

“(D) A port of entry on the international land border between the United States and Canada.”; and

(B) in paragraph (2)(A)(ii), by inserting “or land port of entry” after “international bridge”;

(2) in subsection (b), by inserting “or land port of entry” after “international bridge”;

(3) in subsection (c)(2), by inserting “or land port of entry” after “international bridge”; and

(4) in subsection (f), by inserting “or land port of entry” after “international bridge” each place it appears.

SEC. 5562. UPDATING COUNTERTERRORISM REPORTS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) is amended by striking “April 30” and inserting “October 31”.

The PRESIDING OFFICER. The Senator from Oregon.

TRUMP ADMINISTRATION

Mr. MERKLEY. Mr. President, I have come to the Senate floor tonight to ring the alarm bells. We are in the most perilous moment, the biggest threat to our Republic since the Civil War. President Trump is shredding our Constitution.

Is it OK for masked Federal agents to arrest people off the streets because of their skin color or their accent? No way, not in a free America.

OK for the government to cancel research grants to compel universities as to what they can teach? No way, not in a free America.

OK to use power over broadcast licenses or power over mergers to compel television networks as to what they can put on the air? Not in free America.

OK to weaponize the Department of Justice to go after perceived political opponents—James Comey; Letitia James; ADAM SCHIFF, a Member of the Senate?

Hell no, absolutely not.

You know, we have a theory of justice here in our Nation that is symbolized by those words above the pillars of the Supreme Court, carved into the facade.

You walk out these doors to the right and keep going. You are standing on the steps that lead up to the Senate. You are staring straight out at the front of the Supreme Court, and there, carved above those pillars, it says “Equal Justice Under Law.”

“Equal justice under law”—that is the vision here in America, not unequal injustice, which is what the President is pursuing by taking the power of the government and going after individuals that he does not like or perceives to be political opponents.

That is what you read about in authoritarian governments far away, and you go: That will never happen in the United States of America.

But it is happening right here, right now—unequal injustice.

And then we have government by gaslighting. President Trump wants us to believe that Portland, OR—in my home State—is full of chaos and riots, because if he can say to the American people that there are riots, he can say there is a rebellion. And if there is a rebellion, he can use that to strengthen his authoritarian grip on our Nation, pretend there are riots, or even try to provoke violence and tighten his authoritarian grip.

Well, Portlanders have responded in a very interesting way. They are not taking the bait. They are demonstrating with joy and whimsy. You may well have seen some of the videos: a wedding held in the street, a joyful wedding outside the ICE building; a group of frogs, a squad of frogs in inflated suits; the Unipiper on his unicycle with his bagpipes—all of this going on, including things like Puppies for Peace or “Keep your paws”—your puppy paws—“off Portland”—“Keep your paws off Portland.” Or maybe you saw the women coming down and holding a pajamas-and-pastries party in the morning—Portland demonstrating with joy and whimsy because they want to make it clear to the world that what Trump is saying about there being violent protests or a rebellion in Portland is just not true.

I must say I was particularly struck by something that happened about a week ago. The Federal agents—assume members of the Federal Protective Service—came out of the ICE building and asked the protestors to back up. They wanted to move them several blocks away. I gathered from the reports from Oregon Public Broadcasting that they moved them about 300 yards, about three blocks. And then they lined up. By “they,” I mean the Federal agents across the street.

There had been no conflict between the protestors, nothing thrown, no violence, no fight to break up. The Federal agents lined up and, on orders, they prepared an assault on the protestors. And they did so because they had standing behind them professional videographers.

So on command, they threw down flash-bangs, which sound like gunfire. On command, they put down tear gas, creating clouds of smoke. On command, they fired pepper balls, and they taped the whole thing to try to pretend that they were dispelling a riot.

This is the first time I know of, in the history of the United States of America, that agents of the Federal Government staged a fake riot in order to try to compel the courts—compel the courts—to say: Yes, you can federalize the National Guard because there is a rebellion there in that city.

Wow. That should disturb every single Member of this Senate. It should disturb every single Member of the House of Representatives down this hallway that is back here to my right.

But even with that kind of provocation, Portlanders are saying: We will

not take the bait. We are demonstrating with joy and whimsy, frogs and dinosaurs dancing. You couldn’t find a much happier place in the country than the area near the ICE building in Portland.

In addition to sending Federal agents to harass protesters, Trump has attempted to federalize the Oregon National Guard, and so when he attempted to do so, a suit was filed saying: Wait, there is a law that controls that. And that law says that you can only federalize the National Guard if there is a rebellion or if there is an invasion.

Now, when these laws were written by our predecessors in this Chamber and in the House of Representatives down the long hallway, they knew what an invasion looked like. It looked like a foreign country with ships or troops ready to assault the United States of America. They were here on our border; they were ready to attack; and federalizing the National Guard was a tool that former legislators said would be available with a foreign invasion.

Well, clearly, nothing close to anything that could be conceived like that is happening in the State of Oregon or in the State of California or in the State of Illinois. The second principle for federalizing the National Guard is called rebellion. And at the time that the authors—the legislative authors—of that did that, what they had in mind was a significant group, not a couple of individuals but a group, well-organized. How can you do a rebellion if you are not well-organized, well-armed, with a mission—a mission of overthrowing the government. That is what a rebellion is.

So among the inflated costumes and the women doing their pajamas and pastries and the wedding and the Unipiper on the unicycle, where do you find a large, organized, armed group with a mission of overthrowing the government? Not to be found.

So the district court issued a ruling and said: The presentation of facts by the government is “untethered to the facts.” Untethered. There is nothing resembling what the Federal Government has described.

So not only did Trump and his team stage a fake riot, they also submitted fake facts about the disturbances outside the ICE building. And so the judge issued what is called a temporary restraining order. And, essentially, that would give the judge the time to take further testimony and carefully consider the circumstances before issuing a longer restraining order, a more permanent restraining order on the effort to federalize.

And then President Trump and his bank of geniuses said: Well, if we can’t federalize the Oregon National Guard,

we are going to send the agents from California and Texas who have already been federalized. Well, again, you can only use them if there is a rebellion or if there is an invasion. And if there is no rebellion or invasion to justify federalizing the Oregon National Guard, then there is none to justify outsiders coming, so she issued a second temporary restraining order.

Where we are at now is that a whole lot of court action is happening at a whole lot of levels. First of all is she has to decide whether or not to dissolve those two temporary restraining orders in the light of early action by the Ninth Circuit panel of three judges.

Those findings of the three judges are now being submitted with a request for a panel of 12 judges—a larger group—and this is a larger group of judges than the Ninth Circuit. This is a common practice when there is a very significant issue.

I would say, colleagues, that when we are talking about deploying the U.S. military against peaceful protesters, that is a very big issue indeed. And so I hope that the Ninth Circuit will have a much broader consideration. So that is potential action.

And then we have decisions from the Seventh Circuit in Illinois, and they have found, much like the district judge found, that there was not a rebellion or an invasion, but that decision is being appealed to the Supreme Court. And the Supreme Court has an extraordinary level, really unmatched in the history of our country—they have been issuing preliminary findings on what they call the shadow docket; meaning, they haven't heard full arguments before the Court, but they make an initial ruling. And they may make an initial ruling this week.

They may make an initial ruling to support the Seventh Circuit, which said that you cannot send in the troops to Chicago, or they may go the opposite direction. They may copy what two of the three judges said in the district court and the Ninth Circuit. And to sum it up, that opinion is profoundly troubling because what they basically said is, there may be nothing going on there now, but let's look back 3 months ago when a couple dozen people were arrested. Well, that is significant, a couple dozen people a few months ago, so maybe that shows there is a rebellion.

And, of course, those were kind of the host of interactions that the Portland police found well within their ability to handle, so certainly no justification and certainly not a well-organized, armed rebellion trying to overthrow the government.

They also said: Well, let's use a less challenging definition of "rebellion." So they wanted to adjust what the word "rebellion" means. Well, words in the law have meaning, and when judges start to say: Well, we don't really want to use that meaning, we will use some other meaning to try and justify what Trump is doing, that is troubling.

But the third thing that they said was there should be high deference to the President of the United States. Now, on national security issues, it is a tradition for us to give considerable deference to the President. In fact, there is at least one law I know of that says it right in the law that the judgment and evaluation will be based on the opinion of the President. It is written into the law—but not on title 10 that governs the federalization, the federalization of the National Guard. Not there. No, it sets a standard, a standard for a rebellion or an invasion. And when there is a standard, it is the role of the court to determine whether the facts fit the standard. Otherwise, the standard is meaningless.

If you want to throw open the barn doors as wide as they could possibly be flung to send the military after peaceful protesters in the United States of America, then say it is just up to the President, regardless of the facts on the ground. A regardless-of-the-facts opinion, in my estimation, is untethered to the Constitution, untethered to the long tradition in America of understanding what freedom is; that assembly is a fundamental freedom for citizens of the United States of America; that the ability to protest and exercise your free speech is a fundamental freedom, a freedom that cannot be legitimately squashed under our Constitution because a President of the United States is untethered to the facts and wants to develop the authoritarian power to send the military after civilians.

This is an incredible threat to our Nation, to the entire vision of our Constitution, to the entire platform on which our freedom exists. So I am ringing the alarm bells tonight about this risk.

If you remove a clear standard as to whether there is a rebellion and just say a President can deploy the military on a whim, in places he doesn't like against peaceful protesters to distract Americans or to exercise a suppression of dissent, then you have flung the doors open to tyranny, to a strongman state, to authoritarian rule, and I don't believe there is a single Senator here in the U.S. Senate who wants to see freedom crushed and authoritarian rule established here in the United States of America.

Our Founders did not want the President to be a King. A King can decide on a whim to deploy troops against his own people; Presidents cannot.

During the debate at the Constitutional Convention in 1787, James Madison warned the following:

A standing military force, with an overgrown Executive will not long be safe companions to liberty.

Our Founders were terrified that a President would employ a standing military against its citizens, and they would lose the entire vision of our Constitution. It would slide into being an authoritarian state if that were permitted.

That is why I am ringing the alarm bells because what is going on right at this moment is the President of the United States is an overgrown Executive. That is an Executive seeking authoritarian power. And as Madison said, if such an Executive starts using a standing military force, not long will we have our liberty.

He noted in further commentary:

The means of defense against foreign danger—

That is standing armies providing defense against foreign danger—

have always been instruments of tyranny at home.

That is why our Founders were afraid of having a standing army. That is why we have the Posse Comitatus law, which says you can't deploy the military against civilians in the United States.

That is why we have title 10 that says you can only federalize Federal forces, National Guard, if there is a rebellion or an invasion. Trump's plan is to replace government "by and for the people" with government "by and for the powerful."

We saw it on day one when he was sworn in to being President of the United States, and because of the weather, the swearing in was moved into the Rotunda, down this hallway, halfway between this Senate Chamber and the House Chamber.

I was sitting a couple rows back, not very far from the President, and as the events commenced, I thought: How interesting. He campaigned on helping families, and we know what the foundations for families are. The foundations for families are healthcare and affordable, quality housing—a decent home in a decent community—an education, and good-paying jobs. Those are the foundations for a family to thrive.

But as I looked at the President of the United States and the row of people right behind him, I didn't see any champions for housing; I didn't see any champions for healthcare; I didn't see any champions for education. But I will tell you what I did see. I saw a row of billionaires. Mark Zuckerberg was standing there, Jeff Bezos was standing there, and Elon Musk was standing there. It was Trump telling us right then: This is what I am about—government by and for the rich and powerful; government by and for the billionaires.

If you had any doubt about where things were headed at that moment, all you had to do was wait for team Trump to work with the Members of the majority in the House and the Members of the majority here in the Senate to craft their main bill. Trump called it his Big Beautiful Bill; many of us called it the "Big Ugly Betrayal."

Why would we call it a betrayal? Betrayal because Trump campaigned on saying he was going to help family, but this bill was all about helping the billionaires—the megamillionaires and billionaires across America.

The vision of that bill—the big, ugly betrayal of America bill—was families

lose, billionaires win. That should tell you that we are now under an authoritarian direction because in a republic where there is government by and for the people, that is not the vision. It is not a vision of families lose, billionaires win. That is not what government by and for the people would produce. Government by and for the people would produce a different vision: Families thrive, and the affluent—the megamillionaires, the billionaires—pay their fair share. Families thrive, and billionaires pay their fair share. That is a vision. Had that been in the bill, I wouldn't be standing here tonight ringing the alarm bells that we are in an authoritarian takeover of our Nation.

In this bill was an attack on healthcare like none we have ever seen.

Now, if we wind the clock back to 2009, 2010, when I first came to the Senate, there was an effort to create, well, repairs to a healthcare system in order to have basically everyone in the country have access to insurance, and so we undertook a couple of efforts.

One was to increase the folks eligible under standard Medicaid to be able to get healthcare coverage. Often, adults, veterans, and people with disabilities had not been eligible; we made them eligible.

The second thing is, we said that the number of folks covered is still too low of poverty level because the folks right above them are never going to be able to afford insurance, so let's expand. Let's extend Medicaid.

Well, these two things brought healthcare coverage to an enormous number of Americans. Not every State opted into it, but over time, more and more States have.

Then we said: There is an idea from this man named Romney, who was Governor of Massachusetts, and this idea was to give tax credits to families a little more affluent than those covered by Medicaid, but they still can't afford insurance because the insurance policy is too high. So let's give tax credits. And we can set up a marketplace on the web where people can compare policies so they can see which insurance policy is best for my family and, with the tax credits, how much would I pay. And, oh, hey, I can now afford insurance.

These basic efforts increased the insurance coverage rate in my State to 97 percent. That 3 percent that didn't have coverage—well, they might have previously had coverage with their company, but then their company dropped coverage, and they are still looking to sign up on the exchange.

You know, I was thinking about this today because I had a visit from small businesses, and they said: The biggest issue facing small businesses right now in Oregon is that we largely get our health insurance from the exchange.

Well, makes sense. Small businesses are not billionaires. Small businesses are often just struggling entrepreneurs employing a few people or maybe a few dozen people, going with the vicissitudes

of the economy up and down, taking a loan and trying to pay it off, getting a grant from the Small Business Administration and trying to launch a new line of business. It goes up and down.

But what they said was that the element of the "Big Ugly Betrayal Bill" that slashes the tax credits is devastating to them.

One individual runs an event lighting company, and he has a small number of employees—I believe four. He said he talked to each of them, and they told him they are not going to buy insurance. They are not going to buy insurance because they have looked at the initial rates on the Oregon healthcare exchange, and the premiums went up and the tax credits came down, and the gap in between is simply not affordable.

So back in 2009, 2010, we strengthened regular Medicaid; we expanded Medicaid. We established the Romney plan. And Romney later came and joined us as a U.S. Senator, having gone out to the State of Utah and been elected and joined us. We established that vision, and it vastly increased the number of folks who could go to the doctor. And I say "go to the doctor" because if you don't have insurance, you tend not to go to the doctor because you can't afford it.

So all those efforts in 2009, 2010 to improve the healthcare system—and it wasn't just those elements; it did other things. Back in 2009, 2010, we said: A lot of folks can't get insurance because of preexisting conditions. Let's require the insurance companies to cover preexisting conditions. Oh, by the way, often people don't get preventive treatments because they aren't sick yet, and it costs money, so let's make those free because an ounce of prevention is worth a pound of cure. Oh, by the way, children in transition often fall between the cracks, so let's let children stay on your policy until age 26.

So in 2009 and 2010, we worked intensely to strengthen the healthcare system in the United States of America, but now we are in 2025, and the exact opposite is happening. The "Big Ugly Betrayal Bill"—the one Trump called his Big Beautiful Bill—slashes healthcare. The first thing it does is, those tax credits that are helping people buy insurance on the exchange are slashed. The result is that 20 million people are going to see vastly increased costs. In fact, the average increase in cost is expected—projected to be 114 percent.

Now, I know folks who get upset when inflation is 5 percent. They get really angry when it is 10 percent. But the lump of coal that my Republican colleagues put in stockings across America is a doubling of the cost, on average, of buying insurance on the healthcare exchange.

That is not all they did. They also said: By the way, we are going to slash Medicaid.

Now, Medicaid in each State has a different name. In my State, it is the Oregon Health Plan.

Well, they decided to implement this in January of 2027, not now. And why not now? Because the result of the tax credit attack, amplified by the attack on Medicaid, means 15 million people will lose their insurance in the United States of America—15 million people without insurance. Well, they didn't want to do that before the November 2026 election because people would be pretty damn angry about this ugly treatment they are receiving through the big, ugly betrayal of a bill, so they placed it very carefully in January of 2027 so people wouldn't see the impact before the next election.

If this is such a good idea, I asked my colleagues, if you think this is such a fabulous strategy—attacking, diminishing, demolishing a big piece of our healthcare structure across America—why not do it now? Why not do that piece now so people can say: Oh, that is so great. We are so glad you did that. We will vote for you in November 2026.

No, they hid it on the back side of the election, and that tells you a whole lot.

By the way, that attack on Medicaid in my State on the Oregon Health Plan is projected to result in 235,000 Oregonians losing their insurance. So I have been hearing a lot from my medical establishment about the importance of reversing that.

Now, one way to think about how important Medicaid is to children is to look at what percentage of children are actually covered through Medicaid. In my State, the Oregon Health Plan—in my State, 60 percent; in poorer States, more. In rural Oregon, which is less affluent than urban Oregon, it is 70 percent. Almost three out of four children get their healthcare through the Oregon Health Plan.

Well, does it make sense for thousands of children—235,000 Oregonians, adults and children included—to lose their insurance? Because we know bad things happen when people lose their insurance. They forgo seeing a doctor. A modest problem—maybe a lump—becomes out-of-control breast cancer. A modest problem like managing diabetes might become a foot amputation or blindness. And because the problem is worse, it becomes more expensive. Because folks don't have insurance, they go to the emergency room, which is the most expensive place to treat anything in the medical system, so it drives up the cost of our healthcare system. And then because the folks who waited because they didn't have insurance don't have insurance, they can't pay a bill because they can't afford to pay it and they have no insurance to pay it. So the bill goes unpaid. What does that mean? That means less revenue for the clinics, and that means less revenue for the hospitals.

That is what I have been hearing from our medical healthcare leaders in my home State, saying: This is wrong.

This is going to mean we will have to shut down programs.

Some of our rural clinics have added things like mental health care, drug treatment, addiction treatment programs. They added programs that they will have to cancel, or they say they might have to shut down the maternity ward.

We had already a hospital in Baker City have to shut down its maternity ward before this bill went into effect, a couple of years ago, because they were on the edge because maternity care is expensive.

How does it feel in rural America when your hospital shuts down the place you would have gone to give birth, and now it is wintertime, and you have to go 50, 60, or 70 miles down the road and hope there is no ice or snow that is going to prevent you from getting to the hospital or just go that far to see your doctor round trip and back again? Not good.

When a program is shut down, everyone in the community sees diminished healthcare. When a clinic is shut down, everyone in the community has less healthcare. When a hospital is shut down, everyone in the community is affected.

So for all those affluent individuals that say "You know, I have mine," well, you don't have yours if your hospital or clinic shuts down. Everyone is affected.

Shouldn't we all be in this together anyway to make things work for families across our country? Shouldn't we all be working to make our healthcare system work better? You know, it is certainly not perfect. It has many, many problems. But making it so much worse deliberately is an assault on millions of Americans and all Americans who live in communities where they might lose their healthcare clinic or their hospital.

Trump put forward this big, ugly betrayal of a bill that created this mess, this healthcare mess, and now Trump and my Republican colleagues have shut down the government because they are unwilling to clean up this mess—unwilling to clean up this mess; in fact, unwilling to actually even hold a conversation about cleaning up this mess.

The House of Representatives has been on vacation for a month. They haven't been in this building. They haven't been in their wing of the building. I heard the Speaker of the House say that there is nothing to discuss. Nothing to discuss? Twenty million people are facing a 100-percent increase in the cost of their healthcare, and already, programs are adjusting in anticipation of what is going to happen in January of 2027. After all, it is not that far away. We are in the month of October. There are 2 months left in this year and 12 in next year. It is only 14 months away before the second part of this diabolical plan kicks in. Already, clinics and hospitals are shepherding their resources, and that means some

of them are already starting to shut down or tailor programs.

There is nothing to discuss here? I think there is a tremendous amount to discuss.

I would like to encourage the leaders of both Chambers to sit down with the leaders on the other side of the aisle—our Republican leaders to sit down with the Democratic leaders. I have heard that the leaders don't want to do that because Trump has told them not to.

Let me tell you, that is an inversion of the vision our Founders laid out for this country. The first section of our Constitution is not about the executive branch, and it is not about the judicial branch. Article I is about the Senate and House Chambers, where representatives of the people chart the course for our Nation, where they craft the laws, and they argue with each other, and they vote.

Sometimes, those laws are fairly simple. For example, the very first law ever debated by U.S. Senators was a tariff bill. They said "A keg of molasses—how much tariff should we put on that?" or a box of nails or so forth. They went through a couple of hundred products, and they assigned tariffs to them. They were charting the course—the first piece of an economic course—for our Nation, planned here and planned down the hall, because the job of the House and the Senate is to argue, bringing together the perspectives from our very disparate sections of the country.

Oregon doesn't look like Florida. Florida doesn't look like Maine. Maine doesn't look like Iowa. None of them look like California. So we come here, and we bring our different life experiences and the different visions we bring in understanding what our home States need, and we craft the vision. It is for the Executive to implement it—to implement it—not to make the vision.

Certainly, scholars on how republics become strongman states will tell you that one of the first warning signs is a legislature that decides it is a rubberstamp for the Chief Executive, the President, because you have flipped on its head the fundamental responsibility laid out where this target of where we head is crafted here in Congress and the President executes it.

But if it is the President crafting the vision and the legislators are just saying "We have to do what the President says," then we have abandoned our constitutional role, and in the course of it, we have created a strongman state. The powerful President says "I want this," the leaders of the House and Senate say "You got it," and we are suddenly without the separation of powers, the checks and balances of our Constitution.

So when I hear leadership saying the President is not ready for us to hold a conversation, that worries me because I think leaders here should be saying to the President: We in the House of Representatives and we in the Senate—it is

our responsibility under the Constitution to craft the vision going ahead. We have a big problem ahead of us, and that is that 20 million people are going to the web right now and looking at those marketplace exchanges and seeing that the price of their insurance is going to double, and we are going to sit down and talk about it and work out a fix.

That is the responsibility we have here.

Colleagues, I am coming tonight to the floor of this Senate to ring the alarm bells because we have become an authoritarian nation over the last 9 months. We are deep into an authoritarian takeover. We never thought this could happen in the United States of America, not in a million years. We watched it happen to republics all over the world. We see how, suddenly, constitutional term limits are just ignored, or we see how corruption results in the legislature not actually being elected to reflect the will of the people because the integrity of the elections has been deeply compromised. We see courts with hand-selected jurists in other countries who decide to hand power through judicial rulings to the President. But not here. This was not going to happen in the United States of America. Not here. Not here.

I say not just to my colleagues tonight but to the citizens of the United States of America: Authoritarianism is here on our doorstep. It is acting right now.

We have the three core elements of an authoritarian rule. The first is a rubberstamp Congress. The second is a Supreme Court which proceeds to hand more power to the Executive. The third is an aggressive authoritarian personality as the President. Those are the three components. They are all present here right now.

You know, I was struck by a ruling called *Trump v. the United States of America*. This ruling stemmed from President Trump's first term, but it was decided during the Biden administration. The Supreme Court was being given a case in which the question was, Is the President of the United States above the law? Can the President commit a crime but cloak it as a government action and be immune from prosecution?

When I heard that, I said: Well, hell no; this is the United States of America. Hell no, you can't do that here. We have above the Supreme Court those four words: "Equal Justice Under Law"—no exceptions.

I can pull out a copy of the Constitution—"We the People"—and you page through it, and you find article II. Well, article II is about the executive branch. You start looking. Is there anything in article II—anything at all—that says the President is above the law? Nothing. Nothing here says that.

Think about our Founders, who were so concerned about the possibility of a President trying to be a King, so concerned about a President trying to use

military forces against our own people, they didn't even want a standing army. They created these carefully balanced checks and balances so that a President could not be an authoritarian.

But, suddenly, the Supreme Court says—article II starts out “The executive Power shall be vested in a President of the United States . . . shall hold office during the Term of four Years” and so on and so forth. If you can find anything in here that says the President is above the law, well, then, please bring it to my attention because this article is really not that long. You have sections 1, 2, 3 and 4. That is it. Sections 1, 2, 3, and 4. Where does it say the President is above the law?

I said, you know, there is no way that our Supreme Court will place an enormous power to break the law like a crown on the head of the President, because we don't have Kings; we have Presidents. No way the Court will do that.

A bunch of the Supreme Court Justices like to say they are originalists. What does that mean, they are originalists? It means they try to take the clauses of the Constitution as they were understood at the time. Well, I can assure you, there is no member of the Founders of our Nation who thought the President was above the law. If some of them wanted it to be the case that the President is above the law, they might have argued to put it in the Constitution, but it is not here because, collectively, they knew they would end up in an authoritarian state if the President is above the law. That is the Supreme Court handing more power to the Executive, power that doesn't exist in the Constitution.

So we have all three factors now. That is why I am ringing the alarm bells tonight.

We have a rubberstamp Congress that is saying: We will lead the Chambers of the Congress to do what the President wants as opposed to what the people of the United States want. We have the Supreme Court handing over vast power that doesn't exist in this document that guides us—this document they are supposed to defend—to the President of the United States of America; and we have a President so willing, so determined to actually exercise the powers of a King—the authoritarian powers.

We are in deep trouble. We are in deep trouble. That is why so many citizens across the country are in deep distress. That is why, on Saturday, 7 million Americans took to the streets on No Kings Day to say this authoritarian takeover is absolutely outrageous, illegal, unconstitutional, unacceptable, and it must end. Seven million people, in the largest demonstration in the history of our Nation—people in the street in a 1-day protest—saying: Pay attention. Pay attention, Members of the House of Representatives. Pay attention, Members of the Senate. Our Constitution is being shredded by the President, and you are helping. So,

stop, and, instead, exercise your responsibility in a Republic. Defend the separation of powers. Defend the checks and balances. Set the vision for the Nation as a Congress and remind the President that it is his job to implement that vision, not the other way around.

The authoritarian takeover is not down the street. It is not around the corner. We are in the middle of it right now. That is why 7 million Americans, in some 2,700 individual protests, took to the streets on Saturday—to send us a message.

But I am not sure that message was heard by the Members of this Chamber. So I am here in this Chamber tonight to ring the alarm bells and say to my colleagues on both sides of the aisle: The authoritarian takeover is here. It is a violation of our Constitution, and we have to stop it.

The experts tell us that there are two ways when there is an authoritarian takeover—when the President becomes a self-appointed King, when a Congress becomes a rubberstamp, when a Supreme Court ignores the Constitution and hands more power to the President—two ways to keep that authoritarian, strongman state from becoming entrenched.

The first is for there to be a visible and loud outcry in the first year. The reason that that is important is that, if there is no outcry, people will go: Well, this sounds outrageous to me, what just happened. I can't believe the President is trying to tell the networks what shows they can put up. That happens in authoritarian places, but I don't hear any outcry. So, maybe, do I misunderstand? Is it that unusual?

Oh, the President is suing his own government and asking his Justice Department to find a settlement that will enrich the President. Oh, that seems outrageous. The President is asking his own Justice Department to give the President money? That seems outrageous, but if there is no outcry, maybe it is not that big a deal.

Oh, the Secretary of State is throwing students out of this country because of views they expressed on a college campus. That seems extraordinary. Has that ever happened again? Well, nobody is protesting. Maybe I am wrong to think that we have freedom of speech on our campuses.

Oh, the President is weaponizing the Department of Justice to go after people he doesn't like, including proposing the possibility of going after a Member of the U.S. Senate. I am sure that 100 Senators would stand up and say hell no to such an authoritarian act. What am I missing?

If there is no outcry, if there is no protest, then you are in deep trouble, but here, in the United States of America, I am so pleased to say there is an understanding that our freedoms are being crushed. That is why 7 million people took to the streets on Saturday.

I was in Eastern Oregon, and I went to the small town of La Pine. Protests

are not a common thing in La Pine, OR. It is rural; it is red, but there were 200 people out on the street with all sorts of creative signs and creative costumes. I was really struck by a couple of the veterans I spoke to who said: I fought for my country, and I volunteered and went because I believe in freedom, and our President is crushing those freedoms. I am out here to protest and to say what I fought for must not be undone by a President of the United States.

This is somebody who went and served. That was powerful.

I was not drafted in Vietnam. I was too young by a year or two, and I did not volunteer to go. But for those who went, they have come back home to say that our fathers and mothers were engaged in war to defend our freedom, and I went with this conviction that I wanted to serve my country and defend that special America where we cherish our freedoms and defend our Constitution, and I will not see it undone. I will not see it undone by a President of the United States of America, a rubberstamp Congress, and a Court that has decided to find things that don't exist in the Constitution to give power to the Executive—power that the Executive cannot rightfully claim.

So that is the first thing that you need in order to keep authoritarian power from becoming entrenched. You need outrage the first year. You need protests the first year. You need protests inside the Chamber, and you need protests outside the Chamber so that people will hear—who are, maybe, one step away from protesting. They think something is wrong, and they will go: Wow. I didn't go protest, but those 7 million people—they are sending me a message, and that message is, we are in a terrible place in our Nation, and we need to be acting.

Americans are standing up because the President is not a King. Americans are standing up because laws are not suggestions. Americans are standing up because following the Constitution is not optional.

The second way to prevent the entrenchment of authoritarian power is the next election. The scholars really emphasize that because one of the standard things that an authoritarian ruler does is seek to rig the elections so that you won't have the integrity that allows them to be dislodged down the line or to allow the strongman state to be dislodged by an outcry and a vote of the people. You want to rig the next election.

Well, that is why the next election matters because there hasn't been as much time to rig it. The next election for us is November of 2026. It is 13 months away. Well, that is still 13 months in which an authoritarian President can work to rig the election, but it is not 3 years out—because, in 3 years, an authoritarian President can do a lot more rigging than they can in 13 months, so that next election matters enormously. You get that one

chance to win. Don't mess it up because, with each election, it will get harder and harder to displace the authoritarian structures that are created and strengthened by the strongman in the executive.

When you read experts saying that this is the authoritarian playbook, watch, they say, for what that authoritarian President is doing, and what you will see is that they will work to rig the elections.

OK. Well, are we seeing that now? Well, yes, we are.

His first tactic—Trump's first tactic—to consolidate authoritarian control is to consolidate the States' voter registration files. If you have control over those files, it makes it easier to manipulate them in the next election. Now, we have already seen what some of the individual States have done to manipulate the voter files. They have gone on purges and said: Let's think about how we can purge the names off this list, so people will go to the polls and find out they are not even registered to vote.

It is not too late. Well, maybe if there are a whole lot of Hispanic names that are matching, we will eliminate them or maybe we will say: If there is the same name in this State and the same name in the next State, we will assume that person has moved, so we will pull him off the polls, off the registration lists.

That has actually gone on here, and that is the type of manipulation that can happen across the country if the President has a consolidated national voting registration file.

A second tactic is to encourage States to gerrymander their House districts so that you break up, say, a congressional district in a city that, perhaps, elected a Democrat, since we know that cities tend to be somewhat bluer and rural areas tend to be somewhat redder. You split it up, and you split it up between a bunch of red districts. That type of gerrymandering creates disproportional power for the Republican Party.

Well, we have seen that happen before. We have seen it often. In the past, we had a law called the Voting Rights Act that said you couldn't manipulate the congressional districts to destroy the voice of the people by race because race tends to differ according to rural and urban areas as well. But the Supreme Court—hell-bent on accentuating authoritarian power—is considering a case right now that will not only allow the type of redistricting that Texas has been undertaking but will create a constitutional rule that will make it hard to empower the voices of minorities in this country to be represented in the House of Representatives.

So the effort to gerrymander even larger numbers of the House in support of an authoritarian state is well underway.

The third tactic is to kill vote by mail. You heard what Trump said. He

wants to make it illegal to vote by mail.

Now, I am the Senator from Oregon. Oregon invented vote by mail. It actually started with the Republican Party. The Republican Party in my State said: We know that when we encourage people to vote by mail, we get a higher turnout, and we are more likely to win campaigns—statewide campaigns—and campaigns for the House, the Oregon House, and the Oregon Senate. So we are going to go on a big campaign to encourage people to vote by absentee ballot.

And the Democrats observed that, and they said: Well, they have a point. There is better turnout if you get people to vote by mail because those folks will not end up failing to vote on election day because they forgot or they had childcare or they couldn't get out of work or the line was too long. So if you can get them to vote by mail, you are going to have more people vote. And then you had both parties encouraging people to vote by mail. And back in the 1998 election, half of the ballots were being cast by mail and half were being cast at the polls.

Now, I started my campaign to run for the Oregon House of Representatives in that year, 1998. And I am a big believer in door-knocking. I just wanted to knock on as many doors as I could and say: Here is what matters to our community that is not getting done at the capital. I would like to have your support.

And I had a lot of good conversations. But I kind of liked the idea of everyone, on election day, having a big act for the community and going and voting together. That tradition just felt good to me.

And as I am knocking on doors and I am talking to people about the next election, people started saying: Well, I will tell you one thing; I sure do love the ability to vote by mail.

And I would say: Well, tell me more about that.

And they said: Well, listen, here is the story. I like to sit down with my husband or sit down with my wife and talk about the candidates. We can read what is in the campaign brochures and discuss it, and I like doing that at our kitchen table.

And others said: You know, I really like that vote-by-mail because I can't get out of work to be able to go vote. And when I do get out of work, I have got childcare to pick up. And if you are late for childcare, you get charged. So that is a big problem.

And I had others who said: You know, here in Oregon we have initiatives, and the initiatives are complicated. They are basically creating law not through a legislature but through a vote of the people. And I really have to understand this stuff, and there are a lot of arguments, pro and con, in the voters' pamphlet, and so I really like to sit and read through that.

And yet others said: You know why I love vote-by-mail? Because my back

hurts, and I don't want to stand in line for an hour.

And I had others who said: I really like vote-by-mail because I bring my children to the table and talk to them about what it means to be a citizen in a free country, and that we the citizens get to express an opinion, and that opinion counts because when we fill in that circle—in Oregon, it is done by paper—when we fill in that circle, we are weighing in on the future of our community, on the future of our State, on the future of our country. And I want my children to understand that, yes, you have rights as a citizen, but you also have responsibilities as a citizen.

And so, as I heard these stories, I thought, well, those are a lot of good points being made.

But I will tell you, those points are not why Trump hates vote-by-mail—not at all. The reason he hates vote-by-mail is because there is such integrity with vote-by-mail.

It is so easy to manipulate election day. If you have to go to a precinct and vote, it is so easy to decrease turnout. There are so many strategies that have been so carefully developed over time to prevent people from voting.

What do you do? You change the location of the voting precinct so people are confused about where to go. You put out information about the date and say, "Sorry you missed the vote," making people think they actually missed the vote when the next vote is actually the next Tuesday. You take and you put machines in that voting precinct that don't work very well to slow down the vote. You understaff the precinct voting location to slow down the vote. All of these are tried-and-true methods for decreasing the vote in places where you don't want people to vote, and President Trump fully understands that. It is easy to manipulate election day.

When people are worried about the integrity of our election and they say, "We are worried that maybe somebody will vote two ballots in a vote-by-mail," well, we have had audit after audit after audit. The integrity of vote-by-mail is 1,000 times better than a vote on election day, where you can manipulate the vote.

You put the precinct where there is no parking; that is another strategy. You send intimidators out to make people feel uncomfortable while they are waiting in line. You pass laws that say you can't hand out a glass of water, like Georgia did, so that thirsty people waiting in line give up. You want those wait times to be so long that people give up.

And if we thought this was some sort of fantasy, that this doesn't really happen, take Georgia, where we have seen elections where the wait time in urban areas is many hours longer than the wait time in rural areas because of the strategy set up for people to vote, making it difficult for people to vote.

That is why Trump hates vote-by-mail—because it has high integrity; it stops the manipulation.

So here we are, deep into this authoritarian takeover: the President attacking the integrity of our elections, attacking the separation of powers, trying to steal the power of the purse that belongs in that Constitution with us, but grabbing it and saying: I will decide what gets funded; I will defund things through grant cancellations, and I will defund by slow-walking the disbursement of funds and freezing and impounding and rescissions. I will use every tactic ever imagined because I want to decide what is funded and what is not funded.

Every time you hear the President or one of his Cabinet members say, “We are defunding that program because it is not in line with the President’s priorities,” that is an authoritarian statement. The power of the purse in this Constitution—this one right here—belongs with the House of Representatives and the U.S. Senate, not the Oval Office. So when the President says he is funding programs he likes and defunding those he doesn’t like, he is stealing the constitutional power of the purse.

The Supreme Court has weighed in on this twice. President Nixon decided to do this, just simply not disburse funds for programs he didn’t like. And so this challenge went to the Supreme Court: Can the President do that? Can the President impound funds?

The Supreme Court resoundingly said: Hell, no. It is in the Constitution. It couldn’t be clearer. The power of the purse rests with the House and Senate, not with the President.

Well, that was decided by the Supreme Court in 1975, based on things that were done back in 1972, 1973, when President Nixon was still in power, before he resigned under the Watergate scandal.

But then we fast-forward to 1996—1996. Realize that we were in the time period between January 1995 and January 1997, which was the first legislative term for the Gingrich revolution. And the first agenda item was to do a line-item veto—to pass a law saying the President could strike any program he wants and defund it.

So the line-item veto goes to the Supreme Court, and the Supreme Court says: Did you not read our decision in 1975? Have you not looked at the Constitution of the United States of America? It is in here. It is the people, through their elected representatives, who decide which programs and how much money to give them, not the President.

If you want an authoritarian state where the President decides which programs are funded and how much money to give them, you have to go to some other country because, here, we have separation of powers; here, we have checks and balances; here, we have a Constitution. And the power of the purse rests with Congress.

So we have the 1970s, where the Supreme Court weighed in and said the President cannot impound funds. We have the 1996 issue, with a bill that gave line-item veto to the President being struck down by the Supreme Court.

But here again, more than a quarter century later, we have another President and another majority here in the Chamber that wants to ignore the Constitution and hand over the power of the purse to the President.

So look at all that we are facing, every aspect of this authoritarian takeover: the separation of powers being crushed; the power of the purse being transmitted to the President, grabbed by the President, and this Chamber doing nothing to stop it; the attack on due process, people being apprehended and deported without hearings, people being stopped on the street because of their accent or their skin color; attacks on the freedom of speech of individuals and by networks using the coercive power of government to suppress what the free press can write or the free media can put on film or on programs; the attack on law firms as a center of power; the attack on universities as a center of power; the weaponizing of the Justice Department; the effort to mobilize troops into L.A. and into Portland and into Chicago, when nothing is happening that local police can’t handle and there certainly is not a rebellion or an invasion; and a President undermining the integrity of the voting system of the United States of America by attacking vote-by-mail, by seeking to consolidate and manipulate the voting registration database, by encouraging States to gerrymander in order to have more of one voice than a proportional representation of the population should merit.

How is it possible that anyone cannot see that we are in the middle of this authoritarian takeover—freedoms devastatingly diminished, government by and for the people replaced by authoritarian, strongman power?

So I am here tonight to ring the alarm bells. Seven million Americans who were at the protests on Saturday, they are ringing the alarm bells. Let those bells ring so loud, so powerfully that every citizen hears them, every elected Member of this body hears them, every Member of the House of Representatives hears them and responds by saying: I took an oath to the Constitution, and I am going to stop this authoritarian takeover.

In my townhalls—and I hold one in each county each year. I have 36 counties in Oregon.

Senator WYDEN started this tradition of going to every county—open townhall. When I ran for Senate, I said I would do the same thing. I have had well over 600 townhalls—except for Senator WYDEN, maybe more than anybody among the 100 Senators.

I give a short introduction, and then I listen to people. And we start out—I start out—after that short introduc-

tion, I say, Senator WYDEN and I are about the only Senators who hold townhalls like this. And we hold these townhalls in Oregon successfully because we have “The Oregon Way.” “The Oregon Way” means that if somebody is speaking that you strongly disagree with—in fact, that person’s speaking infuriates you—you still listen to that person respectfully, and then we ask that everyone else in the gathering listen respectfully when you are speaking.

And so despite incredibly vast differences of opinions on hugely important and often emotional topics, people express their views. And I listen to their views, and Senator WYDEN does the same in his townhalls, and it affects what we fight for here in the Senate because we are carrying the hopes and dreams of our citizens into this Chamber. We are carrying their aspirations for a better future.

And so often that better future is about the fundamentals for families, about a better healthcare system, about better job opportunities and living wages, an honest day’s pay for an honest day’s work. Often, it is about education and the hope that education will provide a pathway of opportunity for their children, healthcare, housing, education, good-paying jobs. I hear a lot about those four issues in my townhalls.

But you know what I heard this year? I heard something that I have not heard other years. I heard maybe a little of it during the first Trump administration, of concern about the checks and balances of our Constitution. Certainly, I heard a fair amount of concern and outrage about the stealing of a Supreme Court seat that opened up under President Obama. But this Chamber, for the first time in U.S. history, refused to hold a debate and a vote on the nominee from the President—first time in our history, a Supreme Court seat stolen.

So, yes, I did hear some feedback about concerns about our Constitution, our democracy during Trump’s first administration, but nothing—nothing—like I heard this year.

You know, a modest number of people come out to my townhalls. It averages about 100 a townhall—some areas, larger; some, smaller. In the last year, in 2024, I had about 3,400 people come in person. This year, I had 15,000-plus come—a five-fold increase come—to my townhalls, and so many came, just like the 7 million people who protested on Saturday.

So many people came to say: How the hell is the U.S. Senate letting a President crush our freedom and shred our Constitution?

And they would say to me: Do more. Find some other way to push back, to organize, to persuade your colleagues on both sides of the aisle the time for action to defend our freedom is now, not next year, not after next election, not a month from now. The time is now.

They would say: We see what you have been saying and doing in protests about so much of what has been happening. But you, Senator MERKLEY, need to do more.

And, quite frankly, to my colleagues, that is the reason I am on the floor tonight, trying to think of one more way I can ring the alarm bells, one more way I can use this office and this opportunity afforded to be a Member of the U.S. Senate to say: We cannot let this happen.

I received another question at those townhalls—at one townhall after another: And what can we do to do more?

And I said the following: You have asked what everyone can do to do more to save our Republic. First, get off the couch. You can't change the future with a pillow over your head.

Second, fiercely hold your electeds accountable. Call their phones. Write letters. Protest outside their offices. Fiercely hold them accountable. And me too—hold me accountable—as they were in the townhall and as they have when they have been protesting.

And join an affinity group, because to be angry and alone is to be depressed. But to be angry and organized with others, that is to be energized and effective. When it comes to stopping an authoritarian takeover, we need our citizens to be organized, energized, and effective.

We need that energy from our citizens as they communicate with us and challenge us. We need that energy in the streets. We need that energy in the halls of power. We need to defend the Constitution. We need to restore our democracy. We need to reinvigorate government of, by, and for the people of the United States of America.

That is why I have come to the floor tonight to ring the alarm bells.

Here in the Senate, we have attempted to use a number of tools, using every hour required under the Senate rules to review the qualifications of unqualified individuals nominated for Trump's Cabinet, like Pete Hegseth for Defense and Kristi Noem and Tulsi Gabbard and Kash Patel.

And so often, my colleagues have said: Oh my goodness, I can't even believe the President nominated this individual, but you know, the President nominated them. He is our leader. So I will vote. I will vote for this person. I will put them in office.

To hear my colleagues say they know someone is unqualified but they are going to vote for them anyway is to hear the failure to understand our responsibility under the Constitution. Reviewing and voting down individuals who are unqualified by character or talent or experience for a position, that is our responsibility. It is to not let them take positions of power where they can do bad things to the American people, where they can undermine the efforts to build a better country.

It is our responsibility to exercise our judgment, not to defer to the President. A "check and balance" means

nothing if you say I am abandoning my role to evaluate the qualifications, and I will simply vote because the person in the office is of my same party.

I voted—I remember one in particular—against one of President Biden's nominees. I was one of only a few folks on my side of the aisle to vote against him. Why? I didn't feel the person was suited to the office, and that is my responsibility under the Constitution.

One of the people that I felt was vastly unsuited was Russell Vought. As the lead Democrat on the Budget Committee, I therefore had the opportunity to interview Russell Vought before he came to the hearing before the Budget Committee. And he basically told me that his belief was in strong-man government—unitary Executive: The President should decide what programs are funded and how much they should get—and that he fully expected to use the powers that the President could use to achieve that, involving impoundments, slow-walking, frozen funds, and so forth.

And I said: But the Supreme Court has weighed in twice, and our Constitution is clear: The power of the purse is here.

And he said, you know, I like the unitary Executive. That is my philosophy, and that is what I am going to fight for.

I found, therefore, him to be profoundly unsuitable for office because he did not intend to honor the basic premise of the Constitution—that Congress decides by law what is funded and how much.

So we had a 30-hour debate. We went through the night here in this Chamber, debating the merits of this individual, and many of my colleagues had reservations. But in the end, they voted for him. So we have a man controlling the Office of Management and Budget who said: I think the power of the purse should be with the President, and I am going to do everything possible to make that happen.

By voting for that nominee, we facilitated a crime against the Constitution in which the power of the purse is being taken by the President. We facilitated the authoritarian takeover that is underway right now.

My constituents have asked me in those townhalls to do everything I can, everything in my power, to stop this authoritarian takeover of our Nation. So tonight, I have come to the floor to do one thing I have not done before, and that is give a more extended speech to ring the alarm bells—the speech I am engaging in right now.

We are in the most perilous moment for our Constitution, the biggest threat to our Republic since the Civil War. Authoritarianism is not down the street or around the corner. It is clear and present right now.

There are a couple of books that I have brought with me to explain what is happening. One of them is "How Democracies Die." And this book is writ-

ten by two scholars, Steven Levitsky and Daniel Ziblatt. They have studied republics around the world that have slid into authoritarian states, and they wrote this book to say: Pay attention, America. We are in danger of the same thing happening.

And I thought, well, I will just come and read this book for the benefit of my colleagues who haven't read it and the benefit of the American people who might be listening in, as one way to ring the alarm bells about the authoritarian takeover of the United States of America and how we are going down the same path that has happened in country after country after country, where you get a rubberstamp Congress; you get a Supreme Court that hands more power to the Executive; you get an ambitious, power-hungry, strong-man-style President; and with the combination of those three, you have lost your Republic.

"How Democracies Die"—that is what I am going to share with you tonight.

And, also, another book: "On Tyranny: Twenty Lessons from the Twentieth Century," by Timothy Snyder.

"How Democracies Die"—ours is dying right now with this authoritarian takeover. Tyranny is what you get when you lose your democracy.

So if by going on at some length about this I can add a little bit of attention, ring the bells a little louder and a little longer—the alarm bells—about this authoritarian crushing of our liberties, authoritarian crushing of our freedom, then that is what I am doing tonight.

At the midnight hour, should I make it that long—still 4 hours from now—I am going to pause to read some stanzas from Longfellow's poem "Paul Revere's Ride."

(Ms. LUMMIS assumed the Chair.)

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

WILLIAM J. CRAIN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE ELDON E. FALLON, RETIRED.
ALEXANDER C. VAN HOOK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE ELIZABETH ERNY FOOTE, RETIRED.

DEPARTMENT OF JUSTICE

BRIAN BARBER, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, VICE HENRY LEE WHITEHORN, SR., TERM EXPIRED.

DEPARTMENT OF DEFENSE

BRIAN BIRDWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE CHRISTOPHER JOSEPH LOWMAN.

DEPARTMENT OF STATE

JOHN BRESLOW, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.
WESLEY BROOKS, OF FLORIDA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE MONICA P. MEDINA, RESIGNED.

DEPARTMENT OF TRANSPORTATION

EDWARD EPLER, OF CONNECTICUT, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF TRANSPORTATION, VICE VICTORIA MARIE BAECHER WASSMER, RESIGNED.