

in Minnesota. I will tell you that this event of May 25 cannot be written off as a simple use of force or as being unfortunate or regrettable. We all know that, on that day, George Floyd was killed by a police officer while other officers looked on and heard his begging for life and his cries for help. The officers responsible should be prosecuted to the fullest extent of the law.

I offer my prayers and condolences to the Floyd family, just as so many other Members of this Chamber have done, and I support the President's call for the Justice Department to investigate this death.

CENSORSHIP

Mr. President, our country was built on the premise of dissent, and we have seen the power that peaceful protests have in their ability to bring change to every level of government. Unfortunately, over the past week, we have also seen what happens when criminals and shadowy professionals exploit these public expressions of frustration and pain.

Every single day, Americans are waking up to find that their neighborhoods have been destroyed, and they watch news reports that are dominated by lawlessness. Many activists and members of the mainstream media have attempted to force us into choosing between solidarity and maintaining law and order. This is a false choice. It is one that we ought to reject. Instead, we should fight for accountability, compassion, and understanding. At the same time, we must condemn racism, hatred, and the violence that has torn apart so many neighborhoods this very week.

We should also celebrate and defend our right to peaceful disagreement in the streets, in the classroom, and online just as well as in this very Chamber. Unfortunately, too often, this right is not celebrated. Over the years, we have documented Big Tech's history of censorship, particularly the censorship of dissenting conservative voices. During the 2018 election cycle, a series of pro-life ads that I sponsored on social media were taken down for having content the platform labeled as "inflammatory."

For years, conservatives have been fighting a losing war against content moderation policies that act as a drag-net for dissenting opinions. Last week, Twitter rolled out a new "fact-checking" feature and almost immediately botched a fact check on one of President Trump's tweets. Unfortunately, for Twitter, the President was not afraid to point out how easy it is for private companies to make mistakes that turn moderation into speech policing. We know that social media companies have subjectively manipulated their algorithms to capture conservative opinions and conservative elected officials. They have been doing this for too long for it to just be a mere mistake. These are not unintended consequences.

Last week, President Trump signed an Executive order to bring some much

needed attention to the issue, and we thank him for that. As head of the Judiciary Committee's Tech Task Force, I look forward to working with the White House and the Justice Department to preserve free speech online for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

PROTESTS

Mr. LEAHY. Mr. President, we know that America is hurting. It is reeling from a deadly pandemic that has taken more than 100,000 lives and then from witnessing the broad daylight murder—murder—of yet another Black man by an officer of the law. It seethes with rage and sorrow about the racial injustices that still plague our society. America is suffering from unprecedented political divisions that are routinely worsened and deepened by a President whose every utterance only tears us further apart. In my decades in the U.S. Senate, I have never seen our country so in need of healing.

I was a prosecutor. So, when I first saw the video of George Floyd's murder—a human being who was pinned down by the neck, cried "I can't breathe," and desperately called out for his mother—I was shocked to my core. For millions of Americans and for me, that shock swiftly turned into anger.

How could a police officer, who has sworn an oath to protect and serve, so casually take a human being's life? Why did his fellow officers who witnessed the murder that we all witnessed on video stand there and do nothing to stop it? How could this happen in plain sight when multiple onlookers begged the officer to relent—stop his murderous conduct—as George fell unconscious?

I was left sickened and shaken.

I do not know and did not know George Floyd, but imagine if he were your neighbor or your friend. Imagine if George Floyd were your brother, your son, your husband, or your grandchild. Imagine if George Floyd simply looked like your loved one and shared the same skin color. Imagine the concern you would have for such a person who lived in constant fear of those who are responsible to protect us all. So it is no surprise that protests swept our Nation in the wake of this murder. Communities of color and all those who sympathize with them are fed up. They are sick and tired of the fact that African Americans are nearly 2½ times as likely as White Americans to be killed by police officers. No one of good conscience can sit idly by while African-American lives are treated with less worth. Our country long ago promised equal rights and equal justice.

Now protesters are aching for real accountability for officers of the law who engage in lawless violence. It is not simply justice for George Floyd; it is justice for Eric Garner, Michael Brown, Tamir Rice. The list goes on and on, which is why the protests go on and on.

Too often, people feel the police officers who take Black lives are treated like they are above the law. They feel the justice system has been fueled by a culture of impunity that shields the same officers who abuse the public's trust. Too often the accountability comes after incontrovertible evidence, such as a damning video, happens to surface and the public demands justice.

I can say, as one who served proudly in law enforcement and has served proudly in the Senate, ultimately accountability will require dismantling this culture of impunity, as well as ensuring that law enforcement agencies have training and policies in place to serve to rebuild trust in communities of color.

The protesters demand more from our justice system. They demand more from a nation that promises that nobody is above the law. Well, I stand with them, and Congress has to, too. None of us condone, and indeed I have strongly condemned, the looting and violence that has sadly taken place alongside the peaceful protests and the extremists and opportunists who have co-opted the peaceful process. They are not serving justice. They are not going to bring the change our country so badly needs.

My hero, a dear friend who has called me his brother, Representative JOHN LEWIS, said just a few days ago:

[L]ooting and burning is not the way.

Organize. Demonstrate. Sit-in. Stand-up. Vote. Be constructive, not destructive.

I hope everybody will listen to what Representative LEWIS said. I hope our fellow Americans will heed his wise words. I refuse to partake in efforts seeking to delegitimize all protesters and create even more distrust and division. Demonstrators demanding accountability are not thugs, as President Trump has called them. No one should threaten state-sanctioned violence against protesters, as this President and some of his allies have. I strongly oppose any efforts to invoke the Insurrection Act to unleash our military against these domestic demonstrations, as President Trump has absurdly threatened.

Our military is one of our Nation's most sacred institutions. It serves to safeguard our constitutional rights against enemies abroad. They should never be ordered to American streets as the battlefield, which would only incite further chaos and deprive Americans of their right to peacefully assemble. That is not the America we know and love. It is not the America I know and love.

Unfortunately, President Trump has proven that he is incapable or perhaps he is uninterested in healing and uniting our Nation. At every turn his instinct is to divide and escalate. During every crisis he manages to manufacture another of his own making. When Americans are in desperate need of a consoler in chief, a role that I have seen every past President play during my years in the Senate—every one of

those Presidents, Republican and Democrat alike—President Trump, instead of being consoler in chief, shows that he knows only how to be instigator in chief. He has revealed himself really to be a President of his country in name only. I never imagined I would say that of any American President of either party, certainly not of all the predecessors I have had the honor to know.

So we must instead look to ourselves and each other. How do we heal our country? At the local, State, and national levels, we must carry on the cause of criminal justice and police reform. We must push for systematic law enforcement reform. We must elect leaders who will prioritize racial justice and work tirelessly to achieve some measure of that. We must work to build bridges in communities so that we better empathize with the struggles faced by those who have been marginalized for decades on end.

On Monday, Terrence Floyd, George's brother, stood on the spot where his brother died. He made an emotional appeal to the hundreds of people watching and to the Nation. He pled for the protests to remain peaceful. He pled for those who believe they are marginalized and disenfranchised not to give up hope, that their voice matters, and he pled for justice.

His brother died because he needed a breath. His family now asks to take a breath for justice, a breath for peace, a breath for our country, and a breath for George. We should honor his memory by heeding their anguished advice.

There is so much to do. Congress must get to work. During my years in the Senate, I have seen America in crisis. But every time, without exception, I have seen America emerge a more just and stronger nation. The crises America faces today feel overwhelming, historic—some would say existential. But if we stay true to the values that define our Republic—equality, justice, the rule of law—I am hopeful we will make it through as a slightly more perfect union.

I weep for our country; I pray for our country; and I look for better days.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF MICHAEL PACK

Mr. MERKLEY. Mr. President, this week our majority leader is asking the Senate to vote on the nomination of Michael Pack to serve as Chief Executive of the U.S. Agency for Global Media.

Mr. Pack's nomination should trouble all of us in this Chamber. It raises the question of whether the U.S. Senate is committed to being the check and balance on the qualifications of those potentially vested with substantial responsibility into positions in our executive branch.

His nomination draws into question the challenge we have, the responsibility we have to ensure that only individuals of talent, experience, and of integrity serve America in the executive

branch. Hamilton commented on this in the Federalist Papers. He said:

To what purpose then require the co-operation of the Senate? I answer, that the necessity of [the Senate's] concurrence would have a powerful though, in general, silent operation. It would be an excellent check upon the spirit of favoritism in the President, and tend greatly to prevent the appointment of unfit characters.

Those words should resonate in this Chamber now. The individual who will come before us, Michael Pack, set up a nonprofit called Public Media Lab, or PML, apparently for the sole purpose to channel contracts to his for-profit operation known as Manifold Productions. Over a period exceeding a decade, he channeled \$4 million from the nonprofit to the for-profit. Not a single contract went anywhere else—no other contracts.

Utilizing a nonprofit to launder for-profit contracts, in the process of which providing tax subsidies to your customers and advantage over your competitors, raises both ethical and legal issues. The legal issues, including potential criminal conduct, have not been resolved. Mr. Pack is, at this moment, under investigation by the attorney general of the District of Columbia.

Mr. Pack, in tax filings to the IRS in 2011 through 2018, did not accurately disclose a relationship between his nonprofit and his for-profit. When he was asked if, in fact, there were common officers between the two, he answered no when the answer was clearly yes. He did not disclose that his for-profit benefited from the setup of the nonprofit.

Mr. Pack did admit to the Committee on Foreign Relations that he made oversights; that is the term he used—"oversights." But he has refused to correct his tax filings.

Mr. Pack, when he was renominated in 2020, inaccurately stated in the records to the committee that his tax returns were complete and accurate. He has refused to provide critical documents to the committee and, in that sense, to the Senate to examine these significant issues. He has refused to provide the agreements between PML and Manifold, his nonprofit and his for-profit, to examine the propriety of the relationship. He has said simply that those documents are confidential and proprietary.

But we should realize that serving in the executive branch is a privilege. We asked for information so that we can exercise our constitutional responsibility. When an individual confronted with substantial ethical and legal issues simply says "I will not provide them" and if the Senate committee says "That is OK," then we are failing in our constitutional responsibility to examine the qualifications of the individual. This is no light responsibility we bear in this Chamber. This is a very significant check and balance of the U.S. Constitution, which each and every one of us swore to uphold when we took our oath of office.

Mr. Pack, when he was president of the Claremont Institute, directed significant funds to his for-profit company for fundraising. His company is not a fundraising company; his company is a film company. So we have asked him to provide the details and documents related to that work to see if there was an inappropriate transfer of funds from a position of responsibility to the personal profit of Michael Pack. But Mr. Pack has refused to provide details. He has refused to provide documents related to that work.

In addition, he prematurely resigned from his role at the Claremont Institute, and it is shrouded in mystery. We do not know if the board found ethical issues. We do not know if they found criminal conduct because he has not responded to our request for documents related to his premature resignation.

Given the gravity of these issues, it makes sense, when he was renominated, that he would reappear before the committee to help clear up these concerns and these issues. Well, we have not had such a hearing.

To summarize, when an individual makes false statements to the IRS and refuses to correct them, when they make false statements to the committee, not in the first time before the committee but the second time before the committee, when they refuse to provide relevant documents to provide significant issues of ethical conduct or potential criminal conduct, when there is an active investigation into that potentially criminal conduct, then we should simply say to the President: Send us a different name.

This man may be well qualified, but he does not wish to provide the information necessary for the Senate to do its responsibility as a check and balance on potentially unfit individuals. To exercise advice and consent in accordance with responsibilities charged to us, we must insist on upholding the standards for records and documents and truthfulness to the committee. We must insist that outstanding investigations be completed when they involve potentially criminal conduct. We must insist that verifiably false statements be corrected. These are not high or exceptional standards; these are fundamental, basic, elementary responsibilities that we carry.

That is why I have written a resolution declaring that the Senate should not vote on a nominee who has made verifiably false statements to Congress or the executive branch and who refuses to correct those statements. Until those statements to both the Foreign Relations Committee and to the IRS are corrected, Michael Pack's nomination should be set aside. We should simply tell the President and exercise our responsibility, for which we have taken an oath of office, to send us someone else. This individual is not prepared to provide the information necessary for the Senate to proceed with his nomination. That is what we should be saying, and we should still be