subject of abortion . . . [is] related to the subject matter of [SB5],” and he allotted Davis her 3rd strike for non-germaneness, and she lost the floor.

Colleagues and members of the gallery rushed to Davis’s aid. Davis’s chief defender was Senator Leticia Van De Putte (D), who Dewhurst ignored. Van De Putte finally asked, “At what

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471 Mardoll 2014, Location 223-600.
472 Mardoll 2014, Location 625-1411.
473 Mardoll 2014, Location 1406-1480, 1851-2072.
474 Mardoll 2014, Location 1482-1761.
475 Mardoll 2014, Location 1777-1836.
476 Mardoll 2014, Location 2336. This ruling was against the questioner, Senator Rodney Ellis.
477 Mardoll 2014, Location 2652-2900. Davis’s first point of order was for speaking about the budget, which was ruled non-germane to SB5. The second strike was for receiving assistance: the back brace. See Mardoll 2014, Location 2652-2900. The third strike was for speaking about emergency contraceptive and the 2011 Sonogram Bill, which were also, surprisingly, ruled non-germane as the Chair lost his patience near the end of the session. See Mardoll 2014, Location 3505.
point must a female raise her hand or her voice to be recognized over the male colleagues in the room?\textsuperscript{478} Immediately after this question, chaos ensued, and citizen protestors in the gallery created a ruckus that delayed the vote for nearly twenty minutes; the clock ran out, and SB5 died.

The citizens did not disappear between the committee hearing and this dramatic finale, though; they were involved in each stage of Davis’s filibuster. They Tweeted at the hashtag #StandWithWendy, they created memes with notable quotations superimposed over Davis’s picture, and they donated money. In this section I trace these netizens as they identified and empathized with Davis, deliberated, and donated.

\textbf{5.3.1 Identification & Division}

Early in Wendy Davis’s filibuster, quotations and data from her speech began to be Tweeted and re-Tweeted. In addition to the above meme of her opening lines (Fig. 2), other lines affected netizens and garnered reactions. The projected number of women’s health clinic closures was especially notable. Davis said, “every member on this floor knows that the provisions of the Ambulatory Surgical Center standards will immediately place 37 of the 42 abortion clinics in Texas out of compliance.”\textsuperscript{479} This 88\% reduction in the number of clinics alarmed pro-choice netizens, who reiterated the data and the importance of Davis’s stand: “Over 37 women’s clinics will be shutdown [sic] in Texas if #SB5 becomes law. That is what [Davis] is fighting against. #StandWithWendy.”\textsuperscript{480} Like nearly all the others who used the hashtag #StandWithWendy, this spectator identified with Davis, realized that SB5 could affect people just like her, and decided Tweeting her support of Davis was a suitable recourse for protesting the possible closure of 37 clinics.

\textsuperscript{478} Mardoll 2014, location 4034.
\textsuperscript{479} Mardoll 2014, location 197-213.
We know from Kenneth Burke’s work that identification also implies division.\textsuperscript{481} As pro-choice advocates rushed to identify with Davis within the pathos-laden context of national politics and the special session in Texas, there was an equally passionate group of pro-life advocates dividing from Davis. In fact, one pro-life advocate watching from the gallery became emancipated much earlier than the pro-choice onlookers, when he yelled his dissent from the gallery. While Davis read expert testimony, the man rose and yelled “abortion is genocide!” Chair Dewhurst had the man removed, and warned the audience, “There may be strong passions, but we want to be able to hear the Senator.”\textsuperscript{482} Davis kept her cool, but her online supporters were less gracious. One wrote, “Crazy man tried to shake [Davis,] screaming about genocide. Sorry sir, TX women don’t break that easy.”\textsuperscript{483} Another pointed out the irony to the “#feministarmy” of yet another man trying to control women: “The fact that we just had a white, male antichoicer try to SHOUT HER DOWN just makes the point, eh?”\textsuperscript{484}

As Davis spoke, she had to remain standing at her desk; she had limited mobility. Rancière’s notion of “immobility” is instructive in this case, since decorum dictates that members of the gallery should not talk, clap, or vocalize support or dissent. The spectators were immobile, too. As a representative of the people, though, the speaker “transmits the suffering, protest and struggle of human beings,”\textsuperscript{485} and the immobility of the filibustering representative “release[s] the potentialities of new, as yet unseen bodies from that immobility.”\textsuperscript{486} In other words, Davis’s representative suffering created a “renging” and “seizing” between her immobility and the audiences’ potential mobility which “transmitted” some “power . . . to the

\textsuperscript{481} Kenneth Burke, \textit{A Rhetoric of Motives}, University of California Press, 1969, 22.
\textsuperscript{482} Mardoll 2014, location 530-546.
\textsuperscript{483} Caldwell, Kate (AWildKate). 25 Jun 2013. Tweet.
\textsuperscript{484} Magic Answer Fairy (RadRedneckDiva). 25 Jun 2013. Tweet.
\textsuperscript{485} Rancière, \textit{The Emancipated Spectator}, 2011, 56, 57.
\textsuperscript{486} Rancière, \textit{The Emancipated Spectator}, 2011, 67.
human community” to convert potential into kinetic energy. It just so happens that through division and antipathy, one member of the opposition was emancipated from his passive viewership earlier than Davis’s supporters were. Davis’s supporters became active before the night was over, though.

5.3.2 Empathy, Antipathy, & Consustantiality

Once Davis shifted from expert to citizen testimonies, her supporters became more invested and moved from identification to empathy. To shift from expert to lay testimony, Davis said, “Now, members, I’m going to begin to read testimony from people who were unable to testify before the House Committee. [They] waited many, many, many hours for the chance for their voices to be heard. And unfortunately, the Chair of the Committee . . . around 1am, made a decision that no longer would testimony be accepted, in his words, ‘because it had become repetitive.’” Netizens noticed immediately that Davis was “now reading public testimony from those turned away from a public hearing nights ago.” Netizens rebutted the committee chair, claiming the, “Testimony . . . is not at all ‘repetitive’. THANK YOU [Davis] FOR GIVING US A VOICE!” Another contrasted Davis’s inclusion of female voices with Mitt Romney: “Who knew binders full of women could be so useful?” This sort of gratitude among Davis’s constituents prompted them to move from observations and identification to forwarding affective and argumentative claims.

As Davis read the thirty-one citizen testimonies omitted from committee hearing, the pathos appeals engaged her audience’s emotions. These emotional appeals first used humor and

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488 Mardoll 2014, location 620.
490 Gill, Kelly. 25 Jun 2013. “Testimony that @WendyDavisTexas is reading is not at all "repetitive". THANK YOU FOR GIVING US A VOICE! #standwithwendy #sb5.” Tweet.
sarcasm, then defiance, and then sadness. Gary Oldham’s testimony included the sarcastic line, “The wonderful thing about science is that it’s true whether you believe it or not.” 492 This line was Tweeted verbatim. 493 Oldham also said he was “embarrass[ed]” that Texas Senators were calling scientific consensus “speculation” when their only counter-evidence was “unverified anecdotal stories.” 494 Oldham ended with a strong chastisement: that rejecting scientific due to religion or “ideology is the greatest form of ignorance imaginable.” 495 By first reading the expert testimony from five medical organizations, and supplementing it with biting analysis from a citizen letter, Davis was able to use a double- and triple-voiced discourse to breach Senate decorum and impute to colleagues unbecoming tactics. Double-voicing allowed her to maintain plausible deniability: he said it, not me. As with La Follette, who imputed poor behavior to Aldrich, and Smith—who stealthily attributed corruption to Paine, Davis used social media and expert testimony to stretch Senate decorum and associate her colleagues with poor behavior.

As Davis read the next citizen testimony, netizens moved from sarcasm to defiance. In Kathryn Genet’s fifth citizen testimony, she described “the very real emotional, financial, and spiritual weight” of having three kids, which is “hard, quite expensive and scary at times, and . . . intensely personal.” 496 Genet followed with a much quoted line telling the legislators to stay out of these personal decisions: “You are cordially not invited to share that experience with me.” 497 Tweets of this line included two small, yet important emendations. Virginia in Texas, for instance, captured the emphasis of the quotation and added the effect: “You are cordially NOT

492 Mardoll 2014, location 705. This comment came after Oldham’s troubling observation that “Science is being routinely rejected by this body [the Texas Legislature].”
493 Alyssa. “The wonderful thing about science is that it’s true whether you believe it or not.’ #StandWithWendy.” 25 Jun 2013. Tweet.
494 Mardoll 2014, location 705.
495 Mardoll 2014, location 722.
496 Mardoll 2014, location 737.
497 Mardoll 2014, location 737.
invited to share that experience with me.’ applause [sic] from the gallery.”

Davis emphasized “NOT” in her reading, and the result of her line delivery was applause by the immediate audience. Hearing this line and the reaction roused netizens to become more defiant themselves.

The third type of pathos appeal in the citizen letters was sadness, which moved Davis, members of the gallery, and netizens to empathy. Their empathy was signaled by collective tears. While Davis read the heartbreaking citizen testimony (#17) from “Carol, in Austin,” she began to tear up, as did netizens. Carol and her husband found out their unborn baby “had a terminal condition,” and the baby would either be miscarried or die within minutes of birth.

The doctor gave them three choices: wait to miscarry, induce labor, or “have a dilation and extraction.”

Carol and her husband were heartbroken, and were constantly reminded of the pain: “Every time . . . someone would comment on my pregnancy . . . I would turn around and burst into tears. So eventually I stopped leaving my house.” At this point the transcript notes: “[Senator Davis wipes her eye with one hand. Over the next few minutes her voice grows shakier and more tearful and she pauses several times to use a tissue.]”

The story and Davis’s empathetic tears affected members of the gallery: “People in the gallery [are] tearing up.” Since the tears of netizens could not be seen by the community, some began Tweeting about it: “My mascara is running,” and, “OMG I AM CRYING REAL TEARS RIGHT NOW.”

Other women so strongly empathized with Carol’s testimony and Davis’s reading that they began to merge into consubstantiality. One wrote, “As a mother, I can only imagine how

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498 Virginia in Texas (TooTwistedTV). “You are cordially NOT invited to share that experience with me.’ applause [sic] from the gallery. #sb5 #txlege #standwithwendy.” 25 Jun 2013. Tweet.
499 Mardoll 2014, location 1028.
500 Mardoll 2014, location 1028.
501 Mardoll 2014, location 1043.
502 Mardoll 2014, location 1043.
heart breaking it is for [Davis] to read these stories. #hero." This netizen, “As a mother,” could walk in Carol’s shoes due to Davis’s rendering. Motherhood is a *topos* Carol, Davis, and this netizen share that none of the male legislators can fully understand. Through the shared *topoi* of motherhood and the shared empathetic reaction of tears, those who testified, Wendy Davis herself (as she read and became an “embodied witness[]”), and those who spectated became a consubstantial “community of sufferers” who shared a common pain.

At least one netizen, Julie Gillis, heard Davis read Gillis’s own citizen testimony during the filibuster, became fully consubstantial with Davis, and moved to participation. Gillis’s letter began by recounting her mother’s wisdom about not going back to the pre-pill and pre-legal abortion days. Next she lamented the “chipping away at Planned Parenthood, sex education” and the rise of “the influence of the religious right on reproductive rights.” Gillis also provides three action steps: 1. comprehensive sex education, “Education is power”; 2. easy access to clinics and birth control, “Access is power”; and 3. a robust social safety net for mothers and families, because, “Resources are power.” It is an exemplary piece of rhetoric.

Gillis was profoundly affected by hearing Davis read Gillis’s previously-ignored testimony. Whereas Gillis had previously Tweeted humorous things, after hearing Davis read her story, Gillis immediately shifted from humor to tears: “OMG she is reading my testimony!!!!!! Crying!” Gillis’s affective response went beyond crying; she was “shaking and

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507 Sophie Oliver, “Sacred and (Sub)Human Pain: Witnessing Bodies in Early Modern Hagiography and Contemporary Spectatorship of Atrocity.” *At The Interface / Probing The Boundaries* 63, 2011, 125, 119.
508 Mardoll 2014, location 758.
509 Mardoll 2014, location 774.
proud and thrilled.” At that moment Gillis was consubstantial with Davis—they shared the same pain, the same testimony, the same affective investment. It was the confluence of identification (proud), emotion (thrilled), and the transmogrification of identification and emotion into effect (shaking). Gillis didn’t stop with shaking, either. While she didn’t return to the capitol, she picked up the phone and called Jimmy Johns to help feed the feminist army.

She then encourages others to do the same: “Food for #standwithwendy #sb5 Jimmy Johns Austin 515 Congress Tel: 512-457-4900.” While Gillis seemingly stopped her participation at Tweeting and purchasing that day, she watched and lent her support till the end. “If this thing goes down over a backbrace [sic] there may be a freakin' riot.” In the case of Julie Gillis we gain insight into the process of emancipation from live-streaming and casually commenting to empathy, consubstantiality, and participation.

If division is the corollary to identification, then antipathy may be the corollary to empathy. As Davis read Carol’s heartbreaking testimony, many empathized and cried, but some lashed out in anger at the opposition. Senators who were visible in the live-stream but unmoved due to being distracted incurred a special amount of wrath from netizens. “As [Davis] cries through testimony Lt Gov Dewhurst is on phone, laughing.” This sentiment was re-Tweeted a few times due to the massive incongruity between the heartbreaking testimony being read and Dewhurst’s inappropriate laughter. The antipathy of these netizens was later broadened when Davis read the nineteenth citizen testimony from Peggy in Austin, and quoted the line, “Lawmakers, either get out of the vagina business or go to medical school.” This memorable

512 Gillis, Julie (JulieGoneRogue). “I am shaking and proud and thrilled. #standwithwendy @WendyDavisTexas #sb5 #txlege.” 25 Jun 2013. Tweet.
513 She had been there and was kept from testifying at the committee hearing, after all.
517 Mardoll 2014, location 1099-1100.
quotation was circulated by multiple netizens. One Tweeted the line and added the context that Davis was “quoting a constituent.”\textsuperscript{518} Another netizen created a meme from the quotation.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{figure3.png}
\caption{From testimony to floor to live-Tweet meme}
\end{figure}

This meme takes a dramatic quotation from the performance, superimposes it over an image of Davis, and circulates the picture far and wide. The addition of the picture would presumably catch the attention of more Twitter users than would a stand-alone quotation. Once the picture catches the eye and the user reads the quotation, they can look to the bottom of the meme for information on who is speaking, where, when, why, and about what. This snippet of information may prompt audience reactions and ensnare bystanders who were unaware of the day’s political events, but just happened to see this meme in a friend’s feed. If the user realizes that the event is still unfolding, they could re-Tweet the meme or get involved in other ways, such as watching the filibuster, or deliberating online with likeminded or opposition netizens.

\subsection{5.3.3 Deliberation & Judgment on Twitter: Conservative States vs. Risky Liberal}

One of the lengthier and more robust deliberative exchanges on Twitter occured between two users with the handles ConservativeStates (CS) and RiskyLiberal (RL). Michael LaBranche

\textsuperscript{518} Montoya, Austin (Austin_montoya). “Lawmakers: either get out of the vagina business, or go to medical school. @WendyDavisTexas quoting a constituent.” 25 Jun 2013. Tweet.
(MLB) also briefly joins. This deliberative exchange ran for fifty-two tweets, but I focus on two sets of substantive tweets at the beginning (#s 1-3, 4-12). Following Davis’ original tweet, CS and RL have their first, brief engagement, to debate who really represents Texas women.

1. **Wendy Davis**@WendyDavisTexas 25 Jun The leadership may not want to listen to TX women, but they will have to listen to me. I intend to filibuster this bill. #SB5 #txlege

2. **CS:** @WendyDavisTexas - Texas women are pro-life and they voted in "the leadership."

3. **RL:** @CCSL_States @WendyDavisTexas POLL 80% Of Texans Don’t Suport [sic] Abortion Restrictions Moving Through Legislature http://thkpr.gs/15zvvka

Davis’s characterizations of “The leadership” and “TX women” are immediately challenged by CS, who uses a definitional argument to counter that Davis does not represent most Texas women. Presumably, using the law of averages, CS asserts, “Texas women are pro-life” and they “voted in ‘the leadership’” that Davis opposes (in the name of TX women). CS thinks s/he caught Davis in an overgeneralization, but RL catches CS in another overgeneralization about Texans supporting the leadership. RL offers evidence, and even cites ThinkProgress.Org: “POLL 80% Of Texans Don’t Suport [sic]” the Omnibus Bill. Since RL offers data to support his/her claim, RL wins this first, brief exchange. More importantly than who won, this exchange goes beyond merely “thinking aloud together” to offer claims, counter-claims, and evidence. Even though the participants are vague, the exchange has substance. When the constraint of the 140-character Tweet is accounted for, this qualifies as substantive deliberation on social media.

The second exchange between CS and RL centers on what is true “science.” At issue is whether or not data supports SB5 saving or endangering more lives.

4. **MLB:** @CCSL_States @WendyDavisTexas - keep your bibles in church and out of government.

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519 For the full data set/deliberative exchange, please see Appendix II.
520 Elected Senators got at least 50% of the vote, and 50% of voters are women.
521 Moreover, not all pro-lifers necessarily supported SB5.
5. **CS**: @mdlabranche - No one mentioned "bible." Just science.
6. **RL**: @CCSL_States @mdlabranche - Science says this bill will increase the death rate of women by 24% over current. Not a "pro-life" bill at all.
7. **CS**: @RiskyLiberal - Science says it will end 95% of abortions in Texas.
8. **RL**: @CCSL_States - Sigh ... no. It will end legal abortions. The number of abortions will not change. The death rate will go up 24%. Science.
9. **CS**: @RiskyLiberal - Wrong. The *number* of abortions will drop dramatically, which is why liberals are staying up all night fretting.
10. **RL**: @CCSL_States - No. It's very sad you are so uninformed and ignorant of the subject. Three medical orgs say you're dead wrong.
11. **MLB**: @CCSL_States - science, huh? Good luck selling that. Guess you think federal law doesn't apply in Texas. Think again.
12. **CS**: @RiskyLiberal - Outlawing stuff reduces stuff. It doesn't get rid of all stuff, but it reduces stuff by a great amount.

MLB initiated this second exchange (#4) by invoking the common dialectic of "church" and state ("government"). CS immediately rejects the premise that s/he is bringing God, church, or the "bible" into the discussion, and attempts to transcend both church and state with the alternate god term "science" (#5). For the next three turns (#6-8), RL and CS debate what "science" says about the new law. Without citing a source this time, RL (#6) claims, “Science says the bill will increase the death rate of women by 24%.” RL uses that statistic to challenge the definition of “pro-life,” since pro-lifers seem to be pro-birth, but not pro-mother’s health. Apparently, RL assumes the authority of the phrase "science says” will not be questioned.

In the absence of data, CS (#7) does question the invocation of science, and counters with his/her own un-cited data: the bill would “end 95% of abortions in Texas.” Since many pro-lifers believe life begins at conception, this reduction would be a large net gain in lives saved. RL (#8) shows frustration in her/his reply: “Sigh . . . no. It will only end legal abortions,” and not back-alley abortions. RL reiterates, “The death rate will go up 24%. Science.” Without citations, it is unclear where the information is from or if it was accurate, verifiable, or up to date. Presumably, RL’s 24% is from the same citation they began with: ThinkProgress.Org. However, it is unclear
where CS’s 95% data point is from.\textsuperscript{522} Healthy deliberation, even about future effects, cannot be sustained without evidence. Without evidence, authority crumbles, trust lapses, and deliberation quickly devolves. Rather than ask RL for a source (and risk being asked in return), CS shifted ground from “science” (#5) to “*numbers*” (#9) and then the ever-so-vague “stuff” (#12). Meanwhile, RL claims the authority of “Three medical orgs” without naming them. RL may be referring to the expert testimony provided in Davis’s speech. However, Davis cited four, not three, medical organizations.\textsuperscript{523}

Overall, this deliberative exchange demonstrates that memory is fallible. Both CS and RL get their facts wrong by foregoing citations and working from memory. How much more fallible must the speaker on the floor be during the filibuster? In the hours he or she speaks the facts are rarely before them since no roll-call breaks can be called for information gathering. Even Huey Long and his near photographic memory were fallible. He periodically quoted a verse, only to open the Bible in hopes of expounding upon it, and not find the verse where he recalled. Even when he was confident citing figures to support his Share Our Wealth policies, some colleagues claimed the memorized data he was reciting was a dated.

In sum, it is difficult to return to a fully deliberative form of filibustering without roll-calls and time to reflect, collect data, and prepare remarks for the next hour, like La Follette could. Even online participants, who have the world-wide web at their fingertips, get so caught up in the rapidity of social media debates that they do not cite data. Instead they debate value claims, opinion statements, and resort to sloganeering. CS’s value argument is built on the enthymematic syllogism that abortion is murder, and murder is illegal, therefore, abortion should

\textsuperscript{522} Perhaps this is a rough estimate based on the fact that 37 of 42 abortion clinics would close. However, that is an 88% closure rate, not 95%.

\textsuperscript{523} Texas Medical Association, Texas Hospital Association, Physicians for Reproductive Health, and American Congress of Obstetricians and Gynecologists (ACOG). See Mardoll 2014, 223-600.
be illegal. RL’s starting point is that abortion is a protected right, SB5 annuls that right, therefore SB5 is unlawful. Unfortunately, rather than returning to reasonable deliberation about first principles, once sources lapsed and opinions reigned, CS and RL shift to debating laws in other states (turns 13-21, see Appendix 2), before the conversation got hijacked by two pro-choice activists who were more interested in name-calling and intransigence than deliberation (turns 22-48). Deliberation seldom survives the discarding of civility because a spirit of “cooperation” is necessary in problem solving. The immediacy, anonymity, and reactionary nature of Twitter can trip up the deliberative work that is beginning. Due to these factors, the thread died.

5.3.4 Deliberation on the Floor: Davis, Deuell & Lucio

Taking a cue from netizens, two Republican Senators engaged Davis in deliberation. A vague form of deliberation—“thinking aloud together”—was depicted in the above netizen Tweets at #StandWithWendy. In the debate between CS and RL, deliberation began as “a dialogical process of exchanging reasons,” however CS and RL did not seem to be interested in the second half of that definition of deliberation: “. . . for the purpose of resolving problematic situations that cannot be settled without . . . cooperation.” Hence, their deliberation broke down. When Davis deliberated with Republicans on the floor, though, it accurately fit the fuller sense of deliberation as “personal reflection and conversation directed at producing well-informed decisions about a course of action.”

524 The most vicious of the hijackers (SportsPrincess), for instance, describes the GOP and CS using terms such as “pervert” (7x), “rape” (4x), “abuse” (4x), “sick” (2x), “asshole” (1x), and “hillbilly” (1x). Some important issues and questions were broached in these turns: what laws are just and medically necessary, what constitutes abuse, the hypocrisy of calling for small government while legislating between a woman and physician, and if abortion or childbirth is more dangerous? However, the longer the deliberation went, the clearer it became that evidence was being replaced with contempt.
525 Jasinski 2001, 162.
527 Jasinski 2001, 162.
528 Gustafson 2011, 13.
goaded her fellow representatives into the exchanges. Nonetheless, these floor debates revived the latent deliberative form of filibustering.

5.3.4.1 Deuell Deliberation:

Davis’s first prolonged deliberation is with Senator Bob Deuell (R), a pro-life doctor, but not an OBGYN.\(^{529}\) Initially, Deuell tries to establish some common ground with Davis and her supporters: “I think all of us share the compassion for many of the people whose testimony you have read.” Then Deuell asks his most pressing question, “what [Davis] found in this bill that holds any disregard for a woman facing the tough decision of whether or not to have an abortion[?]”\(^{530}\) Davis responded to Deuell, one of the bill sponsors, that since the proposed “requirements have no basis in medical fact or science . . . or empirical evidence . . . I have to ask myself the question . . . to what purpose then does this bill serve? And could it be . . . a desire to limit women’s access to safe, healthy, legal, constitutionally-protected abortions in the state of Texas?”\(^{531}\) Either lacking evidence, access to evidence, or recognizing that it may be too late in the debate to begin introducing new evidence, Deuell does not contest Davis’s answer, and moves on. This is a tacit acceptance of the claim that there is no prima facie case for clinics needing to upgrade to surgical centers. Deuell is seemingly conceding Davis’s, Planned Parenthood’s, and pro-choice supports’ biggest point of contention: that SB5 is unnecessary.

Next, Deuell pivots to questioning the legitimacy of social media. “I know you’ve referred to a certain, uh, Twitter, but do you feel that that’s the same sentiment by the members of this body who support this bill?” Davis kills this question with kindness: “I don’t want to impose upon any member an unkind starting point. I would hope . . . that every member on this

\(^{529}\) Mardoll 2014, location 1482-1761.
\(^{530}\) Mardoll 2014, location 1483.
\(^{531}\) Mardoll 2014, location 1483-1500.
floor shares the concern for women, men, and children . . . but because I’ve been unable to have a simple question answered that helps me understand how this leads to better care for women, I do have to question the . . . underlying reasons for advancing this [bill].” Deuell follows up with a more substantial question: “Why do you think th[e] 5 . . . abortion clinics, that have become . . . Surgical Centers have done so? . . . You don’t think it might be to provide better care?” Davis responds, “Well . . . years ago . . . a decision was made that for pregnancies of 16 weeks or longer, those needed to take place in Ambulatory Surgical Centers. Then I’m sure that there was some response to that, in terms of the growth of these 5 centers . . .”

While Davis took the tempered approach, her supporters denounced Deuell. One wrote, “Keep it going, Wendy! Teach that mansplainer how we deal with men who try to take our rights away! We outsmart them!” Considering Davis’s cogent answers and the lack of evidence or articulation of a need to upgrade clinics to surgical centers, it does seem as though Davis outsmarted Deuell in their deliberative exchange. Davis seems so comfortable in her position—that while debating a doctor—that she even relies on evidence from the citizen testimonies. When discussing the prohibitive cost of upgrading clinics to surgery centers, Davis seems to nod to the citizen testimony of Jennifer McCombs, in which McCombs calculates the cost of the upgrade to $400 per square foot, and an average cost of $1.6 million per clinic. McCombs even cites her sources in her citizen testimony—Reed Construction and Physicians Capital Investment—and notes that citing sources and evidence was “to contrast the authors of . . . all the abortion restriction bills in the [Legislature], who have yet to present a shred of factual data or peer-

532 Mardoll 2014, location 1500.
533 Mardoll 2014, location 1500.
534 Mardoll 2014, location 1500-1517.
536 Mardoll 2014, location 879.
reviewed evidence to support their positions on any portion of these bills, despite repeat requests throughout the regular and special sessions.”

After discussing the prohibitive cost, Davis alludes to another argument from the citizen testimonies. This argument by analogy asks why only abortion is being more strictly regulated, and not “vasectom[ies].” This was Davis’s riff on a line from the fourteenth internet testimony, which included the oft-Tweeted line: “Let them [male legislators] be told vasectomies are against the law and listen to the uproar.” Due to their singular focus, it appears to Davis and her supporters that the GOP is singling out abortion as a target of the culture war, and are not really legislating due to health reasons, as they claim.

Following this exchange, Deuell and Davis discussed physician admitting privileges (Locations 1663-97), distances travelled to access women’s health care (1697-1714), and the age of fetal viability (locations 1749-66). Deuell makes his best points when he asks about a specific section of the bill to dispute the pro-choice narrative that SB5 requires the woman to be at the point of “immediate injury or death” before being admitted to a local ER if the clinic doctor did not have admitting privileges. Davis stumbles, “Well, in the bill—I’m going to have to find the page. Hang on, I’m trying to mark my spot here.” In the meantime Deuell suggests the answer is, “On page 5, line 1, um: ‘It does not apply to an abortion performed if there exists a condition that, in the physician’s reasonable medical judgment—‘ we’re giving that—that judgement to the physician, we’re not dictating . . .’” This is Deuell’s strongest deliberative moment—pointing to the bill and discrediting a pro-choice straw-person fallacy, or the activists’ productive misreading of the bill. Davis responds by pointing back to the expert testimony from ACOG.

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537 Mardoll 2014, location 896-912.
538 Mardoll 2014, location 1620.
539 Mardoll 2014, location 1480-1.
540 Mardoll 2014, location 1731.
Still, Deuell seems to have won this subsection of the debate, and he is confident enough to reiterates, “I just want to point out that it says very clearly [that] requirements under these sections do not apply to an abortion . . . I realize you were reading testimony, and some of that testimony, . . . a lot of it, was more anecdotal than expert. But doctors are protected under this, and there is provision . . . for fetal abnormality.”

While on a winning note, Deuell soon wraps up the deliberation. Despite the emotion surrounding the debate, Davis and Deuell had a reasonable, substantive deliberation and ended cordially, with Deuell saying, “I appreciate your answers and I’m glad that we could have a civil discussion here on the floor. Thank you so much for answering my questions.” Davis replied, “As am I, Senator Deuell. Thank you for your questions.” Hence, the motorized spectacle was slowed so two representatives could engage in reasoned deliberation.

5.3.4.2 **Lucio Deliberation:**

Senator Eddie Lucio engaged Davis in deliberation, next, and began by saying, “I appreciate the tone of the conversation . . . between you and Senator Deuell.” Lucio added, “I want to have the same type of conversation, one that’s sincere. And I know that you speak from your heart, and I do too.” After establishing common ground with Davis, Lucio distinguished himself as a pro-life Democrat to set up his point. His main point was that not once had the “rights of the unborn” been mentioned “on this floor or in committee,” and that unlike the testimonies read by Davis, the “fifty-six million . . . babies” who had been aborted since *Roe v. Wade* “would never be able to write a letter to their legislators.” Had Lucio continued with this

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541 Mardoll 2014, location 1749.
542 Mardoll 2014, location 1765.
543 Mardoll 2014, location 1777.
544 Mardoll 2014, location 1810.
remorseful tone, he may not have incurred the ire of pro-choice protestors, but two of his subsequent points were balked at.

While making the point that only one in one-hundred abortions is “due to rape and incest,” netizens began to rebut his argument. Lucio tried to sound sympathetic but came across as out of touch when he added, “My heart really hurts when I hear those two words: rape and incest.” Pro-choice netizens were irate in their retorts: “It hurts to hear those words, “rape” & “incest.” . . . Sen Lucio Guess, what? The acts hurt worse than the words.” Thus, Lucio’s point that the caveat about rape and incest is statistically insignificant was lost by his characterization that it “hurt” to merely “hear those two words.” Protestors could easily transcend hurting ears with the pain caused to victims of those acts.

Second, when Lucio brought up adoption, it also goaded pro-choice netizens. Lucio said, “The point I want to make is that the majority of abortions . . . are the result of unwanted pregnancies. And that is hard for me to understand because there’s so many out there . . . who want to adopt . . . They want a baby. They can’t have babies.” Virginia in Texas strongly dissented from this argument. “THERE'S PLENTY OF CHILDREN IN THE FOSTER SYSTEM RIGHT NOW WHO NEED TO BE ADOPTED . . . LUCIO.” Despite drawing the anger of netizens, Davis remained cordial during deliberation with Lucio. Although some of the civility of the chamber is highly ritualized parliamentary behavior, Davis went beyond the ritualistic to note personal touches, such as seeing Lucio read his Bible each day on hisiPad, and Davis saying she appreciated how Lucio’s faith resulted in him being pro-whole life, and not

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545 Mardoll 2014, location 1810.
547 Mardoll 2014, location 1810.
549 Mardoll 2014, location 1834.
just pro-birth.\textsuperscript{550} Whereas the deliberation with Deuell was “conversation directed at producing well-informed decisions,” the Lucio deliberation hits the first part of Gustafson’s definition in its “personal reflection”—on God, faith, family history, adoption, and citizen testimony—toward a “course of action.”\textsuperscript{551} As such, both of these exchanges on the floor included substantive deliberation, and help to revive the deliberative aspect of the emergent filibuster form.

5.4 Effects: Purchases, Donations, Pseudo-Deliberation, & a Back Brace

Davis’s filibuster not only garnered identification, empathy, and deliberation, it had other effects. On the floor, Davis’s opponents realized she might be able to filibuster until midnight. They swarmed, raising points of order and claiming she was speaking on information non-germane to SB5. The first point of order was raised by Senator Nichols, after Davis mentioned the funding of Planned Parenthood. Nichols asked, “Mr. President, under Rule 4.03, is the budget germane to this bill?”\textsuperscript{552} Davis protested, but after consulting with the expert parliamentarian, Chair Dewhurst said, “I don’t think . . . the funding of Planned Parenthood is germane to this debate.”\textsuperscript{553} Davis got her first warning.

Twitter supporters immediately reacted to the point of order. One wrote, “I'm about to rage about the germaneness of your face, Senator Nichols.”\textsuperscript{554} At this late hour, netizens were passed identification and empathy, deliberation and judgment, now they tried to defend Davis. The urge to defend her and participate led some netizens to do more than Tweet. Some began to participate from afar with their money.

\textsuperscript{550} Mardoll 2014, location 1827-1844.
\textsuperscript{551} Gustafson, 2011, 13.
\textsuperscript{552} Mardoll 2014, location 2238.
\textsuperscript{553} Mardoll 2014, location 2255.
\textsuperscript{554} Jenna Lowenstein @just_jenna 25 Jun 2013; another yelled at Nichols, “POINT OF ORDER YOUR FACE.” (See Andre Treiber @Ilkeafoxx, 25 Jun 2013. Tweet.)
Supporters began to purchase items in support of Davis and the cause. This included purchasing pink shoes, orange shirts, and food for the protestors at the Capitol. Davis’s pink Mizuno shoes became instantly-iconic, and netizens Tweeted info about how to buy them: “For all [those] backing @WendyDavisTexas today in the #txlege: here's the shoes . . .” Others began to Tweet photos of their shoes at the hashtag #shoesforwendy (Fig. 4).

![Figure 4: Davis's Filibuster Shoes](image)

In addition to shoes, those attending the rally bought shirts in University of Texas orange. The shirts were in response to appeals by legislators and Planned Parenthood for an “orange out,” or filling the gallery with supporters in orange (Fig. 5). This orange feminist army, like all armies,

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555 Adam Harris @aharris75 25 Jun 2013. For all [those] backing @WendyDavisTexas today in the #txlege: here's the shoes http://www.mizunousa.com/running/products/mizuno-womens-wave-musha-4-running-shoes . . .

556 Don Simpson @thatdonsimpson. “Off to buy my first orange shirt & head to TX Senate to witness the remaining hours of [Davis’s] filibuster!” 25 Jun 2013.
ran on its stomach, and soon netizens began to buy food for protestors at the capitol.557 “I just donated $10 to . . . help feed the #feministarmy in TX . . . Keep up the fight!” (Fig. 6).558

Figure 6: Netizens becoming protestors

While netizens supported the protestors by buying food, two of Davis’s colleagues on the floor attempted to help her in practical ways. Senator Kirk Watson (D) assisted Davis deliberatively, and Senator Rodney Ellis (D) assisted her physically. Watson helped give Davis’s voice a rest by asking lengthy, friendly questions. Adhering to this form of pseudo-deliberation, Watson proceeded to ask Davis ten long-form questions about the Roe v. Wade; after each

557 Erik Vidor @ErikVidor Austin, TX “The angels even sent ranch dressing for the chicken strips.” 25 Jun 2013. Tweet. See Figure 6.
558 Melissa Green @ProfCritic 25 Jun 2013.
lengthy question Davis merely answered, “Correct.” Eventually the opposition caught on that Watson was letting Davis rest and raised a point of order. After Watson got a warning for speaking about *Roe v. Wade*, he resumed his friendly questioning. But limited to SB5, he ran out of questions after about thirty minutes. Thus, a Senator who’d been roused to action due to his empathy for Davis’s suffering had failed in his attempt provide extended relief.

Another colleague went beyond empathetic deliberation to empathetic action. The empathetic action was taken by Senator Rodney Ellis who asked if Davis could re-read the citizen testimonies from earlier in the day without violating the rule that “prohibits repetitious remarks.” This question alluded to Ellis’s desire to play games, and it annoyed the opposition. Furthermore, while Ellis was asking about re-reading, he brought her and helped her put on a back brace. Although this was a wonderfully supportive action from one perspective, it also put the filibuster in peril because it is against the rules to “assist” the speaker physically. Already annoyed by Ellis, the opposition quickly called for a point of order. After a forty-minute debate about the back brace, Davis was given a second warning. The empathetic-deliberation of friendly questioning, the appeal to re-read citizen testimonies, and the empathetic action of assisting with a back brace put the filibuster on the brink of death. There seemed to be little that could be done from the floor to prolong Davis’s stand. The vultures were circling.

Meanwhile, among the mediated audience, the soft money of purchasing clothing and food became the hard money of political campaign contributions. The pertinent information was

559 Mardoll 2014, location 2284-2318.
560 At first Dewhurst ruled, “That’s the second warning,” but Davis disputed, “I’m not sure that’s the second warning, under the rule, because it’s not a warning to me, the speaker.” Dewhurst quickly retracted, and said, “I’m not calling you on a warning,” and awarded the warning to Watson. See Mardoll 2014, location 2354.
561 Mardoll 2014, location 2628.
562 Mardoll 2014, location 2646.
563 Mardoll 2014, location 2645-2896.
dispersed: “If out of state . . . there are 5 great places to donate: http://bit.ly/17d6Bu3.” Netizens, such as Winona, responded: “Just donated $50 to Wendy Davis.” Winona was not alone. In response to her filibuster, Davis gathered a total of nearly $1 million from 15,290 different citizen contributions. As these donations demonstrate, the filibuster garnered measurable effects as netizens put their money where their mouth was and donations where their ideology was. However, when Rand Paul attempted to use his filibuster in the late spring of 2015 to raise money for his presidential campaign, he did not receive a similar outpouring of financial support. Paul recognized that Davis had altered the form and opened it up to social media interaction and political donations. However, Paul did not involve citizens by reading testimonies, and as a result, those libertarians who identified with his cause did not move from identification to participation, as did Davis’s supporters.

5.5 Action: Protesting & Emancipation

Finally, identification, empathy, deliberation, and various effects culminated in citizen action. Action was documented by the transcript, the media, and new media. Notably, approximately 3,000 citizens physically went to the capitol to protest. Many of these protestors were answering one of the myriad appeals Tweeted during the filibuster, such as, “TEXAS WOMEN AND MEN, GET TO THE CAPITOL!!!” These appeals began early and were still going in the early evening: “Getting off work in TX? Head to the Capitol to support @WendyDavisTexas! She's still going strong!” These appeals worked. Stacy Guidry wrote,

564 PhillipMartin @PhillipMartin 25 Jun 2013
565 Winona @winona_rose 25 Jun 2013. Just donated $50 to Wendy Davis: https://services.myngp.com/ngponlineservices/contribution.aspx?X=SjzQsBh3FWu2DYTcJ0v2m32iw%2fg2wTfo8cf%2bpCXPIO8%3d ... All I ask in return is that she run for president.
568 Antenna Farm Records @AntennaFarm 25 Jun 2013.
569 Gwen Moore Verified account @RepGwenMoore 25 Jun 2013. MT @PPact.
“On my way to the TX Capitol to #standwithwendy If you can get here before midnight, DO IT!! No ifs, ands, or buts!”<sup>570</sup> Some respondents had never been politically active before: “first political thing I have ever done in my life. #proud.”<sup>571</sup> Once inside the gallery, seeing the filibuster in person was surreal for those who had first watched YouTube and Tweeted. One protestor wrote, “I'm in the room while they're trying to stop this filibuster on a technicality & I still can't believe it.”<sup>572</sup> Since about 1,200 protestors were at the capitol at the end of the workday,<sup>573</sup> and 3,000 were there at midnight, it seems the appeals to get there and the trending status of the event bolstered support and nudged spectators to action.

The vast majority of these 3,000 protesters were pro-choice Texans. Some were affiliated with Planned Parenthood, some were University of Texas students, some were Austin residents, and others lived within driving distance of the capitol.<sup>574</sup> They moved out of their offices, classrooms, homes, and into the chambers of government. These spectators were determined to do more than passively watch from the gallery. Once Davis was in danger of losing the floor these former netizens became outspoken citizens, voicing objections they had previously Tweeted.

![Figure 8: Gallery "orange out"](image)

<sup>570</sup> Stacy Guidry @Stacy_Guidry  25 Jun 2013
<sup>571</sup> Lauren Jade Martin @LaurenJadeATX  25 Jun 2013 Austin, TX
<sup>572</sup> Wendi Aarons Verified account @WendiAarons  25 Jun 2013.
<sup>573</sup> Lee Henderson @LeeOHenderson  25 Jun 2013. “1200+ have come through Capitol senate gallery today so far. Workday over-how many tonight?”
<sup>574</sup> Allison @iamcoolallison. “It’s amazing being here,”  25 Jun 2013. Tweet. See Figure 8.
5.5.1 Emancipation: Spectators become Actors:

Near the end of this long day, these new protestors were prepared to engage in the dramatic filibuster as emancipated spectators. For background characters to take center stage, though, the protagonist must retire. This happened after 10:16 pm, when the third point of order was raised.\(^{575}\) This third strike was raised when Davis discussed emergency contraceptive and the “Sonogram Bill” that had passed the Texas Legislature the previous year.\(^{576}\)

Since Dewhurst made this ruling unilaterally based on an extremely strict definition of what is “germane,” the ruling was not well-received on the floor or in the gallery. On the floor, a vacuum of power was created while Dewhurst conferred with the parliamentarian for thirty-three minutes.\(^{577}\) When the principle actors in a drama remain silent, their immobility calls to the potential mobility of the supporting cast and audience. The impending ruling and excruciatingly-long silence before it prompted jeers from gallery members, who shouted, “Bullshit!” “Let her speak,” and chanted “Shame” at Dewhurst.\(^{578}\) Protestors in the rotunda began to chant, “Let us in.”\(^{579}\) The populists had breached the wall and were about to storm the castle.

\(^{575}\) Mardoll 2014, location 3513.
\(^{576}\) Mardoll 2014, location 3507-3536.
\(^{577}\) Mardoll 2014, location 3525.
\(^{578}\) Mardoll 2014, location 3536.
\(^{579}\) Mardoll 2014, location 3610.
Under pressure, Dewhurst decided to put the third strike to a vote as long as a Senator would motion for a vote.\textsuperscript{580} Multiple Senators clamored for recognition at Dewhurst’s suggestion, and the first to ask recognition was reportedly Leticia Van de Putte—the new heroine in Davis’s stead.\textsuperscript{581} Rather than motioning to vote, Van de Putte motioned for adjournment. Although she was heard by colleagues, and even members of the gallery, the chair recognized a Republican instead, who motioned to vote. The vote was taken and passed, and the third strike was allotted. Davis’s filibuster was dead.\textsuperscript{582} Or was it?

As the filibuster speech was ruled over, Van de Putte finally gained the floor. She asked the chair if he had heard her motion to adjourn while others had motioned to vote. No answer. She insisted that even the gallery had heard her motion, and that the rules state that a motion to adjourn takes precedent over all other motions. To this, Dewhurst patronized Van de Putte, and claimed she should be pleased that she had the floor now. Nevertheless, Van de Putte persisted: “did the President [of the Senate] hear me state the motion . . . and refuse to recognize me?\textsuperscript{583} Silence. Van de Putte had had enough, and asked, “At what point must a female raise her hand or her voice to be recognized over the male colleagues in the room?”\textsuperscript{584} Immediately after this question, chaos ensued. The gallery erupted into, “Loud cheering and applause,” and the rest of the session had to be conducted “over the sounds of the crowd.”\textsuperscript{585} The spectators had finally become fully emancipated actors.

The chair gavelled for “order in the chamber . . . so that the members can properly cast their vote.”\textsuperscript{586} When the cheering persisted, his next warning accidentally showed the protesters

\begin{itemize}
  \item Dewhurst figured voting was no threat, since Republicans had the votes to allot a third strike.
  \item Mardoll 2014, location 3983.
  \item Mardoll 2014, location 3984.
  \item Mardoll 2014, location 4002.
  \item Mardoll 2014, location 4034.
  \item Mardoll 2014, location 4043.
  \item Mardoll 2014, location 4034.
  \item Mardoll 2014, location 4034.
\end{itemize}
their path to success: “If we can’t get order in the chamber, we will suspend the roll call vote.”

A suspended vote would run out the session—just what Davis’s filibuster and the protesters were trying to accomplish. In the service of a suspension, “the gallery cheers, claps, whistles, yells, and chants ‘Wendy’ for about 8 minutes.”587 In reaction, Dewhurst ordered the gallery be cleared. Texas Rangers entered the gallery, but protesters resisted. Police began to physically drag women from the gallery, but protestors held onto one another. Meanwhile, when the door was un-secure, more protesters sneaked into the gallery. Citizens outnumbered security, and all of the protestors could not be dragged out at once. As time ran out, a vote on SB5 was attempted, but went over time. A hoarse Wendy Davis pointed to the official clock as her colleague shouted, “It’s twelve o’clock! It’s twelve o’clock!”588 The bill was dead. Sine die.

5.6 Coda: The Populist Spectacle & The Citizen Filibuster Form

Altogether citizen protestors created a loud enough ruckus to delay the vote for nearly twenty minutes and run out the clock on the special session. Some called it a “citizen filibuster.”589 Although Wendy Davis spoke for nearly eleven hours, this was a co-created drama. Not only did citizen testimonies comprise hours-worth of her filibuster, but when Davis was cut off before midnight, her Democratic colleagues made dilatory motions for over an hour and the pro-choice protestors in the gallery prolonged her filibuster for twenty-minutes, past midnight. While debate raged on the floor over whether Davis had gotten a third strike, legislators kept one eye on the clock and the other eye on the “unruly mob”590 in the gallery. Together, Davis, her

587 Mardoll 2014, location 4034.
588 Mardoll 2014, location 4034.
589 Helen Davidson, “Texas abortion bill defeated by Wendy Davis filibuster and public protest,” The Guardian, 26 Jun 2013. The term may have first been used by Senator Leticia Van de Putte, Davis’s colleague, and a crucial part of the filibuster finale.
590 After the citizen filibuster worked, David Dewhurst denounced the protestors as an “unruly mob.” See Carolyn Jones, “The People Behind the ‘Unruly Mob’,” Texas Observer 1 Jul 2013.
colleagues, netizens, and protestors in the gallery rebuffed the motorization of legislation by enacting a collaborative form of filibustering that incorporated drama and deliberation.

Due to the chaos of the citizen filibuster, the vote on SB5 was recorded a few minutes after midnight and was invalid. During an immediate three-hour closed-door meeting, Republicans attempted forgery by changing the time stamp to show the vote was completed before midnight. But it was too late—netizens had already circulated the un-tampered timestamp on social media, which showed the vote was recorded after midnight (Fig. 9).\footnote{Mardoll 2014, location 4085.}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{bill_passing.png}
\caption{Screenshot of bill passing on June 26th.}
\end{figure}

After the successful filibuster, Governor Rick Perry (R) and Lt. Gov. Dewhurst called a second special session in which SB5 passed. However, that was not the last word. A court suspended the implementation of SB5 pending appeal, and finally, three years later, the law was ruled unconstitutional by the US Supreme Court.\footnote{Adam Liptak, “Supreme Court Strikes Down Texas Abortion Restrictions,” \textit{The New York Times}, 27 Jun 2016.} In the meantime, Davis used her overnight fame to run a hard-fought race for Texas Governor. Although she lost, she had become, for a time, the new face of feminism in the United States.
This chapter began with the conundrum of trying to account for how Davis’s adapted the filibuster form to the 21st-century. How did Davis re-enliven deliberation—which had been emaciated in La Follette’s time—in order to combat Capra’s motorization of the spectacle? Moreover, how did Davis’s talking filibuster get the masses off their asses? In previous chapters we saw some minimal audience participation, but nothing that explained the energized, angry, active protestors at the Texas Capitol in 2013.

With the advent of social media, Davis was able to interact with citizens more closely and co-create the drama. She read many pre-prepared testimonies, she referred to Twitter, she called for more testimonials, and she read more stories as they arrived via social media. This co-creation was a departure from Long and Capra’s drama. Long created the drama by himself and adopted multiple personae to maintain the audience’s attention and endure the pain. But it was just him. Capra made ovations to the co-creation of Smith’s dramatic speech. Saunders gestured from the gallery, and Senator Paine hauled in a heap of telegrams at the very end. Mostly, though, it was Smith’s drama; his name is in the title. Davis’s filibuster was different—so much so that it is inaccurate to call it her filibuster. It was a part Davis, part citizen filibuster. It was a co-created populist spectacle.

Prior cases, and the theory used to illuminate them, help us understand some, but not all, of the resources available to Davis in her quest to overcome the constraints of the Senate and the spectacular filibuster form. Kenneth Burke’s work on dramatism, for example, helps us understand the filibuster’s symbolism within the guilt-redemption cycle and the identification, division, or consubstantiality between audience and speaker. However, concerning citizen participation online and at the capitol in the Davis’s case, we needed to supplement work on identification and the symbolic with an understanding of the pragmatic effects of rhetoric. When
a speech enables 3,000 people to rally and a gallery of activists to break decorum and disrupt Senate proceedings, we must account for those effects.

The work of Jacques Rancière provides a language that extends a couple familiar terms and provides some new language to help us understand Davis’s case. His work helps amend our understanding of “drama” and “spectacle.” First, by defining drama as a co-creation between actor and audience, we better understand the give and take between Davis and her supporters. Then, by shifting the emphasis of “spectacle” from the spectre to the spectator, we better understand the ways spectators are roused to action: from identification and empathy to deliberation and judgment. This chain to action culminates in Rancière’s new contribution: “emancipation,” or the moment when spectators “overcome the gulf separating activity from passivity.”

Emancipation is precisely what occurred for some spectators during the Davis/citizen filibuster.

The flip side of spectator emancipation is that as the audience comes to the fore and becomes actors, the protagonist can step aside, and transcend the need to shoulder the entire burden of their suffering constituents. In Davis’s case, she no longer needed to enact representational mortification when colleagues began making dilatory motions, and especially when the populace began to speak and represent themselves. They may have begun with live-streaming, identifying and empathizing, but they did not stop there. Supporters became activists as they Tweeted, rallied at the capitol, and protested from the galleries. Unlike Saunders, they were not ladies in waiting. They took over and reformed the drama—removing it from the neo-courtly trappings of chivalry and the ideal courtier—and restored the filibuster within a lively parliamentary chamber.

6 CONCLUSION: THE GREEK CHORUS SINGS

"‘The time has come,’ the Walrus said,
‘To talk of many things:
Of shoes—and ships—and sealing-wax—
Of cabbages—and kings—
And why the sea is boiling hot—
And whether pigs have wings.’"

—Lewis Carroll, Through the Looking Glass

The talking filibuster is more than mere obstruction. It can be reading the phone book, Dr. Seuss, or family recipes, but those are de facto characteristic, and not the form’s essence. It is easy to read news reports depicting recipe-reading as obstruction or unkind to one’s hungry colleagues, but it takes more than news reports or even reading the speech text in the Congressional Record to notice why Huey Long was making his immediate audience suffer. He wanted Senators to experience a modicum of the suffering that Dust Bowl constituents were enduring. Again, anyone can see that Long quotes Shakespeare, but it takes contextual knowledge to know that asking, “Upon what meat doth Caesar feed?” was both an indictment of President Roosevelt and the practices of the Agricultural Administration. Fixating on recipes and Shakespeare misses the significant rhetorical work being done by the form, which lies not only in its textuality, but also in its symbolism and performativity.

To better understand the rhetorical nature of filibustering, this project mapped the evolutionary history of the form. The talking filibuster simultaneously rose to prominence with the Populist Party around 1890. Initially, the filibuster was a form of lengthy agrarian deliberation meant to disrupt the acceleration of legislation during the industrial revolution.
Rules were passed to curb the deliberative form, though, and the filibuster shifted to a dramatic form that emphasized gaining and maintaining the Senate floor. Aspects of the dramatic filibuster lent themselves to visual storytelling, but when the filibuster was adapted to film, its drama was amplified, length compressed, and the result was a spectacular but fictional form. Recently, the advent of social media spawned a new form of collaborative filibustering. By synthesizing and reviving the earlier dramatic and deliberative forms of filibustering, this emergent form may be reversing the spectacle. That is the long arc of the project: the filibuster and its deliberative, dramatic, spectacular, and collaborative forms.

Throughout this arc, I have argued that the golden thread connecting the intricate interplay between texts and contexts is that the filibuster is consistently a means of populist transcendence, used by the representatives of ordinary folks to overcome elitism. Whether it was plutocrats in the Gilded Age, bureaucrats during the New Deal, corrupt fat cats and their political machines, or old, white, and privileged tomcats legislating on reproductive rights, the case studies in this project demonstrate that the populist filibuster was used to transcend all breeds of elitism.

6.1 Review of Chapters:

Chapter 2 contextualized Robert La Follette within the fin de siècle, when our society shifted from agrarian to urban. Due to industrialization, our society was being mechanized and accelerated. A negative byproduct of this social turbulence was class stratification; the rich became barons and robbed the working class. To defend themselves, laborers on farms and in
factories united in the populist People’s Party,\textsuperscript{594} which was the predecessor to the equitable reforms of the subsequent Progressive era.\textsuperscript{595}

In contrast to the Populist movement’s emphasis on defending the little guy, the US Senate remained one of the last strongholds for aristocratic power in America. The Senate was not popularly elected until 1913. La Follette was an early populist in the Senate, and he used the long-talking skills he had honed through stump speeches, elocution, and the Chautauqua circuit to slow poorly-vetted bills that would hurt populist farmers. La Follette’s major filibusters were enacted to stop things populists considered to be the greatest abuses: currency manipulation and propping up railroad barons. La Follette subjected this legislation to a refining deliberative fire by holding bill sponsors in the chamber with repeated roll calls, and then cross examining them about the bill’s intent. Eventually, the bourgeois Senate passed rules to restrict La Follette’s deliberative filibusters: limiting roll call, not guaranteeing recognition, and passing cloture. Despite those changes, La Follette’s filibusters typified the major struggles of his era: rural versus urban, agrarian versus industrial, slow versus fast, and populist versus elite.

Chapter 3 studied Huey Long’s filibusters within his changing historical and formal contexts: cloture and non-recognition. Long entered the Senate in the throes of the Great Depression; the Roaring Twenties had crashed into the Dirty Thirties, and Long blamed the big banks on Wall Street. Long had denounced elites as the Governor of Louisiana, and in the US Senate he denounced them all the more. Outside the chamber, Long used the new mass medium of radio to reach the poor and advertise his Share Our Wealth plan. Inside the chamber, Long used the filibuster as a conduit for his dramatic style and penchant for courtly pageantry. He

resigned from his committee assignments to focus on the floor debate, where he repeatedly filibustered to enact the suffering of Dust Bowl farmers before his aristocratic colleagues.

Long’s purpose can be understood through the lens of a patron-client relationship. Like the Roman Senators of old, Long desired to accrue a larger clientele. Since his prospective clientele included farmers and laborers, Long used populist appeals to tax the rich, and redistribute that money as patronage to the poor. Long’s populist appeals gained purchase in the Senate through his dramatic filibusters. To gain recognition Long adapted an insurgent courtier persona in his performances. Trained as he was in courtly rites, Long donned various courtly roles: advisor to the king (President Roosevelt), herald to the people, and courtly jester to annoy his colleagues. Once recognition was secured, Long adapted a martyr persona in order to endure the grueling hours of vicarious suffering for his constituents. Long was assassinated before he could run for president. However, as a result of his populist appeals both on the radio and in his courtly, dramatic filibusters, Long has been credited with inspiring many of the policies in Roosevelt’s “Second New Deal.” Therefore, by representing the suffering of the people in filibusters, and in death, Long’s platform was reborn and his clients transcended their destitution.

Chapter 4 studied Frank Capra’s depiction of the filibuster in the finale of the 1939 film “Mr. Smith Goes to Washington.” A keen sense of cultural context influenced Capra’s films. Some of his most popular films included the post-Depression “Little Man Trilogy,” which pitted

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596 The Share Our Wealth plan guaranteed Americans a minimum income by aggressively taxing the rich: Long proposed a 100% income tax on incomes over 1 million dollars.
598 “Capra is . . . ‘the sole major American director to have devoted a major part of his career to the exploration of American political culture’” (Rogin 2003, 218). For example, during WWII he produced a series of “Why We Fight” films to help the US military recruit. See German, Kathleen M. "Frank Capra's Why We Fight Series and the American Audience." Western Journal Of Speech Communication 54.2 (1990): 237-248.
the little guy against corrupt and powerful men. This trilogy solidified Capra’s populist “Capracorn” style, and its middle movement was *Mr. Smith*. The film captured the anxieties of late-1930s America. Since Capra’s family emigrated from Italy when he was a child, he was personally alarmed by the growing fascism in 1930s Europe: Hitler’s Germany, Franco’s Spain, and especially Mussolini’s Italy. The survival of democracy was in question. To belie these fears, foreclose questions about his national allegiance, and denounce corruption in Washington, Capra made *Mr. Smith* as a way to renew faith in America’s founding democratic ideals.

The film pits a rustic, western protagonist against cynical and corrupt beltway elites. Smith crosses the powers that be, is framed, and is about to be expelled from the Senate when he filibusters. In order to turn the filibuster into a form of mass entertainment Capra uses editing techniques to compress the filibuster to twenty-minutes and accelerate the action. Capra also extends Long’s courtly drama by introducing chivalry. Chivalrous knights had three major duties: to God, to country, and to noble women. These duties play out in the film. Smith serves God by reviving our American Civil Religion: deifying our founders, revering our national scriptures, and worshiping at the Lincoln Memorial temple. Smith fulfills his duty to country by fighting off our national enemies—corruption and cynicism—and founding the Boy Rangers as a catalyst for restoring American ideals. Finally, Smith fulfills the chivalrous duty to noble women by falling in love with Lady Saunders over the course of the filibuster. In the end, neither courtly love, nor the adoption of a Christ persona can sustain Smith, and he faints. However, his symbolic death transcends cynicism and corruption. The antagonist repents, and Smith’s

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idealism is reborn in a younger, untainted generation. It’s a new birth of freedom that transcends our pre-WWII anxieties.

Chapter 5 analyzes how Wendy Davis reformed the filibuster by using new media as a resource in a changing rhetorical situation. Davis’s immediate context concerned Texas’s place in a national “War on Women.”602 In 2011, Texas had passed a controversial Sonogram Bill, and the controversy came to a point of crisis in June 2013 during a special session called to pass an Omnibus Abortion Bill (SB5) while regular order was suspended. With no other recourse, Davis decided to filibuster. Her filibuster gained national media attention and led to her running for Texas Governor in 2016.

By embracing social media, Davis’s filibuster began to “trend” and go viral. Social media is an accessible, inexpensive medium, which allowed Davis to solicit citizen testimonies. As she read those testimonies during the filibuster, internet citizens (netizens) watched via live-stream, Tweeted their support, debated opponents, and donated money to Davis and her cause. Some used social media to organize a rally at the capitol. Finally, when the Senate chair ruled that Davis’s filibuster was over, protestors chanting in the rotunda and the gallery disrupted the vote, postponed it passed midnight, and killed the bill in a “citizen filibuster.” In this way, citizens went from passive spectators to active protestors who helped co-create political theater. The case also revived the deliberative aspect of filibustering. Not only did netizens debate online, but by reading many testimonies, Davis prompted deliberation on the floor. This injection of deliberation reversed the motorization of Capra’s filibuster. This new form of filibustering is a collaborative populist spectacle that can emancipate both actors and spectators. Using this new

602 The 2012 election was the height of this “war.” Comments such as “binders full of women,” and “legitimate rape,” fueled this controversy. See Chapter 5.
form of filibustering, Davis, Planned Parenthood, and pro-choice supporters were able to transcend the obstruction of women’s rights by the old-boys club.

6.2 Modelling the Evolution of Filibuster Forms

In sum, this dissertation has mapped the evolutionary history of the solo talking filibuster form in the “Modern Senate: 1901-Present.” The forms are deliberative, dramatic, spectacular, and collaborative. Using dialectical theory, these forms can be conceptualized as the thesis-antithesis-synthesis of filibustering. In the graph below, the initial deliberative form is shown as the thesis. The second form had to overcome the rules restricting the first, and as a reactionary rhetorical move, the dramatic form of filibustering is the antithesis.

Figure 11: Evolution of the Filibuster Form

Unfortunately, the deliberative and dramatic forms of filibustering were susceptible to co-optation and derivations. For example, deliberation can be faked, and a pseudo-form of deliberation called “friendly questioning” has been around almost as long as the talking filibuster

603 Koger 2010, 97.
itself. During friendly questioning, a close colleague makes a speech in the form of long-form questions so that the speaker can rest his or her voice. This devolution of deliberation prompts the antipathy of the opposition.

An even more significant derivation was a co-optation of the dramatic form by the entertainment industry. In “Mr. Smith Goes to Washington,” Frank Capra depicted a derivative form of dramatic filibustering. Capra cut all the boring parts—i.e. any deliberation—to depict an allegedly twenty-three-hour filibuster in twenty minutes. The result was a new form of filibustering as a motorized mass media spectacle.

In the social media age, however, the emergent form of filibustering as a collaborative populist spectacle synthesizes the antecedent deliberative and dramatic forms. The new form is the synthesis of the thesis and antithesis. Whereas Capra’s spectacle motorized the form and only liberated the speaker, the populist spectacle slowed the form with renewed deliberation and offers emancipation to both speaker and spectators in this form of co-created drama.

Of course, this new form can potentially be corrupted. Attempts at corruption, in fact, have already been made in Rand Paul’s two subsequent filibusters, when his obvious motivation was to create a spectacle for the purpose of campaign fundraising.604 Thankfully, Senator Christopher Murphy’s (D-CT) filibuster to force a vote on gun restrictions in June 2016 righted the collaborative form back to Davis’s template. Murphy even extended the form by taking time after the filibuster was over to Tweet out articles and data as supporting evidence for claims made in his speech.605 Seemingly, the new filibuster form has the potential to transcend cloture, as the citizen shouting in Davis’s case, and Murphey’s post-filibuster Tweet storm demonstrate.

6.3 Future Directions

It would be soothing to think that this dissertation has exhaustively traced the evolution of the filibuster form and provided a comprehensive set of critical insights into its symbolism and performativity. That is not the case. Further studies are warranted on various questions and cases. A study could identify the political conditions at different historical moments and in other cultures that lead to lengthy speaking. The connection between the filibuster and athletics could also be explored—particularly the analogy to the marathon, and even the first marathon in ancient Greece run by Pheidippides. Archeological work could also investigate Cato the Younger’s proto-type filibusters, and the conditions that prompted him to repeatedly speak until nightfall, when the Roman Senate adjourned.

Within American public address, of course, more work could be done, and is being done, on the infamous group filibusters by Southern Dixiecrats against civil rights. Another article could focus on how television coverage and cable television (C-Span) changed the filibuster. Finally, the particularities of Texas’s filibuster culture should be considered by scholars. Something about the Lone Star State makes her natives gravitate to the form. Those prospective studies, though, are outside of the limits of this dissertation.

6.4 Broad Themes:

Since the solo talking filibuster is a well-known speech form in American culture, and since its performative and symbolic dimensions have not been fully studied, this project did significant work in documenting an evolutionary history for this important rhetorical form. The

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606 At NCA 2017 I met a graduate student from the University of Illinois (Urbana-Champaign) who, under the direction of John Murphy, is working on a dissertation on the Southern civil rights filibusters.


608 Texan filibusterers include Wendy Davis, Ted Cruz, Rand Paul—who was born and raised in Texas, but represents Kentucky. Also, the longest filibuster ever recorded was in the Texas Senate, and went for 44 hours.
critical analytical insights throughout these case studies help us better understand the
significance and viability of this form, even as it has markedly changed over the last 125 years.
Although only a tertiary aspect of this study, it is possible that some insights from this
longitudinal study of American public address illuminate the broader rhetorical tradition or even
American history.

Themes from this project that may speak to a broader context include the courtly style,
technological change, and transcendence. We got a heavy dose of courtly style in Chapters 3 and
4 on Huey Long and Frank Capra. Long developed a courtly style as the Governor and
benevolent dictator of Louisiana. In the Senate, he became an insurgent courtier in his filibusters
as a way to challenge Roosevelt’s power. Frank Capra amplified this courtly theme by creating a
joust between his knightly protagonist and formerly-knightly antagonist. By using the schema of
chivalry, Capra was able to amplify Smith’s courtly duty beyond country to also incorporate
theatrical allusions to God and courtly love.

The courtly style, according the Robert Hariman, is a pre-modern style, but it provides
insights regarding the crumbling of modernity into post-modernity.609 This is the case with the
style of President Trump, which is best understood as a courtly performance. Consider Trump’s
lavish gold-encrusted Manhattan apartment and threats to rebuild the White House, his displays
of dominance toward Hillary Clinton during the debates, his domineering handshakes, his
repeated chastisement of Jeff Sessions, and his both touchy-feely rapport with French President
Emmanuel Macron while simultaneously displaying dominance by flicking “dandruff” off
Macron’s shoulder.610 To understand Trump’s style, one must begin with Robert Hariman’s work

on the courtly style. Moreover, Trump and Huey Long have eerily similar expressions of courtly style,\textsuperscript{611} which could be a fruitful comparison with further study.

The second theme of this project with broader implications is the interplay between technological change and the evolution of a rhetorical form. The agrarian sphere had newspapers for mass media, and trains and the telegraph for technologies. Through industrialization and urbanization, technology rapidly evolved at the turn of the century. Soon electricity, telephones, cars, subways, and even airplanes were changing society. The accelerated speed of life and communication was too much for La Follette, and a main purpose for his lengthy deliberative filibusters was to slow down this onslaught of change. For La Follette speed did not insure high-quality legislation. The advent of photojournalism, newsreels, and radio helped Huey Long change the filibuster to a dramatic form. Not only could constituents read about his flailing gestures, but they may see a picture accompanying the article. Moreover, newsreels of Long circulated in theaters around the country, which had replaced lyceums as the mass mediated age’s new “town hall.”\textsuperscript{612} It almost goes without saying that Capra’s new form of filibustering was enabled by the technology of film. Through film editing techniques Capra was able to compress the timeline of the filibuster with jump cuts and amplify the drama of the form by showing five simultaneous and interlocking stories through parallel editing. Finally, Wendy Davis’s recent emendation to the form was enabled by social media, which allowed her and her constituents to co-create the drama and revive the deliberative aspect of the form.

The takeaway from this interplay of technological change and rhetoric, is that early adapters get the opportunity to increase their popularity if they take the risk of using the

\textsuperscript{611} Hariman’s definition and characteristics of the courtly style as well as a comparison of Trump and Huey Long are in Chapter 4, pp. 91-95

technology. It was not orthodox for presidential candidates to call into news shows, Tweet unvetted thoughts, or even speak without teleprompters at major rallies, but Trump’s supporters loved his maverick choices and hearing from him uncut and unfiltered. Early adaptors get the fame.

Moreover, new-media usage is not as one-dimensional or one-directional as some have said. Mark Rolf claims that populists use new media to campaign but not govern. However, Wendy Davis and Donald Trump have used new media to mobilize public opinion on current policy debates while in office. Others claim that Congress takes its communication cues and strategies from the President, however, it seems to me that Davis set the precedent, and did not take her cues on Twitter from Obama. Perhaps Trump subconsciously took cues from her.

The third theme throughout this study that may have wider implications is that the filibuster—a form of temporizing delay—has been consistently used as a means of transcendence. Transcendence played out in three main ways. First, agrarians transcended the urge to motorize legislation through lengthy deliberation. Second, populist representatives transcended their constituents’ suffering by enacting vicarious suffering unto redemption. Third, speakers transcended the subject matter of the particular bill by adopting widely recognizable personae and touchstone texts. Personae included the courtier and the martyr, and touchstone texts included the Bible, Shakespeare, and classical Greek and Roman history. Not only does transcendence and reference to touchstones resonate beyond the filibuster but bringing up classical history prompts a discussion of whether the evolutionary history of the filibuster, its repression and continued viability, signal anything about the health of deliberative democracy.

6.5 Deliberation and Democracy:

Concerning classical history, there is a strong theme of Roman-philia in the La Follette and Long case studies. Since America’s Founding, in fact, there has been a great admiration for the Roman Republic. We used it as a template for our republic, and even invoked the ethos of Rome to defend our young country in the Federalist Papers, which were attributed to the collective pen name “Publius.”615 But the correlation between Rome and the United States becomes unsettling when our deliberative arcs are compared.

Regarding rhetoric,616 deliberation flourished in the Republican Senate, but was infringed upon during wartime, sequestered by the Triumvirs, and irrelevant under the Emperors. Eventually deliberative rhetoric died in the Second Sophistic, and all that was left was the epideictic: Longinus’s On the Sublime.617 Sublime, pleasing rhetoric was all that survived in the medieval courts and through the Renaissance (see Castiglione’s The Ideal Courtier). Wilbur Samuel Howell offers a poignant precis of rhetoric in that millennium (500-1500 A.D.). Whereas rhetoric in the middle ages and Renaissance emphasized style so that surfs could pleasingly address their feudal lords, a new rhetoric arose in response to the Scottish Enlightenment and the Glorious and American Revolutions, so that now, for fear of being overthrown, aristocrats use rhetoric to convince commoners that they are working for the public’s best interest.618

While American deliberative practice began with this power reversal of officials needing to convince the people, the subsequent history of American rhetoric is eerily similar to the devolution of Roman deliberation. We began with temporal republicanism and other safeguards,

616 Rome devolved from a Republic, to rule by Triumvirs, to an Empire ruled by a succession of Caesars. Eventually the vast Empire could not be held together—even by an eleventh-hour attempt to use religion as the glue of the Holy Roman Empire.
so the masses could not rule impulsively, but overall in the 18th-19th-centuries government was responsive to the governed. During the industrial fin de siècle and throughout the 20th- and 21st-centuries, though, our deliberative culture has eroded. Social acceleration sped up legislation, and prior to WWI, cloture was passed to restrict the deliberative filibuster.

Giorgia Agamben argues that WWI was the moment at which western democracies weakened their parliamentary bodies and ceded power to their presidents and prime ministers.\(^\text{619}\) This is true of the United States, which entered the phase of the “Imperial Presidency.”\(^\text{620}\) Since then, the government has consolidated power through continuous war and growth of the military-industrial complex, while the presidency consolidated power through expansion of the bureaucracy, signing statements on legislation, and executive orders in lieu of legislation. As the executive branch and the bureaucracy grew, the legislative branch and its deliberation shrunk. We exchanged discourse for sound bites; deliberative for epideictic; and contemplation for spectacle.

Spectacle we have gotten. In the Capra and Davis chapters, this project demonstrates the spectacular power of film on the filibuster and how the spectacular form still reverberates in Congress. Regarding the presidency, we first got the television president (Ronald Reagan) and now we have the reality-television president (Donald Trump). Unlike feudalism, in which the monarchical head represented the body of surfs, in a mass mediated society the head feeds on publicity and absorbs the body politic.\(^\text{621}\) Warner calls these types of leaders “egocrats,” since they use politics as a brand name commodity.\(^\text{622}\) (Trump Steaks!\(\text{TM}\)) In what now reads like a prophecy, Michael Warner warned of the “egocrats who fill the screens of national fantasy [and]

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must summon all their skin and hair to keep [identity] politics from getting personal.”623 As I complete this project, skin and hair are everywhere being marshalled on our talk shows, in all their tanned and dyed glory, in the quest of Trump and his surrogates to contain the claims of his former (alleged) porn-star mistress. This current spectacle of sound bites is a long fall from the soaring oratory and deliberation of the 19th-century. Could it be that the filibuster is the canary in the coal mine—indicating to us each time it is suppressed that freedom of speech and deliberation are in trouble?

Though the filibuster has been abused and misunderstood at times, and in recent years disallowed on presidential nominations, it is still a viable rhetorical form. As long as Senators can filibuster legislation, the potent symbolism of the performance will continue to block some, pass some, and publicize other issues. Although its detractors among political scientists and political practitioners outnumber its defenders, I claim that the talking filibuster should be retained on legislation, and it should possibly be re-instated on presidential nominees. While secret holds—the modern filibuster—should go the way of the buffalo, the talking filibuster should be protected due to the potent deliberative, symbolic, and spectacular work it can do. It is not an ideal form of deliberation, but if bill sponsors will not explain the nuances and vagaries of the bill otherwise, it is necessary. It is not the best way bring stalled legislation to a vote, but if it is otherwise dead, a filibuster may be needed. Filibustering may not be the clearest way represent one’s constituents, or the most peaceable way to overcome elitism, but if an issue persistently causes the people pain, what symbolism other than vicarious suffering does the rhetor have?

Therefore, the filibuster is not the ideal form of unlimited debate, and it can be used for negative purposes, but it is worth keeping. In Burdette’s terms, “Obstruction is a weapon, and

like all weapons it is dangerous. Yet . . . there are times when weapons are a safeguard . . .”

Even if two out of three filibusters were determined to be frivolous abuses of unlimited debate, the form should be kept due to its unique rhetorical potency. However, these are not the odds. Of the six high-profile filibusters since 2013 (three by Rand Paul, and one apiece by Ted Cruz, Chris Murphy, and Wendy Davis), only two were frivolous abuses—Cruz’s and Paul’s third filibuster. Of the others, Paul’s against John Brennan’s nomination and against the reauthorization of the PATRIOT Act garnered bi-partisan support, while Davis and Murphy stood up to blatantly tyrannical majorities to stop a bill in Texas and force a vote on languishing gun legislation in the US Senate. These odds are the opposite of the initial assumption: in reality, two-thirds of these filibusters were positive. Periodically, then, not only is the filibuster defensive, but it is an ethical offensive weapon. It should remain in the senatorial arsenal.

Overall, hopefully readers of this project will gain a better understanding of the evolving history of the form and disbelieve those who posit that the filibuster is mere obstruction and inherently negative. It is a powerful resource for rhetors and their populist constituents and causes. While it gets a bad reputation as “a device of tyrannical minorities,” it is more often a “protection against majority tyranny.” Sometimes the talking filibuster form is ethical, for it is a populist representative’s last line of defense in a chamber slouching toward elitism.

6.6 Dialectic, Rhetoric, and the Greek Chorus

Throughout this dissertation I have attempted to take a multifaceted approach to rhetorical criticism and the study of public address. I begin with context and close textual analysis. I add dramatism, literary criticism, and big data. However, I also look to critical theory,

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624 Burdette 1940, 9.
625 Wawro and Schickler 2006, 8-9.
performativity, and pragmatic effects to offer critical insight into these texts. Overall, I keep one foot in the symbolic and the other in the pragmatic dimension of rhetoric. I rely on Kenneth Burke’s project for symbolic action and dramatism, but when the case leads to the pragmatic action of protest and emancipation, I try to account for those effects. The work of Jacques Rancière on drama as a co-creation between actors and audience is a nice complement to Burke in this regard. Furthermore, an approach to spectacle with an emphasis on both the spectre and the spectator has been crucial in synthesizing symbolic and pragmatic insights.

Keeping in mind Michael Calvin McGee’s axiom that performativity is the first principle of rhetoric also helps synthesize the symbolic and the pragmatic perspectives. Rhetoric is not just on the page, it is physical performance, and the talking filibuster exemplifies this. Symbolic aspects of the drama—suffering, personae, allusions—rouse audiences through emotional identification. However, rousing an audience does not stop there. As we see in the Davis case, audience members are roused to action through critical viewing, deliberation, and, in rare cases, participating and emancipation. Symbolism and pragmatism create a symbiotic synergy within the filibuster performance. Hence, the filibuster is “architectonic”—an art (techne) of doing.

Using a dialectical progression (thesis—antithesis—synthesis) to model the evolutionary history of the filibuster (Fig. 11) is fitting for my multifaceted approach to rhetorical criticism. As Aristotle tells us in the first sentence of On Rhetoric, “Rhetoric is the counterpart [antistrophos] of Dialectic.” In Greek theatre, the strophe was the primary action among the principle actors, and the antistrope was the reaction of the chorus, who commented on the action. It was the relationship of soloist to choir, speaker to audience.

Wendy Davis’s collaborative filibuster mirrors this ancient structure of Greek drama. Davis is the soloist on the floor of the Senate, while the citizen testimonies, the discourse among netizens in the Twitter-sphere, and the cries of protestors in the rotunda and Senate gallery all constitute the chorus. The case depicted dialectical deliberation between the elites on the floor corroborated by a populist chorus of rhetoric. This interplay is at the heart of the form. Filibustering is more than a form of obstruction; it transcends elitism with populism. It transcends even now.
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APPENDIX

Twitter Deliberation

1. Wendy Davis @WendyDavisTexas 25 Jun The leadership may not want to listen to TX women, but they will have to listen to me. I intend to filibuster this bill. #SB5 #txlege

2. Conservative States @CCSL_States @WendyDavisTexas - Texas women are pro-life and they voted in "the leadership."

3. Risky Liberal @RiskyLiberal 25 Jun @CCSL_States @WendyDavisTexas POLL 80% Of Texans Don’t Support Abortion Restrictions Moving Through Legislature http://thkpr.gs/15zvvka

4. Michael LaBranche @mdlabranche 25 Jun @CCSL_States @WendyDavisTexas keep your bibles in church and out of government.

5. Conservative States @CCSL_States 25 Jun @mdlabranche - No one mentioned "bible." Just science.

6. Risky Liberal @RiskyLiberal 25 Jun @CCSL_States @mdlabranche Science says this bill will increase the death rate of women by 24% over current. Not a "pro-life" bill at all.

7. Conservative States @CCSL_States 25 Jun @RiskyLiberal - Science says it will end 95% of abortions in Texas.

8. Risky Liberal @RiskyLiberal 25 Jun @CCSL_States Sigh ... no. It will end legal abortions. The number of abortions will not change. The death rate will go up 24%. Science.

9. Conservative States @CCSL_States 25 Jun @RiskyLiberal - Wrong. The *number* of abortions will drop dramatically, which is why liberals are staying up all night fretting.

10. Risky Liberal @RiskyLiberal 25 Jun @CCSL_States No. It's very sad you are so uninformed and ignorant of the subject. Three medical orgs say you're dead wrong.

11. Michael LaBranche @mdlabranche 25 Jun @CCSL_States science, huh? Good luck selling that. Guess you think federal law doesn't apply in Texas. Think again.

12. Conservative States @CCSL_States 25 Jun @RiskyLiberal - Outlawing stuff reduces stuff. It doesn't get rid of all stuff, but it reduces stuff by a great amount.

13. Conservative States @CCSL_States 25 Jun @mdlabranche - SB5 already law in other states. Soon to be law in Texas, too.

For full data set, see Janish 2014, 133-141.
14. **RiskyLiberal@RiskyLiberal**25 Jun @CCSL_States It's like banging your head against the wall ... the laws are not in effect, they are suspended due to legal challenge.

15. **Conservative States@CCSL_States**25 Jun @RiskyLiberal - You wish they were "suspended." They are not.

16. **RiskyLiberal@RiskyLiberal**25 Jun @CCSL_States I suggest you use google, and check. Every state you listed has been challenged by ACLU, laws not in effect.

17. **Conservative States@CCSL_States**25 Jun @RiskyLiberal - Just checked Virginia's SB5, which is now in effect. #sb5

18. **SportsPrincess@SportsPrincess**25 Jun @CCSL_States @RiskyLiberal oh yeah! The pervs in the GOP state sponsored rape w/ unnecessary vaginal ultrasounds! #sb5 Perverts!

19. **Conservative States@CCSL_States**25 Jun @SportsPrincess - Virginia has ultrasound, but they also have #sb5

20. **SportsPrincess@SportsPrincess**25 Jun @CCSL_States @RiskyLiberal and all that small government, you get to pay for the privilege of the state sponsored RAPE! #sb5

21. **RiskyLiberal@RiskyLiberal**25 Jun @CCSL_States @SportsPrincess Give up, Sports Princess - reality isn't part of this person's mental makeup. Theocratic rule apparently is

22. **SportsPrincess@SportsPrincess**25 Jun @CCSL_States: and your bunch of PERVERTS with what you do to women. Youre not for small conservative government. You ABUSE WOMEN.”

23. **Conservative States@CCSL_States**25 Jun @SportsPrincess – Abortion not only abuses women, it kills women.

24. …

25. …

26. **Conservative States@CCSL_States**25 Jun @SportsPrincess – Laws are just laws. Don’t get scatterbrained.

27. **SportsPrincess@SportsPrincess**25 Jun @CCSL_States: YOU abuse and kill women. You hide behind your little twitter handle, but you subjugate WOMEN. you don't pay them equal.
28. Michael LaBranche@mdlabranche25 Jun @CCSL_States @SportsPrincess you don’t want or believe in abortion, don’t get one. Your influence and opinion ends there. With you. Period.

29. …

30. SportsPrincess@SportsPrincess25 Jun @CCSL_States NO you asshole. these are not JUST LAWS. There is nothing JUST about paying women less

31. SportsPrincess@SportsPrincess25 Jun @CCSL_there is nothing JUST about forcing women to give birth when YOU SAY.
32. SportsPrincess@SportsPrincess25 Jun @CCSL_There is nothing JUST about putting a wand in a woman’s vagina when SHE DOESN’T WANT OR NEED IT.

33. …

34. Conservative States@CCSL_States25 Jun @SportsPrincess - Doctors are required to perform all manner of medical practices *by law.* Why can't you think before you type?

35. SportsPrincess@SportsPrincess25 Jun @CCSL_States MEDICALLY NECESSARY. the GOP is legislating procedures not medically required. It's called state rape. PERVERTS. #sb5

36. Anastasia Blackwell@AnastasiaB3325 Jun @CCSL_States @SportsPrincess So does childbirth. In fact, it kills more women than abortion. #sb5

37. Conservative States@CCSL_States25 Jun @SportsPrincess - Then you must *hate* obamacare, which is filled with mandatory medical practices that people don't want or need.

38. . . .

39. Conservative States@CCSL_States25 Jun @AnastasiaB33 - Insane. 1.5 million dead kids annually from abortion in U.S. How many moms die in child birth? Not 1.5 million annually.

40. Anastasia Blackwell@AnastasiaB3325 Jun @CCSL_States How many GROWN WOMEN die from abortion? How many from childbirth? Look it up.

41. …

42. Anastasia Blackwell@AnastasiaB3325 Jun @CCSL_States @SportsPrincess Small
government, indeed. #Sarcasm #GOPGOAWAY

43. SportsPrincess@SportsPrincess25 Jun @AnastasiaB33 @CCSL_States now that’s what I’m saying #gopgoaway!

44. . . .

45. SportsPrincess@SportsPrincess25 Jun @CCSL_States don’t back away from your legislative agenda! Pervert

46. SportsPrincess@SportsPrincess25 Jun Ladies. If we’re so stupid, then we need to legislate the penis. Men need to take more responsibility. Viagra only promotes promiscuity.”

47. Anastasia Blackwell@AnastasiaB3325 Jun @SportsPrincess Viagra is unnatural and evil. If men couldn’t get it up, no pregnancy! Problem solved.

48. RiskyLiberal@RiskyLiberal 11 Jul @CCSL_States: The countries with the least abortions are those where abortions are free and easily accessible.