

peaceful day of action in our Nation's history. From city to city, large and small, images poured in of massive crowds—a grassroots movement with handmade signs, colorful outfits, and Americans of every stripe.

Out in the crowds, you could see parents who were out to protest with kids on their shoulders, showing the next generation that this is how we make our voices heard in this country—loudly, proudly, and peacefully. You could see seniors out marching, determined to stand up for the rights they have cherished for decades and to stop this country from becoming something they no longer recognize. You could see young adults getting together with their friends, getting involved, and exercising their birthright as Americans to have a say in the future of this country.

It was an inspiring celebration of how we advocate for change in this country. Americans from every walk of life, in every stage of life, from every corner of our country, came together to speak with one voice and send one message: No Kings. That is about as fundamentally American as it gets.

Yet how did my colleagues across the aisle respond to these people, many of them their own constituents? Republicans spent weeks slandering peaceful protesters. They spent weeks saying this was a “hate America” rally. They actually said that repeatedly and proudly to the press.

Do you think those kids hate America, or those seniors? Do you think they hate America or that your constituents hate America?

That is disgraceful. Republicans who spouted those lies should apologize.

Let's not forget President Trump's response because it deserves to live in shame for all of history. The President of the United States responded to peaceful protesters across this country with a video of himself wearing a crown, driving a fighter jet, and bombing peaceful protesters with human waste. Are you kidding me? No one over there says anything about this? That is shameful.

Speaker JOHNSON said he thinks Trump is being an effective communicator. Really? What on Earth is effective about the President of the United States dropping waste on American families and seniors and our cities?

It was a vulgar, ugly, and fundamentally unstable display. It was in many ways a perfect mirror reflection of those peaceful protests because President Trump's response of showing himself donning a crown, soaring above the common people, and dropping waste on American cities and peaceful protesters is as fundamentally un-American as it gets.

So when are Republicans going to apologize for smearing peaceful protesters? When are they going to apologize for saying this weekend was a “hate America” rally? When are they going to apologize for all the rhetoric saying Democrats are terrorists? While

we are at it, tell us when they are going to criticize Trump's completely unhinged response. What is it going to take to tell President Trump he crossed a line?

Millions of people can peacefully—peacefully—protest, and Republican leaders will slander it for weeks as a “hate America” rally, but there is not a squeak of criticism for the President of the United States fantasizing about bombing people with feces.

Republicans may be determined to cover their ears when it comes to our families who are speaking out about this healthcare crisis, and they may be determined to cover their eyes when it comes to Trump's tweeting out unhinged, un-American, AI slop, but Democrats are not going to let them cover up the truth. We are not going to let them ignore this healthcare crisis, and we are going to continue to speak out and lift up the stories of our families in their States and in ours. We will remain at the table, ready to work on real solutions to end this shutdown and address this healthcare crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST—S. 2070

Mr. BLUMENTHAL. Mr. President, Americans are watching members of the military patrolling the streets of major cities in the United States of America. I never thought I would utter those words anywhere, let alone on the floor of the U.S. Senate—members of the military in our neighborhoods, on our streets, patrolling under authority.

What authority? That is the question. That authority has been challenged, and it will continue under challenge because the courts are continuing to decide whether Donald Trump has turned the National Guard into an illegal police force, in effect, to serve his political ends and personal whims.

But there is no question as to the fact that members of the military are in major cities despite clear and consistent objections from Governors, from mayors, from police chiefs, from community groups, from citizens across the United States, and, yes, from Members of the U.S. Senate.

Today, in DC, California, Oregon, and Illinois, these National Guardsmen are not only patrolling the streets, they are aiding and supporting ICE crackdowns—again, despite challenges to their legality. Now, three district courts in California, Oregon, and Illinois have said it is illegal. One court of appeals has allowed it to go partially forward, but there remains a court order stopping it in Illinois, and the litigation will go forward.

But here is the threat, the really dire and dangerous threat: President Trump has said that if those challenges prevail, he will invoke the Insurrection Act. He has said that if courts or Governors delay the deployment, he will invoke an act that is 217 years old, which was written after the Whiskey

Rebellion and the Battle of the Wabash, when local police simply didn't exist in most places or were overrun in those areas by the farmers who were objecting to Federal taxes. That original Insurrection Act was written at a time when police forces were limited and poorly equipped. The Insurrection Act provided for a Federal force when a genuine insurrection, rebellion, or armed violence was occurring beyond the control of local or State officials, and that is the point here.

The Founders found abhorrent the idea that there be a standing military force that could somehow act as a policing mechanism. In fact, they objected—many of them—to a standing army at all. But the concept of a military force defending the United States was that it be aimed at foreign adversaries and enemies. The threats from abroad were its target, not internal policing, not problems of law enforcement within the homeland.

That is precisely what President Trump is using the military now to do—a violation of the Constitution, of the spirit and purpose of the Insurrection Act, and the modern-day realities of law enforcement. Those realities are that police forces are the ones equipped and trained to contain the kinds of potential threats in cities or towns or States that purportedly Donald Trump wants to use the military to quell.

Well, the simple fact is, on the streets in those neighborhoods, there is no threat of violence that justifies these kinds of police state tactics. The court in Oregon specifically found that in the last weeks and couple of months, there has been no violence on any widespread scale. The same findings more or less have been done by courts in other jurisdictions. But even if there were, police forces there have state-of-the-art weapons, equipment, analysis tools, communication platforms, and training—all that is necessary to do the job of addressing the kind of threat or violence that President Trump seems to feel exists there. There was no such professional force, locally or statewide, when the Ninth Congress passed the original Insurrection Act.

Today, in the 119th Congress, the problems that law enforcement was designed to address simply are no longer commensurate with the dangers it is creating now. And I will note that I introduced the Insurrection Act of 2024 before the current administration took office. In fact, a Democrat was President at the time.

But after the President's decision to deploy Active-Duty marines along with the National Guard in Los Angeles, I reintroduced this legislation with my colleagues from California and 16 other States.

The danger of the President invoking the Insurrection Act is no longer hypothetical or abstract; it is real. It is happening now. The President shows no signs of stopping these deployments. They are becoming more widespread, not less. The President's threat to invoke the Insurrection Act is real. It

has to be taken as real. And I believe the courts will continue to rule against him and that he may well use the Insurrection Act as a weapon to expand his deployments and turn these cities and States into armed camps and police states. He will, in short, circumvent both Congress and the judicial system because of the current breadth and expansive powers under the Insurrection Act.

When it was written, there was no danger of abuse. Now, there is.

When 600 armed rebels attacked government troops during the Whiskey Rebellion, there was a need for Federal troops there. Nearly 1,000 Federal troops, in fact, died at the Battle of Wabash.

We are not seeing armed rebels organized to resist Federal taxes coming against local police. We are not seeing the troops in a pitched battle with organized rebels here in DC or in Portland or Chicago. What we are seeing are members of the military going through streets in armed vehicles, enabling ICE to crack down.

Now, let's be clear, this issue is unrelated to enforcement of our immigration laws. We can advocate strongly that immigration laws be vigorously pursued and prosecuted. It just shouldn't be done by the U.S. military. We have ICE to do it. And we can be critical of ICE for the kind of masked raids in unmarked cars that occurred just recently at an apartment building in Chicago, taking citizens as well as immigrants out of their apartment.

We are here because of the need to specify in the Insurrection Act when it can be invoked, and this measure that I have reintroduced would very simply create checks and balances and limit the Executive's authority to deploy troops domestically. It wouldn't interfere at all or relate to his use of troops abroad, outside the boundaries and borders of the United States.

It allows Congress to support the President's decision to extend the deployment through a joint resolution of approval, but it requires that he come to Congress for approval after a certain period of time. It requires the Attorney General to certify that alternatives are insufficient and for the Joint Chiefs of Staff to detail the size, the scope, and the expected duration of deployment and certify that the forces to be deployed can execute the mission.

And it provides for judicial review. It ensures that courts can prohibit flagrant abuse—not substituting their judgment for the President's but review whether there is a coverable basis for this kind of action. And finally, it clarifies that the original Insurrection Act does not allow the President to suspend habeas corpus and impose martial law or deputize private citizens.

The President should have that power to use our military to quell a genuine rebellion, organized and armed, creating violence that cannot be contained by local and State police. It should not enable him to deploy our

military willy-nilly because of his unbridled authority under the current law.

I have the utmost respect for our National Guard, our Connecticut National Guard. As I say, when you call out the National Guard, you call out America, and they should not be abused to police their fellow citizens, to act as local police in missions that they are not trained or equipped to handle.

I fear for the future of our National Guard and the future of our military if the President is emboldened or enabled to use them for partisan political purposes. He has already, I fear, damaged the credibility and trust in our military by deploying them in the way that he has done already.

Our National Guard is there when disaster strikes. They help to clear the roads and enable people to go back to their homes. I have seen them, in the wake of natural catastrophes, be lifesavers, literally, for the people of Connecticut and, I am sure, for others all around America.

They are vital to our defense when they are deployed abroad under the President's authority to use them abroad against our enemies, as they are now deployed from Connecticut and elsewhere all around the globe.

But we need to stem the tide of Executive overreach. We can protect our civil liberties, our communities, and our military by imposing these checks and balances in the Insurrection Act that I have submitted. It well serves the interests of our States—indeed, our States' rights—our military, and the traditions and ethos of our great National Guard and Active-Duty military, and it serves the American people in preserving rights and liberties that our Founders were zealous to protect.

And so, as if in legislative session, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 2070 and the Senate proceed to its immediate consideration; that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, it is an amazing picture to me to see our Democratic colleagues resisting restoration of law and order in these communities across our country, including in the Nation's Capital—here—where the Mayor, Mayor Bowser, has welcomed the deployment of National Guard to help keep the peace and support local law enforcement in enforcing the law.

I won't go through the statistics, but one I remember, in particular, after an episode of carjacking by juveniles who basically had impunity because they weren't prosecuted by the U.S. attorney here in the District of Columbia, the previous U.S. attorney—once President Trump deployed the National

Guard, those carjackings went down 87 percent—87 percent.

And as I drive through some of the areas of Washington, DC, like Barracks Row, over near the Marine barracks, or Lafayette Park, I see more people out enjoying the weather and the beautiful city that we happen to be in, unconcerned for their personal safety now that President Trump has taken this important, important step to deploy the National Guard.

Now, I would just point out to my colleague—he knows this—that the National Guard is organized under State authority ordinarily, under title 32 of the United States Code, but they can be federalized under title 10. And there is no question that President Trump, as Commander in Chief, has the authority to call up the National Guard to enforce Federal law and to protect Federal facilities.

Federal law applies to the entire Nation. It really is amazing to me to see our colleagues on the other side of the aisle employ some of the same arguments made by the pro-slavery States back before the Civil War—this doctrine of nullification is what it was called; it was sort of back in the heyday of States' rights—where the Federal law would apply to the Nation but southern legislators, Governors, and Members of Congress would say: Well, the State has a right to nullify Federal law.

Well, that obviously is a discarded theory that has no weight whatsoever. President Trump is well within his constitutional bounds to enforce the law—Federal law—in cities across the country. In fact, just yesterday, the Ninth Circuit panel authorized President Trump's deployment of the National Guard in Portland, staying the lower court's unlawful order.

It is mind-boggling to me to see now Senate Democrats, who have sworn an oath to uphold the Constitution like all of us have, opposing Federal efforts to intervene in cities to enforce Federal law and to protect Federal property, just as they have done here in Washington, DC. But the response has been dramatically different in cities like Portland or Chicago, led by Democratic mayors. Even though in Washington, DC, Mayor Bowser, I think, is not exactly a rock-ribbed conservative, but she understands the importance of law and order to a prospering city where everybody feels safe.

Last year, Portland was ranked in the top three largest cities in the country with the highest property crime rates, with nearly 1 incident for every 25 residents, a staggering amount. More than 5,000 car thefts were reported across the city of Portland. I can't imagine that any individual resident of Portland or any other crime-ridden city wouldn't welcome the opportunity to live in a safe environment.

I encourage the mayor of Portland and the mayors of other blue cities rife with violent crime to look to Mayor

Bowser as an example, here in DC, of how to work with the Federal Government to enforce the laws and make their cities safer.

As I indicated earlier, here in the District of Columbia, it is like day and night, compared to how it was under the previous administration.

Here are some statistics: Compared to 2024, homicides have declined 25 percent; robberies have gone down 35 percent; and overall violent crime has gone down by 28 percent. I already mentioned the reduction in carjackings.

So President Trump is making our cities and streets safer by enforcing Federal law, and I would hope our Democratic colleagues would not try to thwart those efforts, which will make our cities less safe.

There can be no legitimate argument that President Trump does not have this authority to enforce Federal law using Federal officials, and we know this has happened by our various States in the past. For example, during the 4 years of the Biden administration, where we essentially had open borders, Governor Abbott, the Texas Governor, ordered the National Guard and the department of public safety to back up the Border Patrol, who were overwhelmed by the open border policies of the Biden administration.

Now, they weren't actually doing police work, but they were taking a huge burden off of the Border Patrol that allowed them to do their job and to focus on securing the border. That is largely the role the National Guard is playing now. They are not doing police work. They are supporting local law enforcement, freeing them up so they can do their job to keep their communities safer, something I would think that we would all applaud.

Mr. President, I object to the unanimous consent request.

The PRESIDING OFFICER. The objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, before I turn to my distinguished colleague Senator WELCH from Vermont I have a few quick points in response.

First, I would note that my friend from Texas has not mentioned at all the Insurrection Act. My problem is not only with the use of the National Guard as a police force but, even more alarmingly, the potential use of virtually unchecked power under the Insurrection Act.

The measure that I seek unanimous consent on is the Insurrection Act that I have offered to provide limits on the President's power, if the court should tell him that he can't use the National Guard in the way that he has done, and he makes good on his threat to invoke the Insurrection Act.

Second point, the Senator from Texas and I have worked together on a number of measures. I am proud of the work that we have done. One area where we agree is that there ought to be law enforcement rigorously and vig-

orously to stop crime, to deter it, to punish it, and to make sure that our neighborhoods and streets are safer.

In fact, he and I both served as attorneys general of our States, and we are both on the Judiciary Committee.

The question here is, really, fighting crime and how best to do it. My feeling is that the best way to fight crime—local and State offenses—is to bolster local and State police forces, not to cut them and the resources supporting them, as President Trump has done.

He has, in effect, cut the Byrne grants from the Department of Justice. He has stopped training programs. He has reduced the provisions and programs for equipment.

So the restrictions that are imposed on resources going to the Federal Government for local and State police were contrary to the goals of fighting crime.

Using the National Guard as a substitute for local and State police is not only contrary to law. It is also contradictory to the practical demands of policing, which require a different kind of equipment and training than our National Guard have.

Local and State police ought to be supported as enthusiastically and fully as we can do, and not, in effect, use the National Guard as a quick fix.

They won't stay in the District of Columbia for months or years. They are here very temporarily. And if they have accomplished a reduction in crime, the same could have been done by simply providing more resources, more cops on the streets with the equipment that they need to accomplish the same thing.

We are not talking about securing our borders. We are not talking about nullification of Federal law. We are talking about overreach and possible overuse, contrary to the spirit of our Federal system of a National Guard force that should be fighting our adversaries abroad or taking care of natural disasters or catastrophes, not employed as local police, which they are not equipped or trained to do as readily as civilian police.

With that, I will turn to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. WELCH. Mr. President, I thank my colleague from Connecticut, and I support his effort to put constraints and definition on the Insurrection Act.

Here is what is going on. Essentially, this President, from day one, has been overreaching the use of Executive authority and declarations of emergencies. And it is everything from tariffs, where article I gives the Congress authority to pass those or to invoke those, not the President, and now to the use of the Guard as a private police force. And it basically serves the will of the President and for political purposes.

It is extraordinary, in our country, to have the National Guard deployed. It is even more extraordinary to have the military deployed. There are certain

circumstances where that can be done, but not at the whim of an Executive who does it for political reasons.

You know, the bottom line here is that the law enforcement responsibilities that are incredibly important for local policing are managed locally, and where you have a President sitting back in the Executive Office, deciding he wants to go to Portland, he wants to go to Los Angeles, he wants to go to Chicago, he wants to go to Baltimore; and then where there is a review by the courts, and they categorically reject what he is presenting as a factual basis to allow him to act; and when there is a rejection, his main adviser, Stephen Miller, calls the judge's ruling legal insurrection.

What you are seeing is an act of political will for a political purpose, not for a public safety purpose—an abuse of this claim of emergency authority of the President.

You know, a couple of things: Trump's decision to federalize the California National Guard was ostensibly to quell a rebellion and ensure that Federal immigration law was enforced. The judge there reviewed the evidence—not the political statements of the President and the White House—and found that there was no rebellion, nor was civilian law enforcement unable to respond to the protests and enforce the law. And the judge rejected what he called a “top-down, systemic effort . . . to use military troops to execute various sectors of federal law.”

That is the job of local law enforcement and local Federal authorities in law enforcement, and to suggest that the concern the Senator has about giving some definition to the Insurrection Act has anything to do with our views on crime, which we are all in favor of reducing—and you, as an attorney general, the senior Senator from Connecticut, did an incredible job on that. Criminals did not like you at all.

So what we have is a situation where, if we are going to level with the American people, you have got a President who is using the authority of his office, his power, to basically make political decisions and then target blue States and do it for his own personal, political reasons, as opposed to public safety reasons.

You know, in Portland, the judge who reviewed that case concluded that the President had violated the 10th Amendment, which protects States' rights.

By the way, that is not nullification. That is rights that States have, which does not include nullifying any valid Federal law.

And the judge concluded with this:

This country has a longstanding and foundational tradition of resistance to government overreach, especially in the form of military intrusion into civil affairs. This historical tradition boils down to a very simple proposition: This is a nation of constitutional law, not martial law.

Now, you know we saw that video that the White House put out with the

President wearing a crown and “King Trump”; and he is flying a military jet, and he is dumping stuff on the American people who are protesting. The bottom line is there is some reality to that displaying what the attitude of this President is: The King is the law. That is what the President, fundamentally, is saying.

The Constitution is the law, and that is what we are saying.

Make no mistake, there is no limit to what this President will do. He starts in L.A. and goes to Portland. He wants to go to Baltimore. And then, for the purpose of putting down what he claims is lawless behavior, but upon review of local judges who have the evidence, they find that it is nothing out of the ordinary that the local jurisdiction and law enforcement forces can't handle.

What is next? Will we see the military deployed to cities where the President does not like the outcome of the vote in the next election? That is a fair question. That is a fair question.

So the importance of the Senator's bill is that this Congress act to set definitions on what so-called emergencies are and not leave it up to an Executive who has demonstrated repeatedly that he will overreach—that he will overreach.

He has, and he will.

So I join in the effort to present this legislation on the floor and allow us to debate it and to pass it.

With that, I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Vermont for being here. We will be followed by others who have not yet come to the floor. I expect them momentarily. I want to thank my colleague from Vermont for being here today and for his very powerful remarks.

Despite the objection, we are committed to pursue this issue, to seek a change in the law that will assure Americans that our military is used properly for the purpose that the Founders and all of us want them to do.

I am pleased to be followed now by my colleague from California Senator SCHIFF.

The PRESIDING OFFICER (Mr. CURTIS). The Senator from California.

Mr. SCHIFF. Mr. President, I thank Senator BLUMENTHAL for leading this special order opportunity on the Senate floor, on such a vital issue, at such an important time.

I stand in this well in support of my colleague's request as the Senator representing both the State first impacted by the President's abuse of our military and one against which he has threatened further action and deployment.

So here we are. The President deploys thousands of members of the California National Guard on the streets of Los Angeles, against the

wishes of the mayor and Governor. Here we are. The President tells the Marines—those who have trained to land on beachheads and be the tip of the spear—that their next mission will be Los Angeles.

These might sound like hypothetical scenarios or the futuristic plot of some film, but this is what actually happened.

And the President did not stop there. From Los Angeles, he turned to our Nation's Capital. He put the National Guard on corner after corner and even called on them to, well, pick up trash—because this has never been about crime or quelling some kind of rebellion or insurrection for the President who refused to act when our Capitol was under actual insurrection on January 6. This has never been about public safety. It has been about control. It has been about crushing dissent. It has been about using our troops as political pawns to show anyone in any city in America that the President is not to be crossed.

But such deployments of our service-members are dangerous. They are destructive, and they are illegal.

We are grateful to our National Guard to lend a hand in times of natural disasters like fires and floods—and we have all too much experience of both in California. But it is plainly not permitted under the law to use the Armed Forces to assist the President in some ambiguous campaign of fear or domestic policing or indiscriminate immigration raids.

That is not the purpose of the military. That is not the function of the military. That is not a lawful use of the military.

Courts around the country have recognized the lawless nature of these deployments and the false representations made to justify them or try to, as one judge in Portland observed that the administration claims are “untethered to facts.”

Because the legal justification for these deployments has been found legally wanting, the President and his administration, including the chief architect of this campaign of suppression, Stephen Miller, have dusted off and may be prepared to deploy a different archaic law to form an even more dangerous and expansive legal basis for these deployments, and that is the Insurrection Act.

The Insurrection Act was originally enacted in 1792 during a very different era, when our Republic was in its infancy. It was intended to provide the President, in only the rarest and most extreme circumstances, with the ability to federalize our military to respond to and “suppress” a “rebellion” or “insurrection” against the authority of the United States. It was not enacted to empower the President to deploy the military to pick up trash or to engage in domestic policing or do things that local police or law enforcement could do on their own—no. It was enacted to suppress a rebellion against

the government or an insurrection against the government. The law was, in fact, intended by Congress as an exception to another law—the Posse Comitatus law—that otherwise forbids the military from undertaking domestic law enforcement.

The Insurrection Act, therefore, must be understood as an authority that Congress enacted at the outset of our Republic for a President to use only in the narrowest and most exceptional and extreme of circumstances where all other means of protecting our country and enforcing our laws have been exhausted. That is clearly not the case here.

The history and purpose of this law is clear and should not be abused by any President. It should only apply to cases of demonstrable insurrection or rebellion against the United States and where all other means of protecting Americans and enforcing our laws simply do not exist.

Now, let's look at the plain facts of the matter. There is no rebellion or insurrection—not in Los Angeles, not in Portland, not in Chicago, not in San Francisco, not in Washington, DC, nowhere to be found.

So what is really going on here? Well, I think the President admitted it very plainly when he spoke to generals and admirals last month at the Pentagon when he spoke of an “invasion from within.” And he spoke of his real goal, which was that “we should use some of these dangerous cities as training grounds for our military.” But our cities are not military training grounds, and there is no way to assert an insurrection like the Shay's Rebellion or the Whiskey Rebellion that had occurred shortly before the Insurrection Act was passed in the 1790s to justify today the unjustifiable. There is no disorder in this country that cannot be dispersed by State and local law enforcement.

But despite the clear letter of the law not being met here, the President continues to flirt with invoking the Insurrection Act anyway because the President's goal here is not to prevent disorder but to create it; not to quell unrest but to provoke it; to enlist the Nation's military in a civil dispute against his perceived enemies, against community organizers, against American cities, against clergymen, against those who fight to uphold the checks and balances in our Constitution, against a free and fair press, against journalists, against our courts, against anyone who dares to raise their voice against him.

It is no accident that this President and his administration have deliberately tried to paint all of his opposition—political opposition, everyday citizens out protesting on No Kings Day—he would paint them all—all who stand up for our Constitution and our rights as Americans—he would paint them all as some kind of terrorists or extremists. That is the language we hear from the White House, and that is the language we hear from authoritarians who use it to justify using the

awesome power of the state, including its military, against its real or perceived domestic opponents.

We should not take this President's threats idly. We should make clear, as Senator BLUMENTHAL would do with his legislation, that the President's flirtations with this law are not within his powers; that the military is not his to deploy for pageantry, political theater, vengeance, or intimidation.

In the President's words, he calls this law "unquestioned power," and that is really what the President is after—unquestioned power. Does that sound like a President who believes in a system of checks and balances? Does that sound like a President who believes in democracy? Or does that sound like a President who wants to be a King and will use any law, archaic or otherwise, as a pretext? Because the use of this law could forever erase the line between an apolitical military and the political whims of the Oval Office.

Now, Donald Trump has repeatedly sought to pit State against State and deploy the Guard from one State against another State, and this not only tears at the social cohesion of our Nation but also undermines our military, which has the broad trust of our people, and squanders that trust.

When you consider the sacrifices that are made by men and women in uniform, to squander that sacrifice by deploying the military against our own citizens, to take them away from the focus of their job, the mission of their job, which is to protect our country from foreign enemies and adversaries, it is not only dangerous to our people but also disastrous to the military.

I say to my colleagues here: Even if your city is not Chicago, like Senator DURBIN's, or your State is not Connecticut, like Senator BLUMENTHAL's, or your State is not California or Oregon and may not be on the tip of the President's tongue now, there is nothing that will protect you when he turns against your State next—not if you don't stand up now. This slippery slope only gets steeper.

The voice of dissent must get louder. We must stand now, before the troops are quartered in every city, pulling your community's families out, hogtying the children in your cities in front of their parents; before Black Hawk helicopters are landing on your roofs; before your citizens are being asked for their papers and paying fines just to go about their lives.

Now is the time to speak louder. Now is the time to insist on adherence to the law. Now is the time to push back against even greater abuses of the law like we would see with invocation of the Insurrection Act.

I thank my colleague for leading this debate.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Mr. President, let me first thank Senator BLUMENTHAL for bringing us together on the floor this

afternoon and also Senator SCHIFF for his excellent statement on this issue, which is so timely and important.

I speak to this issue in the usual, personal position. My State, my home State of Illinois—the State that I am elected to represent in the Senate, a State that I love—is under siege by this administration. If you think I am exaggerating, imagine, if you will, for a moment a President who has decided to declare that your town, your State is somehow on his list to face punitive action by the delegation of military force. That is what is happening in Illinois. That is what is happening in Chicago.

This last Saturday, we had the No Kings rallies across the United States. Millions of Americans took the time to peacefully protest this administration's policies.

In Chicago, I cannot tell you the number of people in the crowd because no one is sure. I am sure it was over 100,000. My wife and I looked at that sea of people at the Petrillo band shell in Grant Park and thought, how many people could possibly be here? They were there, and they marched peacefully, nonviolently, to really use their constitutional rights to express themselves.

The President has designated Chicago as uninhabitable, unlivable, violent. It is just a fraud and a lie. It is not true. Does Chicago have its problems? You bet it does. So does a city in the State of California or Connecticut or even Utah. Each of our cities has its challenges. There will always be someone who will break the law and disappoint you. But to argue that the city is dangerous and needs to be occupied by National Guard troops from Illinois and the State of Texas is completely, completely wrong.

I recall that the President was right in one respect. Two weeks ago, there were people running through the streets of Chicago—53,000 of them, as a matter of fact, in the Chicago Marathon and thousands of others who came there to witness and cheer them on. It was a beautiful scene on a Sunday morning and afternoon in the city of Chicago, and it certainly didn't tell the story that President Trump and others are trying to tell about the city.

Just last week, President Trump called the Insurrection Act "the strongest power a President has." President Trump is known for exaggerating, but this time, he wasn't. In his hands—the hands of a man who wants to be King, who nearly every day undermines checks and balances in the Constitution—the Insurrection Act as it stands today would serve as another tool for dangerous Executive overreach.

Since its enactment in the 1800s, Presidents of both parties have relied on the Insurrection Act selectively, and, as we have discovered over time, the law is dangerously outdated, vague, and vulnerable to abuse if wielded by a President who refuses to act in good faith.

President Trump talks frequently about the so-called enemy within in the United States. He has no qualms about spreading baseless lies about a rebellion or an emergency in American cities to justify his abuse of power. Whether it is unleashing Federal agents to detain people based on the color of their skin in Chicago or improperly deploying marines for civil law enforcement in Los Angeles, you see example after example.

The Founders of this Nation designed the Constitution to protect generations of Americans from abuses unfolding before our eyes today. To prevent Presidents from using the military as a weapon of tyranny, the Framers of the Constitution constrained the role of the military in civilian affairs, gave Congress control over when the military may be deployed, and barred the Federal Government from usurping State powers.

While the Insurrection Act gives the President greater authority to deploy the military within the United States, it was never meant to be used for the purpose President Trump is proposing.

Congress must act to update this law to ensure it can only be used to safeguard the Nation, and I want to commend Senator BLUMENTHAL for taking steps with legislation he has introduced along those lines.

If you don't agree with me, listen to what Jack Goldsmith, Assistant Attorney General for the Office of Legal Counsel under President Bush, wrote in the New York Times with Bob Bauer just this last Monday. He wrote:

The Insurrection Act was written for a different century and a different conception of the presidency and presidential self-restraint.

Listen to what experts at the libertarian think tank CATO said:

The sweeping language of the Act makes it a potentially decisive and lethal tool in the hands of an authoritarian chief executive.

Earlier this month, the Republican Governor of Oklahoma criticized the deployment of Texas Guard troops to Illinois as a violation of "States' rights." He went on to say further—to rightly call out the hypocrisy of his own Republican Party. Imagine the outrage, this Governor of Oklahoma said, if Governor "Pritzker in Illinois sent troops down to Oklahoma during the Biden administration."

I can imagine it, and you can too.

Republican Senators who are quiet about the President's misuse of his office and misuse of power would not be quiet if their own State and their own towns were at stake in this debate.

The reform bill my colleague from Connecticut has introduced preserves Presidential discretion to respond to genuine crisis while ensuring accountability and oversight and reducing the risk of abuse.

I don't exaggerate when I tell you that, having spent my life in government service, I am more worried now than I have ever been about the fate of this Republic. But I see the possibility

of the use of the Insurrection Act by this President. I worry that our democracy will struggle to survive.

I believe so dearly in this country that I have taken an oath willingly and happily to uphold its Constitution. I have turned to military leaders under President's Trump first term that I respected, like General Milley, and asked him basic questions such as: Given a choice, are you going to take your orders from the Commander in Chief or from the Constitution?

He said: Always the Constitution.

We have a lot at stake now in this national debate. It is about a lot more than who gets the morning headline and who wins the next election. What is at stake is the future of our democracy, and this Insurrection Act can be misused by this President in ways unimaginable. We have seen evidence of it already in my State of Illinois and the city of Chicago.

I thank the Senator from Connecticut for leading us in this conversation that must continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I rise today and join my colleagues in support of Senator BLUMENTHAL's bill to curtail the President's authority under the Insurrection Act. This legislation is critical, given President Trump's blatant disregard of our democratic values and the rule of law.

He has deployed National Guard troops throughout the United States over the objections of Governors, mayors, and the local communities. These deployments are intended to incite fear and distract from Republican attacks on healthcare, social services, and the release of the Epstein files.

Trump isn't keeping anyone safe. He is sowing chaos in our communities, not to mention fear. His plan could not be more clear: He wants to manufacture a confrontation. I fear his next step is to invoke the Insurrection Act, a law that was passed over 217 years ago.

This extreme action would allow Active-Duty troops to take the place of local law enforcement. Under the Insurrection Act, our military could execute search warrants and arrest American citizens.

We cannot allow this violation of civil liberties to happen over a crisis of President Trump's own making.

I support this legislation because it adds important checks on the President's power under the Insurrection Act. It would first require common-sense congressional approval; two, protect habeas corpus; and, three, provide a clear avenue for judicial review to ensure Americans' liberty and our safety are protected.

Now is not the time for the military to be distracted with domestic policing and President Trump's political agenda. Our troops are not trained or equipped to replace local law enforcement. Given the national security chal-

lenges that we face around the globe, our military's focus must be on their own readiness to do the mission that they are constituted to do.

But, instead, from the Department of Justice to the military, we have a President who is politicizing traditionally nonpartisan Agencies for his own political agenda. What could be more chaotic than that?

This bill is an opportunity for Congress to finally step in and check President Trump's abuse of power.

I yield the floor.

NOMINATION OF ANNE-LEIGH GAYLORD MOE

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Anne-Leigh Gaylord Moe to the U.S. District Court for the Middle District of Florida.

Judge Moe is another example of President Trump's focus on nominating jurists who rule in favor in big business and conservative special interests, instead of serving as a neutral arbiter on the bench.

In a case involving a Florida law that makes it harder for plaintiffs to prove the amount of damages in a personal injury or wrongful death action, Judge Moe ruled in favor of defendants who sought to apply this law retroactively, despite the clear language of the law stating otherwise.

Her explanation for why she ignored the clear language of the statute strains credulity.

Republicans also claimed that Biden nominees who did not pass the Kennedy bar exam were not fit to serve on the Federal bench.

When asked where the Privileges and Immunities Clause is in the Constitution, Judge Moe could not correctly answer the question, nor could she answer what the Privileges and Immunities Clause does. And when asked about the Privileges or Immunities Clause, she similarly could not recall which amendment it is in, nor could she explain what it does.

As I have said many times before, there cannot be one standard for Democrats and one for Republicans. While the Kennedy bar exam is daunting for many nominees, if failing to answer questions for Biden nominees is disqualifying, the same should be said for Trump nominees.

I will oppose Judge Moe's nomination. I urge my colleagues to do the same.

VOTE ON MOE NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Moe nomination?

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 580 Ex.]

YEAS—53

Banks	Graham	Moreno
Barrasso	Grassley	Mullin
Blackburn	Hagerty	Murkowski
Boozman	Hawley	Paul
Britt	Hoeven	Ricketts
Budd	Husted	Risch
Capito	Hyde-Smith	Rounds
Cassidy	Johnson	Schmitt
Collins	Justice	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Sheehy
Cramer	Lee	Sullivan
Crapo	Lummis	Thune
Cruz	Marshall	Tillis
Curtis	McConnell	Tuberville
Daines	McCormick	Wicker
Ernst	Moody	Young
Fischer	Moran	

NAYS—46

Alsobrooks	Hirono	Sanders
Baldwin	Kaine	Schatz
Bennet	Kelly	Schiff
Blumenthal	Kim	Schumer
Blunt Rochester	King	Shaheen
Booker	Klobuchar	Slotkin
Cantwell	Lujan	Smith
Coons	Markey	Van Hollen
Cortez Masto	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallago	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	
Hickenlooper	Rosen	

NOT VOTING—1

Duckworth

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority leader.

ORDER OF BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture motions filed on Monday, October 20, ripen at time to be determined by the majority leader, in consultation with the Democratic leader, on Wednesday, October 22.

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

LEGISLATIVE SESSION

Mr. THUNE. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

MOTION TO WITHDRAW

Mr. THUNE. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has the right. The motion is withdrawn.

SHUTDOWN FAIRNESS ACT—Motion to Proceed

Mr. THUNE. Mr. President, I move to proceed to Calendar No. 191, S. 3012.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows: