

CBS's *The Late Show With Stephen Colbert*

01/18/22

12:05:07 a.m.

37 seconds

STEPHEN COLBERT: Ladies and gentlemen, my guest tonight is a two-term U.S. senator from the great state of Massachusetts and a former presidential candidate. Please welcome back to *The Late Show*, Senator Elizabeth Warren. [CHEERS AND APPLAUSE] Good to see you, Senator. Have a seat. Thank you so much for being here.

SENATOR ELIZABETH WARREN (D-MA): Thank you.

COLBERT: It's nice to see you again.

WARREN: It's always great to be here.

COLBERT: It's always a shot in the arm to have you here.

WARREN: You bet. I'll shoot your arm anytime. I'm ready.

(....)

12:07:07 a.m.

6 minutes and 48 seconds

COLBERT: Okay. Let's talk about the voting rights act that's going to come up before the Senate tomorrow?

WARREN: Yeah.

COLBERT: Tomorrow. Okay. In 1957, Martin Luther King Jr. called voter restrictions, "a tragic betrayal of the highest mandates of our democratic tradition" and then tomorrow you vote on the Freedom to Vote, the John R. Lewis Act. What is it and how did we get back here that we need it?

WARREN: So, when Dr. King spoke, it was truly the case because of restrictive state laws that, principally, African-Americans were denied the opportunity to vote. Some other groups were kept out, but that was the principal aim. And then in mid-1960s, passed the Voting Rights Act, and it opened up opportunities for more American citizens to vote, and voting increased over time and, frankly, that's where we would have left everything, but then an extremist United States Supreme Court a few years ago gutted the Voting Rights Act, but that all by itself just opened the door to restricting voting. Donald Trump, when he lost the election, he took millions of people down the dark hole of the Big Lie, and now we've got Republican state legislatures all around this country who are trying to outdo each other to keep people of color from voting, to keep African-Americans from voting, to keep Latinos from voting, to keep people who live on tribal

lands, to keep college students from voting. Anyone that they can identify that they think is likely to vote Democratic, they're doing everything they can to put restrictions in place so they won't be able to vote.

COLBERT: Now, before the gutting of the Voting Rights Act by the Roberts court, that would have had to go before the Justice Department for the nine states —

WARREN: That's right.

COLBERT: — that historically passed most of these now they can just do it without review.

WARREN: Now they can just do it without review, that's exactly right and, boy, have they gotten it on. They are out there doing everything they can to keep people from voting, to keep those votes from being counted and to gerrymander with such surgical precision that an ever shrinking minority of Republicans will actually control not only the state legislature but all seats in Congress and ultimately distort election of President of the United States.

COLBERT: Now this past year was — there were 19 states that passed 34 laws, but it was already a problem before this latest crisis in the past year —

WARREN: Yeah.

COLBERT: — where, as you said, being led down a dark road based on this Big Lie. A little over a year ago when I had the opportunity to interview then-President-elect Biden, I — one of the things I asked him was, in your legislative agenda, voting rights has to be first, right —

WARREN: Right.

COLBERT: — because everything else you want to do is for naught unless you get the voting rights first because it'll just be reversed by the next person who comes in because there won't be actual representation of the American people if these voting rights restrictions go through. Why is it fourth or fifth. Why is it where it is?

WARREN: Because we don't have enough votes and I — look, I wish it were otherwise. Here's the good news, we finally have 50 — count them all — 50 — Democrats in the same place on what the voting rights protection should look like. And understand this, that part by itself was not easy and part of the reason it was not easy is every time we would think now we have the things you have to outlaw, the Republicans in some state would figure out something else you could do. Like, oh, if people were waiting two hours in the hot sun in Georgia let's make that illegal to give them a drink of water. So, we had to finally keep changing the federal laws, but we finally got the bill in place and here's the thing. When the Voting Rights act passed originally, it was filibustered. It was hard fought. When it was re-upped in the 1990s, what we had was 98 people in the United States Senate voted in favor of it. Now, we have not one single Republican, not one who will vote to protect the vote in America, so we've got 50 Democrats who say then we're going to have to pick this up and do it by ourselves. That's the skinniest majority you can have,

but we can do that. Vice President Harris can break the tie, we can make that happen, but we have stumbled on the filibuster, this rule that has its roots in racism as a way to try to block — it has historically been used to try to block civil rights legislation. And right now, we've 50 Republicans all standing firm with that filibuster because it gives Mitch McConnell a veto, but we've also got two Democrats who are with them, and that means we can't change the rules.

COLBERT: Well, but certainly the existence of the filibuster is no surprise.

WARREN: No.

COLBERT: And the — the, you know, standing shoulder-to-shoulder by the Republicans is not necessarily a surprise. If you know that the vote won't pass tomorrow, what is the purpose, what is the benefit of actually holding the vote?

WARREN: So, I want to back up just a little bit. The fact that 50 Republicans will stand shoulder to shoulder, look you right in the eye and say, you know, it's just fine with me to keep people from going to the polls if they might vote Democratic, it's just fine with me to say that if a Republican legislature doesn't like the fact that people in their state voted majority Democratic that, nonetheless, they plan to keep control themselves and not count those votes. It's just fine with them to gerrymander so that a smaller and more extremist majority can continue to control — minority can continue to control over the majority in this country. It is not something that we should just say, hey, that's okay. One of the two major political parties in America has now said that it is their policy to win by keeping American citizens from voting, and by God, we ought to put them on the record, make them vote on that, make a record of that, and hold 'em accountable in the next election. Enough. [CHEERS AND APPLAUSE]

COLBERT: We have to take a quick break, but stick around. When we come back, the senator and I will talk about the future or failure of the filibuster. [CHEERS AND APPLAUSE]

(...)

12:18:32 a.m.

1 minute and 47 seconds

COLBERT: Hey, everybody! We're back with Senator Elizabeth Warren. Okay, so there are, again, these 34 states — or these 19 states and these 34 bills that have been passed. Things are bad, things were very bad in 1965.

WARREN: Yeah.

COLBERT: That vote happened in the wake of bloody Sunday.

WARREN: Yeah.

COLBERT: Are things going to have to get much worse before they get any better? What is

going to break, in your opinion, this moral failing, this deadlock?

WARREN: I don't know, but let me put it this way — we may not be able to carry this vote tomorrow or on Wednesday, but if we don't carry it on Wednesday, then we get back up on Thursday and get right back in the fight and if we don't carry it in Thursday, then we get back in the fight on Friday, and we get back on the fight on Saturday and Sunday. [APPLAUSE] There is nothing we do as a democracy that is more important than guaranteeing that all American citizens have the right to vote and the right to have that vote counted. [APPLAUSE] So here's the plan — we're going to vote, hold them to vote and we're going to stay after them. I mean, we're going to stay on them like a dog on a bone, we're just going to stay on this, stay on this, stay on this.

COLBERT: Like Bailey on a burrito.

WARREN: There you go. Bailey on a burrito. You totally have it. [CHEERS AND APPLAUSE]

COLBERT: Are you in favor of getting rid of, modifying, getting rid of the filibuster or turning the filibuster into a true talking filibuster.

WARREN: Yes, yes, yes.

COLBERT: All together. Okay, so, I'd get rid of the filibuster all together. I believe in majority rule, hello!

WARREN: And, look, that's what it's supposed to be about. The Founders looked at the system and said, you know what, considered a super majority in the senate and said, nah, they're not going to do that. Simple majority in the Senate. Get to talk, but simply majority. That's what I want to do because it's a lot I want to be able to do. Understand this, yes, it's about protecting the vote, but it's also about reforming our immigration system, it's also about gun safety, it's also about protecting our environment. If you actually want to use the federal government to — TO help make us build a better country, and you're not just there to try to cut taxes and appoint extremist judges, then you need to get rid of the filibuster and go by majority rule, so I want to get rid of the filibuster. That's part one. [CHEERS AND APPLAUSE]

COLBERT: We'll take a quick break but we'll be back with more Senator Elizabeth Warren, everybody [CHEERS AND APPLAUSE]

(...)

12:25:56 a.m.

4 minutes and 20 seconds

COLBERT: Hey, everybody! We're back here with Senator Elizabeth Warren. If you can't get rid of the filibuster, what about — and just hear me out and try to hear this objectively.

WARREN: All right. I'm ready.

COLBERT: What if we just get rid of the Senate? [LAUGHTER] And I'm 100 percent serious here. It is the most anti-Democratic institution next to the judiciary because the judiciary is only the way it is because the Senate is —

WARREN: Because the Senate —

COLBERT: — the way it is. No one would drop a single tear — you've already got tenure, you can go back to your other job. You'll be fine, spend more time with Bailey and Bruce, okay?

WARREN: I have [INAUDIBLE]

COLBERT: I don't understand what possible, positive purpose the United States Senate provides right now.

WARREN: Wow. [LAUGHTER] Look, I hear you! [LAUGHTER] Here's — hers's what we provide, in theory, is that we are supposed to be the deliberative body. That was the — that was what we envisioned, but as long as we are tangled in the filibuster, then we don't get to do what the Founders envisioned that we would, and that is debate the big issues of the day and then vote on them — when the debate is over and then vote on them. Instead, where we are now, is somebody just sends in, I'm filibustering that, and what happens is that the things that matter most in our country, the things that affect people right where they live, things that are popular with a lot of people — you know, we could be doing universal childcare right now, but we get tangled up in the filibuster. We could be doing — we could be doing negotiation of prescription drugs and lowering the price of prescription drugs. We could be doing it right now. We could be changing the rules around this country. I said earlier about gun safety and saving lives right now. But on all of that, we not only don't get to do it at the end, we don't even ever get to have a debate around it. The filibuster keeps us from doing things that are supported by 70 percent, 80 percent, 90 percent of the American people, and that is fundamentally anti-democratic. So, a Senate with a filibuster, it's a serious question, why are we there?

COLBERT: If — if the Republicans take control of the Senate in this next round or any future round [WARREN GAGS]

COLBERT: Understand. Okay.

WARREN: I'm sorry. I'm just coughing up a hair ball.

COLBERT: But how would you feel — how would you feel about the filibuster then if you were on the sort of business end of that?

WARREN: I put my money on the democracy. [APPLAUSE] If they have a majority —

COLBERT: But it's not —

WARREN: — so be it.

COLBERT: — it's an anti-democratic institution. That's just it.

WARREN: No, but that's —

COLBERT: 41 million Americans are represented —

WARREN: I'm saying —

COLBERT: — more by — by your side than the Republicans and, yet, they could get one more vote.

WARREN: — but without the filibuster, think about it that way, without the filibuster, they can't maintain that. If we protect voting and get rid of the filibuster, then it really is a question of what the American want. So here's the thing, 70 percent of Americans believe in the rule of *Roe v. Wade*. They want to protect *Roe v. Wade*. Let's put it to a vote. [CHEERS AND APPLAUSE] Republicans want to vote no on that. Fine. I'm ready for the next election. [RUBS HANDS TOGETHER] And that's how it should be. If you believe in democracy and getting rid of the filibuster when you're in the majority and you believe in getting rid of the filibuster when you're in the minority. I'm not there to say by the filibuster I want to protect myself, I'm there to say this is how democracy is supposed to work. Protect the right of the people to vote and I'll take my chances, every six years, two years in the House, every four years in the White House. That's how democracy is supposed to work. Put these big issues up. Let's vote on them! [CHEERS AND APPLAUSE] Did I do it? You bet.

COLBERT: Senator, good luck! Senator Elizabeth Warren, everybody! [CHEERS AND APPLAUSE]