

policies that promote both their security and their liberty. I think the public expects a full debate. You can't have a full and real debate over the Foreign Intelligence Surveillance Act unless you have some sense of how many law-abiding Americans are getting swept up in these searches of foreigners.

I believe the American people expect serious oversight over it. They want assurances that their representatives in Congress have a sense of what is actually being voted on. After years of secret surveillance programs being revealed only in the news media, I think the public has rightly insisted on more openness and more transparency.

So getting the information that I have described today, which will deal with Senator Coats' top priority of reauthorizing the Foreign Intelligence Surveillance Act, is a critical first step. Once the Senate knows the impact of this program on Americans, then you can have a full and real discussion—a real debate in Congress—with the public and with the Director of National Intelligence.

I took the view in the committee, despite very much liking Dan Coats and his being the bipartisan cosponsor of what is still the only Federal income tax reform proposal we have had in the Senate since the 1986 law was authored, I said that I cannot support any nominee to be the head of national intelligence if that nominee will not guarantee that before this reauthorization is brought before the Senate and brought before the Intelligence Committee, that we have the information needed to do our job, to do real oversight, to show the American people it is possible to come up with policies that promote security and liberty. For that reason, despite my friendship with Senator Coats, I cannot support the nomination.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, never before has a sitting President so maligned our intelligence community. President Trump has repeatedly belittled and ridiculed the work of intelligence officials, calling their assessments of Russia's hack into U.S. elections "fake news." Over Twitter, President Trump accused intelligence officers of executing a Nazi-like smear campaign against him. President Trump has sided with the likes of Julian Assange and Vladimir Putin over our own intelligence community.

More disturbingly, President Trump seems to hold shallow views on critical intelligence questions like torture. On the campaign trail, Mr. Trump constantly vowed to reinstate torture, asserting that only "stupid people" would think otherwise. In an interview with the New York Times, Mr. Trump admitted that he was "surprised" that Defense Secretary Mattis opposed torture, while adding that he would be "guided by" mass sentiments on torture. Mr. Trump's pronouncements on torture are dangerous, irresponsible, and rally our enemies.

Senator Dan Coats has an enormous challenge ahead of him. President Trump removed the Director of National Intelligence from the National Security Council, marginalizing the intelligence community's essential role in informing national security decisions. President Trump reportedly plans to hire a New York billionaire with close ties to Steve Bannon to conduct a review of the intelligence agencies, a core responsibility of the Director of National Intelligence, and Senator Coats' hardline assessments of Russia may meet with skepticism in a White House that views Putin so favorably.

I am encouraged by Senator Coats' willingness to work with the Congress in a bipartisan manner, particularly on probes related to Russia's hack into our election. I expect Senator Coats to maintain his commitment to follow the law on enhanced interrogation techniques and not to seek to change them. For these reasons, I support his nomination to the Office of the Director of National Intelligence.

NOMINATION OF HERBERT MCMASTER

Mr. CARDIN. Mr. President, I have a tremendous amount of respect for Lieutenant General McMaster and a great deal of admiration for his willingness to answer the call of service for his Nation as National Security Advisor.

So I want to be clear that none of my comments are intended as a reflection on General McMaster himself.

But I am greatly concerned about the current state of the organization that General McMaster is being asked to run and that the way in which the President and his senior advisers appear to be running it is creating great risk for our Nation.

The President's first National Security Advisor, who lasted less than a month in office, had failed to register as a foreign agent, a job that he held throughout the Presidential campaign and into the transition—so much for America first.

The initial Executive order structuring the National Security Council system for the new administration deliberately omitted the Chairman of the Joint Chiefs and the Director of National Intelligence from the Principals Committee—in other words, a National Security Council without the insight and guidance of our intelligence community or military.

Every administration can structure the White House as it sees fit, but national security without intelligence or military advice is, frankly, mind-boggling.

At the same time, the NSC was to include Steve Bannon, the President's political adviser. Although previous White Houses have had staff from outside the NSC sit in on NSC meetings on occasion and as appropriate, never before has an administration suggested that the NSC's work of safeguarding our Nation be subordinate to the political goals of safeguarding a President's

political position and public opinion ratings.

Alongside the NSC, this White House has established a so-called Strategic Initiatives Group under Mr. Bannon, which is reportedly undertaking strategic reviews of U.S. policy on sensitive issues—including U.S.-Russia relations. Running a shadow NSC with crossing lines of jurisdiction and authority seems like a recipe for disaster.

So all of this has created an environment of dysfunction and an organization in severe distress. It is one thing to run a family real estate company this way, but this is our national security that is at stake.

If there is a crisis tonight—on the Korean Peninsula, with Russia, in the Middle East or Persian Gulf—it is far from clear that the NSC is in a position to provide our senior policymakers with the options they need and the decision-space necessary to safeguard America in a dangerous and unpredictable world.

I wish General McMaster all the best, but hope that he is approaching the challenges of his job with clear-eyed conviction.

Mr. VAN HOLLEN. Mr. President, in a few short months, President Trump has undermined U.S. credibility and our standing abroad. He has called for a nuclear arms race, asserted the United States should invade Iraq to take its oil, lavished praise on Vladimir Putin, and slandered stalwart allies like Australia and Germany. He has issued two Muslim bans—a move lauded by the Islamic State and condemned by top military, intelligence, and diplomatic officials of both parties.

President Trump has put our national security apparatus under enormous stress. He has appointed Steve Bannon, an extremist with the explicit ambition to "destroy the state," to the National Security Council—the highest body charged with protecting the state. He has failed to nominate officials for dozens of crucial national security positions, hobbling our ability to respond to a future national security crisis. He has repeatedly denigrated our intelligence agencies, rejecting findings that clearly demonstrated Russia's role in his election. He has accused the FBI of breaking the law by wiretapping Trump Tower, a groundless claim for which he has offered no proof.

LTG H.R. McMaster is a respected military strategist with a reputation for an independent mind. He has demonstrated throughout his career that he is willing to challenge and criticize U.S. leadership, irrespective of party. He does not appear to be sympathetic to the view of President Trump or Steve Bannon that the United States is at war with the entire Muslim world. Instead, while commanding U.S. forces in Iraq, General McMaster told his soldiers: "Every time you treat an Iraqi disrespectfully, you are working for the enemy."

I am concerned with General McMaster's handling of sexual assault

allegations against two of his cadets at West Point. McMaster's reluctance to interfere with the training of these cadets, despite allegations of sexual assault, was in violation of Army policy. I am a strong supporter of efforts to reform the military's handling of sexual assault, which is why I cosponsored legislation in the House to pass new legal protections for victims of assault in the military.

While I remain deeply concerned with the large number of military officials in senior positions in the Trump administration, I support General McMaster's retaining his rank while he serves as National Security Advisor. I do so with the hope that General McMaster will remain faithful to his reputation for dissent, will challenge President Trump when he takes a dangerous approach to the world, will restore order to the National Security Council, and will steward a foreign policy that makes America safer.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM OF THE PRESS

Mr. UDALL. Mr. President, this week is Sunshine Week, a week when we applaud open government and when we celebrate the institutions that hold government accountable. Throughout our Nation's history, one of the most important has been the press, the free press. Donald Trump, as candidate and President, has repeatedly attacked the press. He has called it the "enemy of the people," he has labeled the national media outlets as "fake news," and he has criticized respected reporters who have reported for years.

He has singled out mainstream newspapers like the New York Times, Politico, and the Los Angeles Times, and television outlets like ABC, NBC, CBS, CNN. That is how this President operates. He acts like a bully, and not just with the media. He attacks the courts when article III judges disagree with him, and when they find he is breaking the law. He attacks sitting judges for deciding against him, even those appointed by Republican Presidents.

Without basis, he attacks our intelligence agencies, and he even demeans career public servants who risk their lives to keep our Nation safe. The President's goal is obvious, to undermine the institutions in our country who threaten him, who criticize him. Authoritarians have used this strategy for centuries and continue to do so today in countries where democracy is weak or nonexistent and where autocracy or kleptocracy is strong.

But this is the United States. We are an example to the world of democratic principles and action. The President's

repeated attacks on our democratic institutions need to stop and they need to stop now. A free and robust press is critical for democracy to work, period, end of story. Our Nation's history of a free press dates back to our founding. Free press in the colonial United States developed in reaction to severe restrictions on free speech in England.

During the latter half of the 17th century, all books and articles were required to be licensed by the government to be published. Then, "seditious libel"—bringing "hatred or contempt" upon the Crown or the Parliament by written word—was a criminal offense. So to speak against the Crown was a criminal offense. Truth was not a defense.

No publication could criticize the Crown or the government, even if it was accurate. The first newspapers in the Colonies operated under licenses from the colonial Governor. But by 1721, James Franklin, Benjamin Franklin's older brother, was publishing one of the first colonial independent newspapers, the New England Courant, in Boston.

Ben Franklin was his apprentice, typesetter, and sometimes contributed under pen names. Several years later, Ben Franklin began publishing his own independent newspaper, the Pennsylvania Gazette. His newspaper became the most popular in the Colonies and was published until 1800.

By 1735, the tenets of seditious libel were coming undone. John Peter Zenger, the publisher of the New York Weekly Journal, ran articles harshly critical of the colonial government. Zenger was arrested and tried for libel. While he admitted he published the articles, his lawyer argued truth was a defense. The press, the lawyer argued, has "a liberty both of exposing and opposing tyrannical power by speaking and writing the truth."

The judge, however, instructed the jury as to the law at the time, that Zenger must be found guilty if he published the articles, whether truthful or not, but after 10 minutes of deliberation, the jury acquitted Zenger. These were some of the beginnings of a free press in our Nation.

The first rights in the Bill of Rights are freedom of religion, the press, speech, petition, and assembly. The press, as an institution, is expressly protected by the Constitution. In 1789, the drafters of the Bill of Rights understood that a free press was essential to the growth and success of our new democracy. They understood that debate, disagreement, the free flow of ideas, make an informed public, that the press helps educate voters.

They understood all too well that government power needed to be checked and that the press holds the powerful in check by investigating and exposing arbitrary conduct, abuse, and corruption. A democracy cannot exist without a free press. It is as simple as that, but our President does not seem to understand this or he does not care.

According to him, the press is "dishonest," "not good people," "sleazy," and, "among the worst human beings." Those are all quotes by our President.

Established press organizations are the "fake news," and a few weeks ago he declared the press "an enemy of the people." We have not heard attacks like this since Watergate, and even then, it wasn't so much so fast. The President's subordinates are now given license to accuse and to limit press access.

Chief Strategist Steve Bannon said the press should "keep its mouth shut and just listen for a while." This quote from Mr. Bannon has extra significance today because he is no longer the head of a rightwing media company. In a controversial move, President Trump issued an Executive order to add him to the National Security Council's Principal's Committee.

Today, we are going to vote on the nomination of General McMaster to retain his three-star general status while serving as the head of the National Security Council. I do not believe a political extremist like Mr. Bannon should serve on the Council. At a minimum, General McMaster should direct Mr. Bannon to stop attacking the free press while serving on the Council.

Senior adviser Kellyanne Conway called for media organizations to fire reporters who criticized Candidate Trump. Press Secretary Shawn Spicer barred the New York Times and the Los Angeles Times, BuzzFeed, and Politico from a press conference, and the Secretary of State will now travel without the press corps, disregarding a decades-old practice.

Now, don't get me wrong. The press does not always get it right. They make mistakes. News organizations have their biases. Mistakes should be corrected and bias should be tempered by using accepted journalistic methods and professional judgment and following journalism's ethics code.

Mistakes and the exercise of professional judgment are not the same thing as reporting "fake news." The President's Republican colleagues have been too silent in the face of attacks. Few in Congress have stood up against the President's hostility to the press. Government officials are afraid to disagree. Just last week, at a Senate Commerce Committee hearing, I asked the FCC Chair, Mr. Pai, a yes or no question, does he agree with the President that the press is the enemy of the people.

He did not engage. He would not answer. He let stand the President's remarks. The President's characterization of the press as the enemy is reminiscent of President Nixon, when Nixon said: "Never forget. The press is the enemy. The press is the enemy," as recorded on his secret tapes.

The press was Nixon's enemy because the press exposed his criminal conduct which led to his resignation. The press is Trump's enemy because the press exposes his and his associates' ties to