The New York Times

How Can Democrats Govern Under These Conditions?

By Jamelle Bouie
November 14, 2026

In just a few months, Democrats will have their largest congressional majority since 2009.

But Donald Trump will still be president. And with Stephen Miller by his side as White House chief of staff, there is almost no chance that the president will want to work with that Democratic majority to pass legislation or make any kind of progress over the next two years. The most likely outcome will be a defiant Trump fighting Democratic-led investigations and defying any effort to rein in his authority and discipline his administration.

Most of what Democrats pass will be purely symbolic — less a set of actual laws than a preview of governance under a Democratic president.

Still, passing legislation, I think, will be a good thing. In fact, Democrats should pass as much as they can, even if Trump vetoes every bill they put on his desk.

But there is a problem.

The current rules of the Senate make productivity impossible. As long as the filibuster exists, Democrats will be bogged down in endless negotiations to try to win the minimum of four votes necessary to invoke cloture. Worse, the 60-vote threshold gives every Democrat leverage over the entire agenda. If, for example, John Fetterman does not want to pass a new Voting Rights Act, then a new Voting Rights Act will not get passed. Looking at the Senate landscape, it is hard to see where Democrats would pick up additional support. At no point in the last 20 years have Republicans shown any desire to work with Democrats to pass the party's priorities.

I have made the case for abolishing the filibuster before. The supermajority requirement for legislation has bogged down and undermined the legislature's ability to govern, weakening Congress and empowering the presidency and the courts. The filibuster impedes bipartisanship by killing most legislation; why work together when there's almost no chance that the bill will pass? And Democrats should understand by now that the filibuster does far more to impede their program than it does the Republican agenda, which rests almost entirely on items — tax cuts and judicial confirmations — that can be accomplished with a simple majority vote.

The American people elected Democrats to hold Trump accountable for corruption and despotism, and to govern. Congressional Democrats can do the former of their own accord. But to have any hope for the latter, Senate Democrats need to end, or at least amend, the filibuster. Anything less would squander the opportunity they've been given by voters.

For most of its history, the Senate has operated by simple majority vote. The filibuster was used only in extraordinary circumstances. The routine supermajority threshold of the past 20 years is less sacred tradition than modern invention. And while it is not hard to imagine the risks of ending the filibuster, skeptics should consider the disillusionment that comes from seeing Congress grind to a halt over an arbitrary procedural rule. Whatever advantage Democrats won last week would probably be short-lived.

It should also be said that the recent habit of packaging all legislative plans into a handful of omnibus superbills has not paid political dividends for the Democratic Party. It is harder to tell a story about laws that contain everything and, from the perspective of voters, do nothing in particular. This was true with the American Recovery and Reinvestment Act under President Barack Obama, and it was true with the Inflation Reduction Act under President Joe Biden. The alternative is for Congress to do what it did for most of its history: pass small, individual bills targeted at the particular problems they hope to solve. These bills are easier to craft, easier to explain and easier to sell to the public. And a Congress that is passing legislation at a regular pace is a Congress that looks productive to voters who want their government to be doing something.

The only way to do this is to cast the filibuster aside. If that is too much, if Senate Democrats want to preserve the tradition of unlimited debate, then Democrats could instead reform the filibuster to require 41 members on the floor to continue debate, rather than 60 members to end it. In other words, they could put the burden on the party that wants to obstruct or halt the process, not on the one that wants to work.

I have quoted Senator Henry Cabot Lodge of Massachusetts before: "The two great rights in our representative bodies are voting and debate," he wrote in 1893. "If the courtesy of unlimited debate is granted it must carry with it the reciprocal courtesy of permitting a vote after due discussion."

Or, as Senator-elect James Talarico of Texas said earlier this month, just before the election: "The majority has the right to govern in this country."

The filibuster makes that impossible in the name of an illusory bipartisanship. And while I understand those Democrats who want to reach across the aisle in good faith, they should know that the most important, transformative political programs in the history of this country have been partisan.

Put differently, the voting public did not vote for bipartisanship; they voted for Democrats to govern as Democrats. The least the next Congress could do is to respect that choice and proceed accordingly.

Jamelle Bouie became a New York Times Opinion columnist in 2019. Before that he was the chief political correspondent for Slate magazine. He is based in Charlottesville, Va.