Twitter Thread by Adam Jentleson ■



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Biden clearly should not do #1. The problem with #2 is that reconciliation delays the inevitable and creates a tiered system where issues that happen to be ineligible - like civil rights and democracy reform - are relegated to second-class status and left to die by filibuster.

> Biden will have two options:
>
> 1. Cut the price tag sharply to court GOP support.
>
> 2. Use reconciliation to do what he can with 50 votes\u2014some stuff has to go, like $15 wage.
>
> (A 3rd option is nuke the filibuster but @PressSec says he doesn\u2019t favor that.)https://t.co/AV49BcmDaI
>
> — Sahil Kapur (@sahilkapur) January 23, 2021

This■is the danger. By using reconciliation you're conceding the point that major legislation deserves to pass by majority vote, but only certain kinds for arbitrary reasons. Plus the process itself is opaque and ugly. You risk laying a logistical & political trap for yourself. https://t.co/lnctyXUGgX

> Obvious answer is 2b where you tie yourself in knots trying to go nuclear lite and totally lose the plot in the process
>
> — Liam Donovan (@LPDonovan) January 23, 2021

All the "here's what you can do through reconciliation" takes are correct but also look through the wrong end of the telescope. Any of the items mentioned, or a small number of them, would be relatively easy. But putting them all together in one leadership-driven mega package...

... with no committee involvement and no real oversight, enduring tough press for jamming a massive package through a close process and stories about lobbyist giveaways while dodging the adverse parliamentary rulings that are virtually inevitable and still maintaining 50 votes...

It's possible! Maybe the mega-ness of the package ends up helping hold 50 votes. But the ugliness of the process is being underpriced. And to what end? You're just delaying the inevitable since you can't use it for civil rights nor can you allow civil rights to die by filibuster.

Also if you run afoul of reconciliation rules which you almost certainly will with a package this big, you have to nuke the Byrd rule, which is tantamount to going nuclear anyway. That's fine, but will leave many wondering why they didn't just go nuclear in the first place.

I'm not saying draw a hard line, per se . But I think some of the "it's cool we'll just use reconciliation" sanguinity dramatically underestimates the unwieldiness of the process itself as well as the possibility that it leads to a costly spring or summer quagmire.

The worst case is that the process is such a mess that you lose the votes for the big package and can only pass something skinny while also giving Republicans time to find their footing (a la Republicans and ACA repeal). You lose a lot of the early momentum behind Biden's agenda.

You can only expand it by nuking the Byrd rule, which is what makes reconciliation so restrictive. To broaden it enough to include issues like civil rights, you're effectively going full nuke. Except you're doing it against the Parls instead of Rs. And... https://t.co/ZIUM18MMci

> Is there a way to keep the filibuster unchanged, but greatly expand what is allowed under reconciliation?
>
> — Aditya Sood (@adityasood) January 23, 2021

... while this is not a terrible endgame, you might have created an ungodly path for legislation where basically everything gets re-routed through the Budget Committee. This is part of why I find it ironic that folks think reconciliation protects the Senate- it's hella messy. AND

Repeating myself, but that vote to nuke the Byrd rule probably only comes after weeks of a messy, insular process that maybe sapped much political capital. It may be an easier vote because it's more obscure, but it may actually be harder because of the messiness. I can't decide.

In a vacuum, yes, which is why I'm torn. But this will not be some quiet vote to change budget rules, it'll be the center of massive attention and come at the end of a long messy process. And it won't be a clean vote against Republican obstruction. https://t.co/F16ogQgZQp

> Easier to change obscure budget rules
>
> — Ben (@benclaz) January 23, 2021

Depends on what you consider essential to pass in the next four years. If the answer includes major democracy reforms, then no. https://t.co/uSoToiiZvj

> Can it get us through the next 4 years, while the bigger filibuster reform project builds w/ a non West Virginia/Montana dependent majority?
>
> — Aditya Sood (@adityasood) January 23, 2021

Tl;dr: you can't do democracy reform via reconciliation. If we don't do democracy reform we're screwed. Maybe reconciliation is a way to do some stuff fast, and nuke the filibuster later. But maybe reconciliation is a quagmire and come summer we'll wish we'd gone nuke and rolled.