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TRUMP ADMINISTRATION— (Continued)

Mr. MERKLEY. It is about Paul Revere's ride in April 1775, as he sounded the alarm about military troops marching on American cities; one lantern if the British were attacking by land and two lanterns if they were attacking by sea. He rang the alarm bells so that the American colonists could respond and save their Colonies, just as I am attempting to ring alarm bells to say that we here in the Senate and in the House have to respond and save our Republic.

So I am going to start with the book "How Democracies Die." It is a pretty hefty one. The two authors, Steven Levitsky and Daniel Ziblatt, are political scientists; they are professors of government. They have spent their careers studying how once-stable democracies in Europe, in Latin America, and around the world have collapsed into being strongman states, sometimes gradually and sometimes suddenly.

Political parties prioritize their own power over obeying the law. An aggressive President tries to seize more power. Congress becomes a rubberstamp. The courts hand more power to the President, and the President heightens his control. The press softens its criticisms, and other institutions start to tread carefully. These are the six warning signs of a democracy in trouble.

As the authors of the book warn, most modern democracies don't die suddenly by being overthrown. We all certainly know of cases of that happening, but today, modern democracies generally don't die by being overthrown. Instead, they die as authoritarians erode the institutions and the norms until the checks and balances are gone, and you have a strongman state.

"How Democracies Die" was published in 2018 after the first year of

Trump's first term. Already, these professors were seeing signs of these six factors that are the warning symbols of authoritarianism being down the road or on the way. But America did not respond to the warning then, and we are living with the consequences now because now we are deep in the authoritarian takeover crisis.

Between each chapter, I am going to pause to discuss different ways the Trump administration is trying to tighten its authoritarian grip to turn our government by and for the people into government by and for the powerful.

I am here tonight to ring the alarm bells. The crisis calls on every American, every patriot, every one of us who cherishes our Republic to use our heart and nerve and sinew to resist this authoritarian takeover and save our democracy.

So let's begin with the introduction. I am now reading from the book and reading the introduction, and then I will talk about some other things.

It starts out:

Is our democracy in trouble? Is it in danger? It is a question we—

These are the authors speaking—never thought we'd be asking. We have been colleagues for fifteen years, thinking, writing, and teaching students about failures of democracies in other places and times—Europe's dark 1930s, Latin America's repressive 1970s. We spent years researching new forms of authoritarianism emerging around the globe. For us, how and why democracies die has been an occupational obsession.

But now we find ourselves turning in our own country. Over the past two years, we have watched politicians say and do things that are unprecedented in the United States—but that we recognize as having been the precursors of democratic crisis in other places. We feel dread, as do so many other Americans, even as we try to reassure ourselves that things can't really be that bad here. After all, even though we know democracies are always fragile, the one in which we live has somehow managed to defy grav-

ity. Our Constitution, our national creed of freedom and equality, our historically robust middle class, our high levels of wealth and education, and our large, diversified private sector—all these should inoculate us from the kind of democratic breakdown that has occurred elsewhere.

Yet, we worry. American politicians now treat their rivals as enemies, intimidate the free press, and threaten to reject the results of elections. They try to weaken the institutional buffers of our democracy, including the courts, the intelligence services, and the ethics offices.

America may not be alone. Scholars are increasingly concerned that democracy may be under threat worldwide, even in places where its existence has been taken for granted.

Populist governments have assaulted democratic institutions in Hungary, in Turkey, and in Poland. Extremist forces have made dramatic material gains in Australia, France, Germany, the Netherlands, and elsewhere in Europe. And in the United States, for the first time in history, "a man with no experience in public office, little observable commitment to constitutional rights, and clear authoritarian tendencies was elected president."

What does all this mean? Are we living through the decline and fall of one of the world's oldest and most successful democracies?

May I remind you, these are the words of the authors, written in 2018, some 7 years ago.

They continue:

At midday on September 11, 1973, after months of mounting tensions in the streets of Santiago, Chile, British-made Hawker Hunter jets swooped overhead, dropping bombs on La Moneda, the neoclassical presidential palace in the center of the city. As the bombs continued to fall, La Moneda burned. President Salvador Allende, elected three years earlier at the head of a leftist coalition, was barricaded inside. During his term, Chile had been wracked by social unrest, economic crisis, and political paralysis. Allende had said he would not leave his post until he had finished his job—but now the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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moment of truth had arrived. Under the command of General Augusto Pinochet, Chile's armed forces were seizing control of the country. Early in the morning on that fateful day, Allende offered defiant words on a national radio broadcast, hoping that his many supporters would take to the streets in defense of democracy. But the resistance never materialized. The military police who guarded the palace had abandoned him; his broadcast was met with silence. Within hours, President Allende was dead. So, too, was Chilean democracy.

This is how we tend to think of democracies dying: at the hands of men with guns. During the Cold War, coups d'état counted for nearly three out of every four democratic breakdowns. Democracies in Argentina, Brazil, the Dominican Republic, Ghana, Greece, Guatemala, Nigeria, Pakistan, Peru, Thailand, Turkey, and Uruguay all died this way.

At the hands of men with guns.

More recently, military coups toppled Egyptian President Mohamed Morsi in 2013 and Thai Prime Minister Yingluck Shinawatra in 2014. In all these cases, democracy dissolved in spectacular fashion, through military power and coercion.

But there is another way to break a democracy. It is less dramatic but equally destructive. Democracies may die at the hands not of generals but of elected leaders—presidents or prime ministers who subvert the very process that brought them to power. Some of these leaders dismantle democracy quickly, as Hitler did in the wake of the 1933 Reichstag fire in Germany. More often, though, democracies die slowly in barely visible steps.

In Venezuela, for example, Hugo Chavez was a political outsider who railed against what he cast as a corrupt government elite, promising to build a more “authentic” democracy that used the country's vast oil wealth to improve the lives of the poor. Skillfully tapping into the anger of ordinary Venezuelans, many of whom felt ignored or mistreated by the established political parties, Chavez was elected president in 1998. As a woman in Chavez's home state of Barinas put it on election night, “Democracy is infected. And Chavez is the only antibiotic we have.”

I am continuing to read from the introduction to “How Democracies Die.”

When Chavez launched his promised revolution, he did so democratically. In 1999, he held free elections for a new constituent assembly, in which his allies won an overwhelming majority. This allowed the chavistas to singlehandedly write a new constitution. It was a democratic constitution, though, and to reinforce its legitimacy, new presidential and legislative elections were held in 2000. Chavez and his allies won those, too. Chavez's populism triggered intense opposition, and in April 2002, he was briefly toppled by the military. But the coup failed, allowing a triumphant Chavez to claim for himself even more democratic legitimacy.

It wasn't until 2003 that Chavez took his first clear steps toward authoritarianism. With public support fading, he stalled an opposition-led referendum that would have recalled him from office—until a year later, when soaring oil prices had boosted his standing enough for him to win. In 2004, the government blacklisted those who had signed the recall petition and packed the supreme court.

I will just pause for a comment here. You start to see how this is evolving here in this description of someone who was elected in fair elections to begin with but, over time, starts to bend the

different parts of the government and in this case, proceeding to go after his political enemies, blacklisting those who signed the recall petition, and packing the supreme court.

[B]ut Chavez's landslide reelection in 2006 allowed him to maintain a democratic veneer. The chavista regime grew more repressive after 2006, closing a major television station, arresting or exiling opposition politicians, judges, and media figures on dubious charges, eliminating presidential term limits so that Chavez could remain in power indefinitely. When Chavez, now dying of cancer, was reelected in 2012, the contest was free but not fair: Chavismo controlled much of the media and deployed the vast machinery of the government in its favor. After Chavez's death a year later, his successor, Nicolas Maduro, won another questionable reelection, and in 2014, his government imprisoned a major opposition leader. Still, the opposition's landslide victory in 2015 . . . seemed to belie critics' claims that Venezuela was no longer democratic. It was only when a new single-party constituent assembly usurped the power of Congress in 2017, nearly two decades after Chavez first won the presidency, that Venezuela was widely recognized as an autocracy.

This is how democracies now die. Blatant dictatorship—in the form of fascism, communism, or military rule—has disappeared across much of the world. Military coups and other violent seizures of power are now rare. Most countries hold regular elections. Democracies still die, but by other means. Since the end of the Cold War, most democratic breakdowns have been caused not by generals and soldiers but by elected governments themselves. Like Chavez in Venezuela, elected leaders have subverted democratic institutions in Georgia, [in] Hungary, [in] Nicaragua, [in] Peru, [in] the Philippines, [in] Poland, [in] Russia, Sri Lanka, Turkey, and Ukraine. Democratic backsliding today begins at the ballot box.

The electoral road to breakdown is dangerously deceptive. With a classic coup d'état, as in Pinochet's Chile, the death of a democracy is immediate and evident to all. The Presidential palace burns. The President is killed, imprisoned, or shipped . . . into exile. The Constitution is suspended or scrapped. On the electoral road, [however,] none of [those] things happen. There are no tanks in the streets. Constitutions and other nominally democratic institutions remain in place. People still vote. Elected autocrats maintain a veneer of democracy while eviscerating its substance.

Many government efforts to subvert democracy are “legal,” in the sense that they are approved by the legislature or accepted by the courts. They may even be portrayed as efforts to improve democracy—making the judiciary more efficient, combating corruption, [or] cleaning up the electoral process. Newspapers still publish but are bought off or bullied into self-censorship. Citizens continue to criticize the government but often find themselves facing tax or other legal troubles. This sows public confusion. People do not immediately realize what is happening. Many continue to believe they are living [in] a democracy. In 2011, when a Latinobaró metro survey asked Venezuelans to rate their own country from 1, (“not at all democratic”) to 10 (“[really] democratic”), 51 percent of respondents gave their country a score of 8 or higher.

Meaning they weighed in saying the country looks pretty democratic.

Because there is no single moment—no coup, [no] declaration of martial law, [no] suspension of the constitution—in which the

regime obviously “crosses the line” into dictatorship, nothing . . . [sets] off society's alarm bells. Those who denounce government abuse may be dismissed as exaggerating or crying wolf. Democracy's erosion is, for many, almost imperceptible.

The authors continue in this introduction:

How vulnerable is American democracy to this form of backsliding? The foundations of our democracy are certainly stronger than those in Venezuela, [or] Turkey, or Hungary. But are they strong enough?

Answering such a question requires stepping back from daily headlines and breaking news alerts to widen our view, drawing lessons from experiences of other democracies around the world and throughout history. Studying other democracies in crisis allows us to better understand the challenges facing our own democracy. For example, based on the historical experience of other nations, we have developed—

“We” the authors—

have developed a litmus test to help identify would-be autocrats before they come to power. We can learn from the mistakes that past democratic leaders have made in opening the door to would-be authoritarians—and, conversely, from the ways that other democracies have kept extremists out of power. A comparative approach also reveals how elected autocrats in different parts of the world employ remarkably similar strategies to subvert democratic institutions. As these patterns become visible, the steps toward breakdown grow less ambiguous—and easier to combat. Knowing how citizens in other democracies have successfully resisted elected autocrats, or why they tragically failed to do so, is essential to those seeking to defend American democracy today.

We know that extremist demagogues emerge from time to time in all societies, even in healthy democracies. The United States has had its share of them, including Henry Ford, [and] Huey Long, [and] Joe McCarthy, and George Wallace. An essential test for democracies is not whether such figures emerge but whether political leaders, and especially political parties, work to prevent them from gaining power in the first place—by keeping them off mainstream party tickets, refusing to endorse or align with them, and when necessary, making common cause with rivals in support of [our] democratic candidates. Isolating popular extremists requires political courage. But when fear, opportunism, or miscalculation leads established parties to bring extremists into the mainstream, democracy is imperiled.

Once a would-be authoritarian makes it to power, democracies face a second critical test: Will the autocratic leader subvert democratic institutions or be constrained by [those institutions]? Institutions alone are not enough to rein in elected autocrats. Constitutions must be defended—by political parties and organized citizens, but also by democratic norms. Without robust norms, constitutional checks and balances do not serve as the bulwarks of democracy we imagine them to be. Institutions become political weapons, wielded forcefully by those who control them against those who do not. This is how elected autocrats subvert democracy—packing and “weaponizing” the courts and other neutral agencies, buying off the media and the private sector (or bullying them into silence), and rewriting the rules of politics to tilt the playing field against opponents. The tragic paradox of the elected route to authoritarianism is that democracy's assassins use the very institutions of democracy—gradually, subtly, and even legally—to kill it.

America failed the first test in November 2016, when we elected a president with dubious allegiance to democratic norms.

Again, I am reading from a book by these two scholars.

Donald Trump's surprise victory was made possible not only by public disaffection but also by the Republican Party's failure to keep an extremist demagogue within its own ranks from gaining the nomination.

How serious is the threat now?

Written in 2018.

Many observers take comfort in our Constitution, which was designed precisely to thwart and contain demagogues. . . . Our Madisonian system of checks and balances has endured for more than two centuries. It survived the Civil War, the Great Depression, the Cold War, Watergate. Surely, then, it will survive Trump.

We are less certain. Historically, our system of checks and balances has worked pretty well—but not, or not entirely, because of the constitutional system designed by the founders. Democracies work best—and survive longer—when constitutions are reinforced by unwritten democratic norms. Two basic norms have preserved America's checks and balances in ways that we have [often taken] for granted: mutual toleration, or the understanding that competing parties accept one another as legitimate . . . and forbearance, or the idea that politicians should exercise restraint in deploying their institutional prerogatives. These two norms undergirded American democracy for most of the twentieth century. Leaders of the two parties accepted one another as legitimate and resisted the temptation to use their temporary control of institutions to maximize partisan advantage. Norms of toleration and restraint served as the soft guardrails of American democracy, helping it avoid the kind of partisan fight to the death that has destroyed democracies elsewhere in the world, including Europe in the 1930s and South America in the 1960s and 1970s.

Today, however, the guardrails of American democracy are weakening. The erosion of our democratic norms began in the 1980s and 1990s and accelerated in the 2000s. By the time Barack Obama became president, many Republicans . . . questioned the legitimacy of their Democratic rivals and had abandoned forbearance for a strategy of winning by any means necessary. Donald Trump may have accelerated this process, but he didn't cause it. The challenges facing American democracy run deeper. The weakening of our democratic norms is rooted in extreme partisan polarization—one that extends beyond policy differences into an existential conflict over race and culture. America's efforts to achieve racial equality as our society grows increasingly diverse have fueled an insidious reaction and intensifying polarization. And if one thing is clear from studying breakdowns throughout history, it's that extreme polarization can kill democracies.

There are, therefore, reasons for alarm.

Say the authors.

Not only did Americans elect a demagogue in 2016, but we did so at a time when the norms that once protected our democracy were already coming unmoored. But if other countries' experiences teach us that that polarization can kill democracies, they also teach us that breakdown is [not] . . . inevitable—

It is not "irreversible."

Drawing lessons from other democracies, our book suggests strategies that citizens should and should not follow to defend our democracy.

Many Americans are justifiably frightened by what is happening to our country. But

protecting our democracy requires more than . . . fright . . . [more than] outrage. [It] must be humble and bold. We must learn from other countries to see the warning signs—and recognize the false alarms. We must be aware of the fateful missteps that have wrecked other democracies. And we must see how citizens have risen to meet the great democratic crises of the past, overcoming their own deep-seated divisions to avert breakdown. History doesn't repeat itself. But it rhymes. The promise of history, and the hope—

The authors say of their book—is that we find the rhymes before it is too late.

There are two key points in that introduction: that we have been accustomed to thinking of democracies failing through a military coup. So as long as there is not a military coup, as long as the Presidential palace is not burned, as long as troops don't march in the streets and the Constitution is not thrown out and replaced by martial law, we are fine.

But the second key point is that that is not the way democracies die today. It is not by martial law, not by military coups, not, as the authors put it, by men with guns. Democracies die today by elected leaders augmenting their power in an authoritarian quest, developing additional momentum from a rubberstamp congress, gaining further power from decisions handed down by a court, and then using the institutions of the government.

Since returning to office in January, President Trump has willfully and continually broken the law. The path for this lawbreaking was clear before Trump returned to office. On July 1, 2024, the Supreme Court's conservative majority found invisible ink in our Constitution. It says: Presidents have absolute immunity for committing crimes if they are done as official acts.

The Brennan Center for Justice said of this ruling:

Unfounded in both history and legal precedent, the decision poses a risk to our system of governance.

I am going to share with you their analysis of that ruling. This is the ruling in Trump v. United States that I commented on earlier, in which I said the Supreme Court has decided that the President is a King, immune from prosecution for committing crimes as long as they do it as an act of government.

Once again, I will emphasize that when this was going to the Court, I said there is no way that our Supreme Court says the President is above the law; no way that he is immune from prosecution for crimes committed because our Founders were terrified of the President being immune from the law. They were terrified of the President being a King.

They like to say they are originalists. If you look at the original context, it is so emphasized in every possible way that the checks and balances were designed to make sure that the President was not a King; that the vision for the country was hammered

out in legislation crafted by people elected to serve in the House and serve in the Senate, and the President was to execute those laws, was to implement those laws, not to act as the sole power, crafting a vision, deciding what programs to fund, deciding how much money to give them, and over here Congress is just a rubberstamp. They certainly—the Founders—never envisioned that the President was above the law.

How the Supreme Court found invisible ink in the Constitution, I do not know. But here is an analysis by the Brennan Center of this decision. Written October 1, 2024, titled "The Supreme Court's Presidential Immunity Ruling Undermines Our Democracy." This is before Trump was reelected in November, before he came back here in January 2025:

The ruling in Trump v. United States is an affront to democracy and the rule of law, forfeiting critical checks on executive power. It undermines criminal accountability for presidents if their law-breaking occurs in the course of "official" conduct, and it endangers democratic accountability by potentially shielding presidents from prosecution for trying to overthrow elections. By inserting this opinion into a world where impeachment is no longer a viable option, the Supreme Court is licensing future presidents to subvert our democracy at will—and protecting a past president, Donald Trump, who attempted just that.

The majority of the justices [in this opinion] claim the court's ruling restores the Founders' designs for an "energetic executive." But this distorts the Founders' understanding of executive power in our constitutional democracy. They concentrated power in the hands of a single executive to make it easier to hold presidents accountable—and to ensure that there would be no buckpassing for executive decisions. Presidents would have to be responsive to the voters or risk losing office. And the Founders determined that presidents would have no criminal immunity, so they could be prosecuted if they violated the law. These foundational decisions ensured that—whether by Congress, the courts or the people—presidents could be held to account, as they should be in any country that values the rule of law.

Ignoring this history, the high court went to great lengths to shield presidents from accountability. It gave them a combination of "absolute" and "presumptive" immunities that apply to all so-called "official" acts. This practically invites future presidents to use the levers of the federal government to commit crimes. That's absurd and intolerable.

But let's not disregard the potential retroactive effect: This decision may also let a former president off the hook for his flagrantly anti-democratic behavior. Trump is accused of attempting to overturn the 2020 election, essentially anointing himself by invalidating the choices of millions of voters. The court's ruling complicates the case against him considerably. It directed federal prosecutors to drop allegations to Trump's commandeering of the Department of Justice. And it requires the prosecutors to overcome a daunting presumption that Trump has immunity for much of the rest of his scheme. In doing so, it increases the risk that Trump may walk free. But that cannot be the outcome. Any opinion from the court that allows that is a war with our system of self-government. It is a direct threat to democracy itself.

So the Supreme Court found something in our Constitution that no one else has been able to find over almost 250 years—of course, our Constitution came 11 years after our Declaration of Independence, so let's say 240 years. For 240 years, the President is accountable to the law, prosecuted for crimes, and then, suddenly, in 2024, the Supreme Court said: We want to give immunity. We think it is good policy to give the President immunity.

They said things like they didn't want the President to have to worry about whether they were breaking the law, so we will just decide the President is immune to the law.

The Supreme Court is not supposed to make law. They are supposed to enforce the Constitution. But they designated themselves, based on their judgment, that it would be a good thing for the President to be immune from potential prosecution to just give him that power. They could have said in their opinion: We think it might be good practice, so even though the Constitution doesn't say it, we encourage Congress to take a look at this possible policy improvement. And I think we would have sat here, Democrats and Republicans together, and said: Who are you kidding? We have read the Constitution. We have taken an oath to the Constitution. There is no clause in article II of the Constitution that says the President is immune from prosecution or that the President is above the law.

And if you combine that power of the President to commit a crime with the power to also give pardons for anyone in the executive branch who is executing decisions of the President, you now have an entire executive branch that feels empowered to operate outside the law.

Well, that is where we are now—combined immunity with the President's pardon power, and the entire executive branch believes it can operate outside the law.

And operating outside the law is exactly what we have seen. On January 20, I sat in the Rotunda of the Capitol just down the hall from these double doors to my right, situated halfway between the House of Representatives and the U.S. Senate, for Donald Trump's inaugural address. It was not a traditional address in which a President lays out a vision. In a traditional address, the President says: Here is the vision I laid out for the country when I was campaigning, and now I am going to work with Congress to implement this vision.

The reason the President says that is because the Constitution places the power to decide the direction of the country with Congress—what programs to fund and at what level to fund them at. The power is placed with Congress. To execute the vision from the campaign, Presidents say: I am going to work with Congress. I am going to work with both sides of the Congress to build that future that I promised in my campaign.

Instead, in his speech, Trump talked about ruling by Executive order, governing by fiat; nothing about working with Congress to achieve a vision. He issued 26 Executive orders on his first day. He has issued more than 200 from that inauguration in January until now. Many of these orders have directly violated our country's legal statutes. It is a vision of government where power flows not from the law but from President Trump.

He fired 17 inspectors general, violating the law that allows the President to fire an inspector general only "for cause" and with 30 days' notice to Congress.

Let me read you an article when these firings happened in January. The title is "Fired Inspectors General Raise Alarms as Trump's Administration Moves to Finalize the Purge," written by Charlie Savage on January 27 of this year:

The Trump administration on Monday ordered former staff members for as many as 17 fired inspectors general to immediately arrange for the return of work laptops, phones, parking decals and ID cards—even as questions remained over whether President Trump broke the law in dismissing [these] independent watchdogs.

Some of the fired officials were seeking to raise alarms about what had happened. Among them was Mark Greenblatt, whom Trump had appointed as the inspector general of the Interior Department five years ago and who had led an interagency council of the watchdog officials until the new year.

"This raises an existential threat with respect to the primary independent oversight function in the federal government," Mr. Greenblatt said in an interview. "We have preserved the independence of inspectors general by making them not swing with every change in political party."

He warned that the credibility of the inspectors general would be at issue if Mr. Trump put in "lackeys who are rubber-stamping his programs and exonerating allegations of his own people willy-nilly." Doing so would give the next Democratic president incentive to fire them all, too, setting off "a never-ending cycle of politicalization."

Aboard Air Force One on Saturday—

The article continues:

—Mr. Trump defended the purge. "Some people thought that some were unfair or some were not doing the job," he said, falsely claiming a mass removal of inspectors general was "a very standard thing to do."

That is not true. While it is the case that after Congress enacted the Inspector General Act in 1978 and President Ronald Reagan removed all those he inherited from Jimmy Carter in 1981, he later rehired some of them. And since then, the norm has been that they remain in place when new presidents take office, underscoring their role as nonpartisan officials.

Even as word seeped out late Friday and into the weekend that the White House tersely dismissed officials, citing its "changing priorities," it had not released a comprehensive list of who had been fired, leading to confusion about the extent of the purge.

In an interview on Monday, Hannibal Ware, who goes by Mike and took over as chairman of the interagency council in January and was among those fired, said the dismissals he knew of extended to 17 officials covering 18 agencies. He had held a watchdog role for two agencies, one of which was in an acting capacity.

The agencies were, he said, the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury and Veterans Affairs.

They also included, he said, a special inspector general for Afghanistan reconstruction and internal watchdogs at the Environmental Protection Agency, the White House's Office of Personnel Management and Mr. Ware's own two agencies, the Small Business Administration and the Social Security Administration.

But, underscoring the confusion, at least one of those inspectors, Krista A. Boyd of the Office of Personnel Management, found herself locked out of the system even though she had not received an email informing her that she was fired, according to people familiar with the matter. The inspector general community is assuming that she is terminated, too.

In response to the purge, Mr. Ware, in a letter to the White House late Friday, suggested that the firings were illegal because they violated a law that requires giving Congress 30 days' advance notice with the reason for any removal of an inspector general.

Congress passed the Inspector General Act as part of the wave of post-Watergate reforms to government. The idea was to have officials embedded in major parts of the executive branch who did not report to that department or agency's head, and so were able to perform independent internal oversight.

In 2020, Mr. Trump summarily ousted or sidelined a series of inspectors general who were seen as investigating his administration aggressively. Partly in response to that, Congress strengthened the 30-day notice law by requiring presidents to provide a "substantive rationale, including detailed and case-specific reasons" for the firing.

In an interview, Mr. Ware warned that if the administration could flout that part of the Inspector General Act, then it would establish that it need not abide by the rest of that law—including provisions requiring giving the watchdogs unfettered access to agency files.

"What strength is there in the Inspector General Act if they say they don't have to abide by parts of it?" he asked. "This is a threat to our democracy."

Michael J. Missal, who was removed as the [IG] for the Department of Veterans Affairs, pointed to Congress as a potential defense of the institution.

He said:

"For inspectors general to continue to improve government services and ensure taxpayer funds are spent effectively, they must continue to be truly independent and have the support of Congress."

In a letter over the weekend, the ranking Democrats on the House oversight committees [said the following]:

His "attempt to unlawfully and arbitrarily remove more than a dozen independent, nonpartisan inspectors general without notice to Congress . . . and in the dead of night" was a blatant violation of the law.

This should disturb all of us that one of the first acts of this administration on this path to authoritarian control of our Nation was to throw out those independent watchdogs. That, in fact, is a common symptom of an authoritarian takeover—to get rid of the inspectors.

In this case, Congress—all of us—had strengthened the law to require not

just notice but a specific act, an egregious act, to be fired so that they really could feel independent and not accountable to the head and could report things honestly.

I know, in my work here over the last 17 years, I have repeatedly read inspectors general reports, and they have often been some of the most insightful examinations of what is going right and what is going wrong and given us as legislators ideas for things that need to be fixed, but you can't have that type of valuable input if the inspectors general are not independent, if they are worried that, with the first critical thing they say or point out, they will be fired.

It was also reported that the Trump administration blocked funding for the Council of the Inspectors General on Integrity and Efficiency. He blocked the funding for those who are dedicated to integrity and efficiency.

Now let me share with you some reporting from just a week ago and the title: "Trump Administration Defunds the Federal Watchdog Office."

The White House last week informed a federal office charged with conducting oversight of the Trump administration that it was blocking congressionally approved money for its operations for the coming fiscal year, effectively shuttering it after midnight on Tuesday.

The blocked funds are not linked to the funding showdown between congressional Democrats and Republicans that could prompt a government shutdown.

The decision to defund the Council of the Inspectors General on Integrity and Efficiency, which drew quick condemnation from top Republicans in the Senate who are now pressing to reverse it, was the latest effort by the White House to undermine independent investigators in the federal government.

It was also an end run around Congress by a White House that has repeatedly sought to usurp the legislative branch's power over federal spending.

The move would shut down an umbrella office that supports the government's 72 inspectors general and could wipe out a public website where they post their reports, which includes a repository of decades of recommendations on how the government can save money.

In a letter on Monday, Senators Susan Collins, Republican of Maine and the chairwoman of the Appropriations Committee, and Chuck Grassley, Republican of Iowa and [chair] of the Judiciary Committee, called on the White House to release the funding.

"Absent immediate action," they wrote, the watchdog office will "furlough staff and terminate important functions that help prevent and detect waste, fraud and abuse throughout the government."

So I appreciate that my two colleagues weighed in in that fashion because this entire operation of attacking the inspectors general is the exact opposite of what Trump said he wanted to achieve through DOGE, the Department of Government Efficiency.

The inspectors general report when things are going wrong, and they report when things are going right. They provide suggestions on how things can be fixed. So, if you really want to have a Department of Government Effi-

ciency, one of the first things you do is strengthen the inspectors general, not undermine them.

If, on the other hand, you want to run the government in an authoritarian fashion, you don't want people keeping an eye on what you are doing and reporting it to Congress or reporting it to the American people, so you fire the inspectors.

In addition to the firings of the inspectors general, Trump and Vought—our current head of OMB—and Elon Musk fired Federal workers who provide critical services.

POLITICO did a report on how the cuts to the Forest Service increase wildfire risk. The article is titled: "'Crazy': Forest Service cuts ignite fear, fury over wildfire risks."

Now, I come from the west part of the country. The West is besieged every year by wildfires. We used to think of them as summer wildfires, but now, in Oregon, they can be in the spring or the summer or the fall. Further south, in California, they can be any month of the year. The wildfire seasons are getting longer because, with climate change, our forests are dryer. We also have more lightning strikes and often more wind that fuels the fires from an initial small fire into a large complication. So, whenever the infrastructure for fighting fires or treating the forests to reduce the risk of fire in the first place is assaulted, we get a little worried out West, but here is what the POLITICO article said:

Officials from Nevada to New Jersey to Utah and beyond are scrambling to take stock of [President Trump's] cuts to the U.S. Forest Service—and deciding how to respond as the summer wildfire season looms.

"Forest fires aren't going to take four years off just because of who's in the White House," Colorado [Governor Polis] said in an interview following the announcement of \$7 million in state wildfire mitigation grants. "So it's really important that states up the bar on preparation."

Trump has cut 10 percent of the workers at the Forest Service, an agency that manages 193 million acres of national forests and grasslands, with more firings and a steep reorganization likely coming. About 75 percent of agency staff are trained in wildland firefighting. That means there are fewer workers [across] the country clearing brush and thinning trees—

We call this forest management—to reduce the risk and intensity of wildfires. And when fires do break out, there will be fewer workers . . . to stop the spread [of the fire].

The cuts have prompted alarm bells in state capitals as attention on wildfires and forestry policy has arguably never been higher in the wake of devastating fires that ripped through Los Angeles earlier this year. Record drought, heat waves and sluggish prevention work have exacerbated fires in recent decades: An average of 3 million acres burned nationwide each year in the 1990s, but [now] the average is . . . nearly 7 million [acres per year], according to . . . the National Interagency Fire Center.

Now, with that critical prevention work at risk of slowing, states and cities are weighing drastic actions to safeguard against the threat of potentially more fire-prone national lands—since fire doesn't respect federal, state [or] private land boundaries.

Nevada State forester and firewarden Kacey . . . told POLITICO:

"We're going to be headed into what could be a big fire season in the state of Nevada," adding that she can exercise emergency hiring authority if needed. The federal government owns 86 percent of Nevada's land. "I'm nervous about our ability to maintain those public lands with the people who work on the ground, doing the important, critical work that actually helps lessen the risk of catastrophic loss from fire."

The shrinking of the Forest Service is hitting the agency both on the ground and at the leadership level, with Biden-era Chief Randy Moore retiring in the wake of the mass layoffs and more than half of regional heads also departing.

The article goes on at some length. I will spare you from the rest of it because the point is quite clear: Massive cuts to the Forest Service were creating an enormous danger of increased fires in the West. These firings were often in complete violation of the law.

There is a law called the RIF law—the reduction in force law—and it lays out a very, very careful analysis that has to go on to make sure that when you do reduce the size of an Agency, that you do it in a manner that produces the best possible results. If do you the firings without that process, that is illegal. So firing inspectors general without notice broke the law. Firing them without cause broke the law. Firing forest workers without a proper RIF analysis broke the law.

Trump also proceeded to fire the Board members of independent Agencies, violating laws that established the terms of office and violating the laws that allowed them to be fired only for cause.

He violated the Antideficiency Act when Elon Musk and DOGE sent the "Fork in the Road" email to 2 million Federal employees, offering a buyout of pay through September 30.

He violated the Privacy Act when Trump, Musk, and DOGE accessed personal information from computers of the Social Security Administration.

He violated a 2018 law banning reductions in indirect costs covered by NIH research grants when he capped those rates at 15 percent.

Trump issued an Executive order ending birthright citizenship—birthright citizenship—which is in our Constitution. It was quickly blocked by a Federal judge.

Trump is routinely bypassing the Senate's confirmation process by making interim appointments of U.S. attorneys around the country, which is in clear violation of the intent and the requirements of the law.

Now, in this government shutdown, he is breaking several laws by using nonpartisan government Agencies to amplify his political messaging, and I will read to you a letter that Senators sent, including myself, to the administration and to Russ Vought, who is the Director of the Office of Management and Budget.

My point in all of these pieces, in all of these different actions—from the inspectors general being fired, to Board

members being tossed, all in violation of the laws concerning the executive branch—is that we have an authoritarian President, who acts and believes that he is beyond the law, not accountable to the law, and as a strongman, can do whatever the hell he wants.

It is our responsibility to say: Hell no. We have a Constitution. We took an oath to that Constitution. It is our responsibility to pass legislation that patches in any gray areas, to make things clear. If the courts say it is not quite clear, we need to make it clear, but we are not doing that.

So this letter, in regard to the use of nonpartisan government Agencies for political messaging, is an important accounting of trying to hold the administration to the rule of law.

Director Vought, As Congress continues to work on funding the federal government for Fiscal Year 2026, the White House and political appointees assigned to agencies within the executive branch have been engaged in a widespread campaign of partisan political activities. These activities are in blatant violation of Section 715 of P.L. 118-47, which prohibits federal funds from being used for propaganda purposes “designed to support or defeat legislation pending before Congress.” These activities appear to violate the Anti-Lobbying Act and the Hatch Act. We urge you to immediately remove these illegal, partisan messages to comply with the law and hold accountable those who have directed this behavior.

As early as September 30, 2025, federal agencies began publicly posting various notices and other media from official accounts, on official websites, and in official email correspondence that violates Sec. 715’s prohibition on propaganda.

For example . . . the official website for the Department of Housing and Urban Development displayed a blatantly partisan political banner on their website claiming that the “Radical Left are going to . . . inflict massive pain on the American people . . .”

This is partisan political messaging done on government websites, in violation of the Anti-Lobbying Act, in violation of the Hatch Act, in violation of 715, Public Law 118-47.

On October 1 . . . similar partisan political messages appeared on the websites for the Small Business Administration, the Department of Justice, and the Department of Agriculture, among others.

In addition to website updates, federal employees—including of the Small Business Administration, Department of Labor, Department of Education, and Department of Veterans Affairs—were reportedly directed to send automatic reply email messages [with] partisan political propaganda which asserts that “Democrat Senators are blocking passage of H.R. 5371 in the Senate which has led to a lapse in appropriations.” As you well know, these messages are misleading, given that Democrats have voted four times over the past week to fully fund the government only to be rebuffed by our Republican colleagues. But more important, they are clear violations of Section 715, which prohibits the use of federal funds by an agency to publicly support or oppose legislation before Congress.

Spirited public debate has its place, but agency resources, including websites or emails, should not be used to send overtly political, and in this case, misleading messages, to the American people.

Congress has [long] enacted . . . laws to ensure that partisan political activities and

propaganda do not impede the government’s ability to serve all Americans . . . given the blatant, systematic, and repeated violations of Sec. 715 of P.L. 118-47, and likely [violations of] the Anti-Lobbying and Hatch Acts, over the last week, you must immediately remove these partisan messages from all executive branch agency communications and websites.

I never thought I would see the day that a President of the United States would use the instruments of the government to run a blatant political campaign saying we are blaming this party or that group for this outcome. That so undermines the vision of an executive branch elected to serve all the people of the United States.

It so undermines the vision that we do not politicize the functions of the executive branch, the way that they operate, the programs they support, the levels of which they are funded. All of those things will, of course, change according to laws that we pass here. But political messages, blatant political attacks, campaign slogans on official websites are against the law and another law that the President is breaking.

In March, The Atlantic published a piece titled: “America is Watching the Rise of the Dual State,” and it describes how another authoritarian regime “maintain[ed] a day-to-day normalcy for many of its citizens—while at the same time establishing a domain of lawlessness.”

It is a sizable article, so for now, I am not going to read all of it to you, but I will read the first part because what this is about is Germany in the 1930s—again, this article published by The Atlantic—and how we in America are following a path that has chilling parallels. Chilling parallels.

On September 20, 1938, a man who had witnessed the rise of fascism packed his suitcases and fled his home in Berlin. He arranged to have smuggled separately a manuscript that he had drafted in secret over the previous two years. This book was . . . remarkable . . . clarified what was unfolding in Berlin at the time, the catalyst for [the] author’s flight.

The man fleeing . . . was a Jewish labor lawyer named Ernst Fraenkel. He completed his manuscript two years later at the University of Chicago . . . publishing it as [the book] *The Dual State*, with the modest subtitle *A Contribution to the Theory of Dictatorship*. The book explains how the Nazi regime managed to keep on track a capitalist economy governed by stable laws—and maintain a day-to-day normalcy for many of its citizens—while at the same time establishing a domain of lawlessness and state violence in order to realize its terrible vision of ethno-nationalism.

Fraenkel offered [in this book] a simple, yet powerful, picture of how the constitutional and legal foundations of the Weimar Republic eroded, and were replaced by strongman-style rule in which the commands of the Nazi Party and its leader became paramount. His perspective was not grounded in abstract political theory; it grew instead from his experience as a Jewish lawyer in Nazi Berlin representing dissidents and other disfavored clients. Academic in tone, *The Dual State* [book] sketches a template of emerging tyranny distilled from bloody and horrifying experience.

As Fraenkel explained it, a lawless dictatorship does not arise simply by snuffing out the ordinary legal system of rules, procedures, and precedents. To the contrary, that system—which he called the “normative state”—remains in place while dictatorial power spreads across society. What happens, [he] explained, is insidious. Rather than completely eliminating the normative state, [the state of what normal citizens experience day to day] the Nazi . . . regime . . . created a parallel zone in which “unlimited arbitrariness and violence unchecked by any legal guarantees” reigned freely . . . [this is what] Fraenkel called the “prerogative state,” [where] ordinary law didn’t apply.

In this prerogative state, judges and other legal actors deferred to the racist hierarchies and ruthless expediencies of the Nazi regime.

The key here is that this prerogative state does not immediately and completely overrun the normative state.

I will just summarize my impression about this article because I think it is a little too fancy in its political science depictions, almost loses comprehensibility, and that is witnessed where, around the Executive in the Weimar Republic, there started to become a zone of lawlessness in which the laws were not followed because it became an authoritarian regime that says: “We decide. We are the Executive, we decide what we do. We don’t care what those laws say that tell us how we are supposed to act. We ignore them,” meanwhile, maintaining the relatively normal economy and the day-to-day lives of people.

What I have gone through in law violation after law violation after violation after violation in just January through October of this year is the Executive of the United States creating that zone around the Executive where the laws don’t apply. They don’t apply because Trump chooses to ignore them.

And in choosing to ignore them, he is effectively creating that zone around the Executive that doesn’t operate on this foundation that we have honored for 2½ centuries: a foundation in which the President is accountable to the law and the people who work for the President are accountable to the law.

That is the chilling parallel between 1930s Germany and now of an authoritarian Executive creating a zone of lawlessness around the Executive functioning. In addition to the lawlessness, we have also been so affected—so affected—by the legislation that has passed here in this Chamber.

These are two different components of an administration that has decided that it is a “families lose, billionaires win” perspective. The laws that apply to the Executive are routinely ignored—I have gone through about a dozen of them in this presentation—and then champion legislation that harms Americans. Those two things, one undermining our Constitution and establishing a strongman state, using that kind of authoritarian Executive power to persuade the majority in the House and Senate to pass a law by the narrowest of margins—I think the vote here in the Senate was broken by the

Vice President in passing that bill—convincing them to pass a law that hurts Americans. And now, Republicans have shut down the government in order to preserve that attack on healthcare.

Why did they want to shut down healthcare or savage or shred healthcare? To give more tax breaks to billionaires. Slash nutrition programs to give tax breaks to billionaires. Slash the tax credits to give more tax breaks to billionaires. Slash Medicaid healthcare programs to give more tax breaks to billionaires. And on top of all that, add \$30 trillion to the projected debt of the United States of America to give tax breaks to the richest Americans—\$30 trillion in additional debt.

You know, I have often been confounded by the rhetoric on the right, which says they are fiscally responsible because our debt has been driven up time and time again by the decisions they championed. We have the Bush tax cuts, created massive Federal debt. We have a second Bush tax cut, created massive Federal debt. We have the war on Afghanistan and Iraq creating massive debt. And we certainly, certainly have this most recent decision to savage programs for Americans and run up \$30 trillion more in debt, according to the estimates of the Congressional Budget Office, in order to fund those tax breaks for the richest Americans.

Well, we are now at 100 percent of debt to GDP, gross domestic product. So if you put on one side of the scale the size of our economy and you put on the other side of the scale our debt, they are the same. We are at 100 percent. And that starts to become a perilous economic position for the United States—perilous because the further you go in that direction, you run up more and more and more debt.

What the budget is doing right now, in order to provide these tax breaks—and I speak roughly—I think we are at about 17 percent of GDP in revenue and about 23 percent of gross domestic product in spending—a 6-percent gap. And the Republicans just passed a bill that makes it far worse and runs up far more debt. There is certainly nothing fiscally responsible in that.

They didn't run up debt to make our healthcare system better; they savaged—savaged—the healthcare for Americans in the United States of America in order to fund tax breaks for billionaires. But the tax breaks were so generous, cutting the healthcare programs didn't start to pay for it, so they run up another \$30 trillion in debt, according to the Congressional Budget Office.

The impact of this healthcare bill on Oregonians is significant. It is projected to increase the average payment on the exchange—the average net premium paid—by about 68 percent. Now, that is actually—if that comes out to be true, that is a hell of a lot better than the average across the country because the predicted average across the country is 114 percent—more than

double. So I guess Oregonians might say: Hey, we did a little better.

But, I will tell you, any family that finds they didn't get a 5-percent increase in their healthcare costs or 10 percent but they got 68 percent—\$1,300 a person—they are going to struggle—struggle—and they are going to go without insurance in many cases, and they are going to end up with worse healthcare as a result because they won't go to the doctor because they don't have insurance to pay for it.

If they do go to the doctor when a condition becomes bad enough, a small condition may become a really serious condition; a treatable condition may become an untreatable condition; an early tumor may become a death-sentence tumor. It will be more expensive to treat that healthcare because the disease is worse and it is being treated in the emergency room—the most expensive place to treat a health condition.

Then we have the fact that, without insurance, they won't be able to pay the bills that they receive, so the clinic and the hospital will receive less funds, and if receiving less funds, they would have to reduce the amount of services they provide the community, affecting everybody's healthcare.

The Sheps Center estimates that 300-plus rural hospitals are at risk to close because of the "Big Ugly Betrayal Bill" passed by the majority party.

You could sum it up this way: The bill is all about the red carpet for billionaires and redtape for America's families; cut the programs fundamental to families thriving, and deliver massive tax gifts to the richest Americans.

You know, 77 percent of the enrollees in the exchange, the ACA exchange—Affordable Care Act exchange—are in States Trump won. So when a Democrat stands up on this floor and says "We need to fix these tax credits so people can afford insurance," the vast majority of people they are trying to help live in red States.

We are not advocating based on something that is partisan; we are advocating on what is good for America. We are simply saying: Quit shutting down the government, fix this egregious condition, and America will be better off.

I will say that almost everyone believes, politically, Republicans would be better off as well if they fix this egregious attack on healthcare.

The "red carpet for the rich; redtape for families" is a terrible philosophy to go forward in America.

One piece of the authoritarian puzzle: You have the rubberstamp Congress. You have the Supreme Court that delivers more power to the Executive. You have the aggressive authoritarian personality as the President. You have government by and for the powerful, not government by and for the people. If, therefore, you have government by and for the powerful, you pass bills like the "Big Ugly Betrayal Bill" that

slashes healthcare to deliver tax breaks for billionaires. That is how these two pieces are connected. The authoritarian takeover by the President and the horrific attack on ordinary people to fund tax breaks for the powerful—that is how these two things are connected. It is government by and for the powerful rather than by and for the people.

But in the world according to our Constitution, the President is not a King, the laws are not just suggestions, and the Constitution is not optional. And that is why I will keep raising the alarm bells here on the floor of the Senate, because our country is in deep trouble. It is in the middle of a massive authoritarian corruption of our Constitution. That is why 7 million people took to the streets on Saturday.

This brings us to the first chapter of "How Democracies Die." The reason I have come to the floor to read it tonight and to do commentary—as well as the book "On Tyranny"—is to amplify the alarm bells.

The citizens, 7 million strong, took to the streets in the largest demonstration in American history. But 7 million is only a small fraction of the population of this country. So just as they rang the alarm bells and hoped that their neighbors would pay attention, their newspapers would pay attention, that we, their electeds, would pay attention, it is important that those of us here in this Senate Chamber also ring the alarm bells.

I have chosen these two books because there is no volume I know that better describes how democracies have died through an authoritarian takeover—not through a military coup but through the obliteration of the checks and balances of the Constitution.

So "Fateful Alliances" is the name of this chapter. Again, I am reading from this book, and I will leave this up to remind folks.

A quarrel had arisen between the Horse and the Stag, so the Horse came to a Hunter to ask his help to take revenge on the Stag. The Hunter agreed but said: "If you desire to conquer the Stag, you must permit me to place this piece of iron between your jaws, so that I may guide you with these reins, and allow this saddle to be placed upon your back so that I may keep steady upon you as we follow the enemy." The Horse agreed to the conditions, and the Hunter soon saddled and bridled him. Then, with the aid of the Hunter, the Horse soon overcame the Stag and said to the Hunter: "Now get off, and remove those things from my mouth and back." "Not so fast, friend," said the Hunter. "I have now got you under bit and spur and prefer to keep you as you are at present."

That is a passage from "Aesop's Fables."

On October 30, 1922, Benito Mussolini arrived in Rome at 10:55 A.M. in an overnight sleeping car from Milan. He had been invited to the capital city by the king to accept Italy's premiership and form a new cabinet. Accompanied by a small group of guards, Mussolini first stopped at the Hotel Savoia and then, wearing a black suit jacket, black shirt, and matching black bowler hat, walked triumphantly to the king's Quirinal

Palace. Rome was filled with rumors of unrest. Bands of Fascists—many in mismatched uniforms—roamed the city's streets. Mussolini, aware of the power of the spectacle, strode into the king's marble-floored residential palace and greeted him, "Sire, forgive my attire. I come from the battlefield."

This was the beginning of Mussolini's legendary "March on Rome." The image of masses of Blackshirts crossing the Rubicon to seize power from Italy's Liberal state became fascist canon, repeated on national holidays and in children's schoolbooks throughout the 1920s and 1930s. Mussolini did his part to enshrine the myth. At the last train stop before entering Rome that day, he had considered disembarking to ride into the city on horseback surrounded by his guards. Though the plan was ultimately abandoned, afterward he did all he could to bolster the legend of his rise to power as, in his own words, a "revolution" and "insurrectional act" that launched a new fascist epoch.

The truth was more mundane. The bulk of Mussolini's Blackshirts, often poorly fed and unarmed, arrived only after he had been invited to become prime minister. The squads of Fascists around the country were a menace, but Mussolini's machinations to take the reins of state were no revolution. He used his party's 35 parliamentary votes . . . divisions among establishment politicians, fear of socialism, and the threat of violence by 30,000 Blackshirts to capture the attention of the timid King Victor Emmanuel III, who saw in Mussolini a rising political star and a means of neutralizing unrest.

With political order restored by Mussolini's appointment and socialism in Retreat, the Italian stock market soared. Elder statesmen of the Liberal establishment, such as Giovanni Giolitti and Antonio Salandra, found themselves applauding the turn of events. They regarded Mussolini as a useful ally. But not unlike the horse in Aesop's fable, Italy soon found itself under "bit and spur."

Some version of this story has repeated itself throughout the world over the last century. A cast of political outsiders, including Adolf Hitler, Getulio Vargas in Brazil, Alberto Fujimori in Peru, and Hugo Chavez in Venezuela, came to power on the same path: From the inside, via elections or alliances with powerful political figures. In each instance, elites believed the invitation to power would contain the outsider, leading to a restoration of control by mainstream politicians. But their plans backfired. A lethal mix of ambition, fear, and miscalculation conspired to lead them to the same fateful mistake: Willingly handing over the keys of power to an autocrat-in-the-making.

Why do seasoned elder statesmen make this mistake? There are few more gripping illustrations than the rise of Adolf Hitler in January 1933. His capacity for violent insurrection was on display as early as Munich's Beer Hall Putsch of 1923—a surprise evening strike in which his group of pistol-bearing loyalists took control of several government buildings and a Munich beer hall where Bavarian officials were meeting. The ill-conceived attack was halted by the authorities, and Hitler spent nine months in jail, where he wrote his infamous personal testament, *Mein Kampf*. Thereafter, Hitler publicly committed to gaining power via elections. Initially, his National Socialist movement found few votes. The Weimar political system had been founded in 1919 by a prodemocratic coalition of Catholics, Liberals, and Social Democrats. But beginning in 1930, with the German economy reeling, the center-right fell prey to infighting, and the Communists and Nazis grew in popularity.

The elected government collapsed in March 1930 amid the pain of the Great Depression. With political gridlock blocking government action, the figurehead president, World War I hero Paul von Hindenburg, took advantage of a constitutional article giving the head of state the authority to name chancellors in the exceptional circumstance that parliament failed to deliver governing majorities. The aim of these unelected chancellors—and the president—was not only to govern but to sideline the radicals on the left and right. First, Center Party economist Heinrich Brüning (who would later flee Germany to become a professor [in the United States]) attempted, but failed, to restore economic growth; his time as chancellor was short-lived. President von Hindenburg turned next to nobleman Franz von Papen, and then, in growing despondency, to von Papen's close friend and rival, former defense minister General Kurt von Schleicher. But without parliamentary majorities in the Reichstag, stalemate persisted. Leaders, for good reason, feared the next election.

Convinced that "something must [finally] give," a cabal of rivalrous conservatives convened in late January 1933 and settled on a solution: A popular outsider should be placed at the head of the government. They despised him but at least he had a mass following. And, most of all, they thought they could control him.

On January 30, 1933, von Papen, one of the chief architects of the plan, dismissed worries over the gamble that would make Adolf Hitler chancellor of a crisis-ridden Germany with the reassuring words: "We've engaged him for ourselves. . . . Within two months, we will have pushed [him] so far into a corner that he'll squeal." A more profound miscalculation is hard to imagine.

The Italian and German experiences highlight the type of "fateful alliance" that often elevates authoritarians to power. In any democracy, politicians will at times face severe challenges. [An] economic crisis, [rising] public discontent, [and the] electoral decline of mainstream political parties can test the judgment of even the most experienced insiders. If a charismatic outsider emerges on the scene, gaining popularity as he challenges the old order, it is tempting for establishment politicians who feel their control is unraveling to try to co-opt him. If an insider breaks ranks to embrace the insurgent before his rivals do, he can use the outsider's energy and base to outmaneuver his peers. And then, establishment politicians hope, the insurgent can be redirected to support their own program.

This sort of devil's bargain often mutates to the benefit of the insurgent, as alliances provide outsiders with enough respectability to become legitimate contenders for power. In [the] early 1920s Italy, the old Liberal order was crumbling amid growing strikes and social unrest. The failure of traditional parties to forge solid parliamentary majorities left the elderly fifth-term prime minister Giovanni Giolitti desperate, and against the wishes of advisors he called early elections in May 1921. With the aim of tapping into the Fascists' mass appeal, Giolitti decided to offer Mussolini's upstart movement a place on his electoral group's "bourgeois bloc" of Nationalists, Fascists, and Liberals. This strategy failed—the bourgeois bloc won less than 20 percent of the vote, leading to Giolitti's resignation. But Mussolini's place on the ticket gave his ragtag group the legitimacy it would need to enable its rise.

Such fateful alliances are hardly confined to interwar Europe. They also help to explain the rise of Hugo Chavez. Venezuela had prided itself on being South America's oldest democracy, in place since 1958. Chavez, a jun-

ior military officer and failed coup leader who had never held public office, was a political outsider. But his rise to power was given a critical boost from a consummate insider: ex-president Rafael Caldera, one of the founders of Venezuelan democracy.

Venezuelan politics was long dominated by two parties, the center-left Democratic Action and Caldera's center-right Social Christian Party (known as COPEI). The two alternated in power peacefully for more than thirty years, and by the 1970s, Venezuela was viewed as a model democracy in a region plagued by coups and dictatorships. During the 1980s, however, the country's oil-dependent economy sank into a prolonged slump, [however,] a crisis that persisted for more than a decade, nearly doubling the poverty rate. Not surprisingly, Venezuelans grew disaffected. Massive riots in February 1989 suggested that the established parties were in trouble. Three years later, in February 1992, a group of junior military officers rose up against President Carlos Andres Perez. Led by Hugo Chavez, the rebels called themselves "Bolivarians," after revered independence hero Simon Bolivar. The coup failed. But when the now-detained Chavez appeared on live television to tell his supporters to lay down their arms (declaring, in words that would become legendary, that their mission had failed "for now"), he became a hero in the eyes of many Venezuelans, particularly poorer ones. Following a second failed coup in November 1992, the imprisoned Chavez changed course, opting to pursue power via elections. He would need help.

In these stories, what these two authors are laying out, in various countries, is how individuals with authoritarian tendencies rose and then eventually took power actually using the path of electoral politics. And that is a recognition we should all have—that democracies don't simply die because men and guns storm the home of the President or set it on fire. They die because the electoral process itself gives rise to the individual who manipulated it, and soon, checks and balances that were so treasured and thought so strong disappeared. And that by looking to these other countries, you can see and understand better what is happening in our own country.

Although ex-president Caldera was a well-regarded elder statesman, his political career was waning in 1992. Four years earlier, he had failed to secure his party's presidential nomination, and he was now considered a political relic. But the seventy-six-year-old senator still dreamed of returning to the presidency, and Chavez's emergence provided him with a lifeline. On the night of Chavez's initial coup, the former president stood up during an emergency joint session of congress and embraced the rebels' cause, declaring:

"It is difficult to ask the people to sacrifice themselves for freedom and democracy when they think that freedom and democracy are incapable of giving them food to eat, of preventing the astronomical rise in the cost of subsistence, or of placing a definitive end to the terrible scourge of corruption that, in the eyes of the entire world, is eating away at the institutions of Venezuela with each passing day."

The stunning speech resurrected Caldera's political career. Having tapped into Chavez's antisystem constituency, the ex-president's public support swelled, which allowed him to make a successful presidential bid in 1993.

Caldera's public flirtation with Chavez did more than boost his own standing in the

polls; it also gave Chavez new credibility. Chavez and his comrades had sought to destroy their country's thirty-four-year-old democracy. But rather than denouncing the coup leaders as an extremist threat, the former president offered them public sympathy—and, with it, an opening to mainstream politics.

Caldera also helped open the gates to the presidential palace for Chavez by dealing a mortal blow to Venezuela's established parties. In a stunning aboutface, he abandoned COPEI, the party he had founded nearly half a century earlier, and launched an independent presidential bid. To be sure, the parties were already in crisis. But Caldera's departure and subsequent antiestablishment campaign helped bury them. The party system collapsed after Caldera's 1993 election as an antiparty independent, paving the way for future outsiders. Five years later, it would be Chavez's turn.

But back in 1993, Chavez still had a major problem. He was in jail, awaiting trial for treason. However, in 1994, now-President Caldera dropped all charges against him. Caldera's final act in enabling Chavez was literally opening the gates—of prison—for him. Immediately after Chavez's release, a reporter asked him where he was going. "To power," he replied. Freeing Chavez was popular, and Caldera had promised such a move during the campaign. Like most Venezuelan elites, he viewed Chavez as a passing fad—someone who would likely fall out of public favor by the time of the next election. But in dropping all charges, rather than allowing Chavez to stand trial and then pardoning him, Caldera elevated him, transforming the former coup leader overnight into a viable presidential candidate. On December 6, 1998, Chavez won the presidency, easily defeating an establishment-backed candidate. On inauguration day, Caldera, the outgoing president, could not bring himself to deliver the oath of office to Chavez, as tradition dictated. Instead, he stood glumly off to one side.

Despite their vast differences, Hitler, Mussolini, and Chavez followed routes to power that share striking similarities. Not only were they all outsiders with a flair for capturing public attention, but each of them rose to power because establishment politicians overlooked the warning signs and either handed over power to them (Hitler and Mussolini) or opened the door for them (Chavez).

The abdication of political responsibility by existing leaders often marks a nation's first step toward authoritarianism. Years after Chavez's presidential victory, Rafael Caldera explained his mistakes simply: "Nobody thought that Mr. Chavez had even the remotest chance of becoming president." And merely a day after Hitler became chancellor, a prominent conservative who aided him admitted, "I have just committed the greatest stupidity of my life; I have allied myself with the greatest demagogue in world history."

Not all democracies have fallen into this trap. Some—including Belgium, Britain, Costa Rica, and Finland—have faced challenges from demagogues but also have managed to keep them out of power. How have they done it? It is tempting to think this survival is rooted in the collective wisdom of voters. Maybe Belgians and Costa Ricans were simply more democratic than their counterparts in Germany or Italy. After all, we like to believe that the fate of a government lies in the hands of its citizens. If the people hold democratic values, democracy will be safe. If citizens are open to authoritarian appeals, then, sooner or later, democracy will be in trouble.

[But] this view is wrong. It assumes too much of democracy—that "the people" can

shape at will the kind of government they possess. It's hard to find any evidence of majority support for authoritarianism in 1920s Germany and Italy. Before the Nazis and Fascists seized power, less than 2 percent of the population were party members, and neither party achieved anything close to a majority of the vote in free and fair elections. Rather, solid electoral majorities opposed Hitler and Mussolini—before both men achieved power with the support of political insiders blind to the danger of their own ambitions.

Hugo Chavez was elected by a majority of voters, but there is little evidence that Venezuelans were looking for a strongman. At the time, public support for democracy was higher there than in Chile—a country that was, and remains, stably democratic. According to the 1998 Latinobarómetro survey, 60 percent of Venezuelans agreed with the statement "Democracy is always the best form of government," while only 25 percent agreed that "under some circumstances, an authoritarian government can be preferable to a democratic one." By contrast, only 53 percent of respondents in Chile agreed that "democracy is always the best form of government."

Potential demagogues exist in all democracies, and occasionally, one or more of them strike a public chord. But in some democracies, political leaders heed the warning signs and take steps to ensure that authoritarians remain on the fringes, far from the centers of power. When faced with the rise of extremists or demagogues, they make a concerted effort to isolate and defeat them. Although mass responses to extremist appeals matter, what matters more is whether political elites, and especially parties, serve as filters. Put simply, political parties are democracy's gatekeepers.

If authoritarians are to be kept out, they first have to be identified. There is, alas, no foolproof advance warning system. Many authoritarians can be easily recognized before they come to power. They have a clear track record: Hitler led a failed putsch; Chavez led a failed military uprising; Mussolini's Blackshirts engaged in paramilitary violence; and in Argentina in the mid-Twentieth century, Juan Peron helped lead a successful coup two and a half years before running for president.

But politicians do not always reveal the full scale of their authoritarianism before reaching power. Some adhere to democratic norms early in their careers, only to abandon them later. Consider Hungarian Prime Minister Viktor Orban. Orban and his Fidesz party began as liberal democrats in the late 1980s, and in his first stint as prime minister between 1998 and 2002, Orban governed democratically. His autocratic about-face after returning to power was a genuine surprise in 2010.

So how do we identify authoritarianism and politicians who don't have an obvious antidemocratic record? Here we turn to the eminent political scientist Juan Linz. Born in Weimar Germany and raised amid Spain's civil war, Linz knew all too well the perils of losing a democracy. As a professor at Yale, he devoted much of his career to trying to understand how and why democracies die. Many of Linz's conclusions can be found in a small but seminal book called "The Breakdown of Democratic Regimes." Published in 1978, the book highlights the role of politicians, showing how their behavior can either reinforce democracy or put it at risk. He also proposed, but never fully developed, a "litmus test" for identifying antidemocratic politicians.

Building on Linz's work, we have developed a set of four behavioral warning signs that can help us know an authoritarian when we

see one. We should worry when a politician: 1) rejects, in words or action, the democratic rules of the game, 2) denies the legitimacy of opponents, 3) tolerates or encourages violence, or 4) indicates a willingness to curtail the civil liberties of opponents, including the media.

They then put a table in the book to assess politicians in terms of these four factors.

A politician who meets even one of these criteria is cause for concern. What kinds of candidates tend to test positive on a litmus test for authoritarianism? Very often, populist outsiders do. Populists are antiestablishment politicians—figures who, claiming to represent the voice of "the people," wage war on what they depict as a corrupt and conspiratorial elite. Populists tend to deny the legitimacy of established parties, attacking them as undemocratic and even unpatriotic. They tell voters that the existing system is not really a democracy but instead has been hijacked, corrupted, or rigged by the elite. And they promise to bury that elite and return power to "the people." This discourse should be taken seriously. When populists win elections, they often assault democratic institutions. In Latin America, for example, of all fifteen presidents elected in Bolivia, Ecuador, Peru, and Venezuela between 1990 and 2012, five were populist outsiders: Alberto Fujimori, Hugo Chavez, Evo Morales, Lucio Gutierrez, and Rafael Correa. All five ended up weakening democratic institutions.

So these four factors really are something for us to pay significant attention to. Does an individual reject democratic rules of the game? Do they express a willingness to violate the Constitution? Do they suggest a need for antidemocratic measures such as canceling elections or banning certain organizations or restricting civil rights? Do they seek to use extraconstitutional means to change the government? Do they attempt to undermine the legitimacy of elections, for example, by refusing to accept credible electoral results?

I think it goes without needing to point it out that our President rejected credible electoral results. And I was sitting in this Chamber when the mob he directed to attack and disrupt the counting of electoral ballots filled these hallways, when multiple police officers were attacked and injured.

It was stunning to sit here in our democracy and see our Capitol Police running to lock these doors to protect us; stunning to have them first tell us, quickly leave the Chamber, and then quickly say "Don't leave the Chamber" while they organized an escape route.

I remember that sitting down here in front were the boxes, these beautiful wooden boxes containing the electoral ballots from all across the Nation; these boxes which were the absolute symbol of democratic governments, the heart, the pulsating heart of our democracy.

Eventually, the officers said: Ready. We want you to leave. Leave quickly by this door in front of me and to the left. As they guided us out, one of the members of the Parliamentary team said: We need to grab the ballot boxes. And thank goodness they did because I

have no doubt that mob would have burned or destroyed those boxes of ballots that contained the decision of our States across this country.

The folks who rampaged through the hallways here were calling for the death of the Vice President. They certainly were determined to block the counting of ballots to interrupt the peaceful transfer of power.

What is extraordinary is that since our election of George Washington, each President in turn has facilitated the smooth transition to the next President. It may not have been somebody they agreed with. It may not have been somebody they liked. It may have been somebody from the far side of the political spectrum. Yet they facilitated that peaceful transfer—until Donald Trump sent a mob to Capitol Hill to stop the counting of the ballots.

So when the authors of this book laid out how various folks had undermined democracy in elected office and had previously been engaged in some sort of action to try to disrupt the function of the democracy, there is a parallel here that should not be ignored.

The second warning feature is denying the legitimacy of political opponents.

Do they describe their rivals as subversive, or opposed to the existing constitutional order?

Do they claim that their rivals constitute a . . . threat to national security?

Do they baselessly describe their partisan rivals as criminals, whose supposed violation of the law (or potential to do so) disqualifies them from full participation in the political arena?

Do they baselessly suggest that their rivals are foreign agents, in that they are secretly working in alliance with . . . a foreign government?

We have right now a President who has an enemies list. Well, Nixon had an enemies list, but he didn't operationalize the powers of the executive branch to go after them the way President Trump is doing right now.

The third warning sign is related to toleration or encouragement of violence.

Do they have any ties to . . . militias, guerrillas, or other organizations that engage in illicit violence?

Have they or their partisan allies sponsored or encouraged mob attacks on opponents?

Have they tacitly endorsed violence by their supporters by refusing to unambiguously condemn it and punish it?

Have they praised (or refused to condemn) other significant acts of political violence, either in the past or elsewhere in the world?

Well, certainly we see in President Trump that he did encourage a gang to come—or a mob—to attack Capitol Hill. There was no condemnation of it, and as punishment, he issued pardons for the people who attacked Capitol Hill to stop the peaceful transfer of power.

The fourth is readiness to curtail civil liberties, including the liberties of opponents and the media.

Have they supported laws or policies that restrict civil liberties, such as expanded libel

or defamation laws, or laws restricting protest, criticism of the government, or certain civic or political organizations?

Have they threatened to take legal or other punitive action against critics in rival parties, civil society, or the media?

Have they praised repressive measures taken by other governments, either in the past or elsewhere in the world?

(Mr. HUSTED assumed the Chair.)

Certainly, there again we hear the resonance of President Trump—a man who has constantly praised dictators around the world and has seen them as the individuals that he respects and admires, and we have certainly seen him taking legal action against those he disagrees with, against our networks, against our universities, against our law firms.

So these are four tests that in 2018 these scholars laid out. These are the early warning signs of authoritarian power, and we see that each and every one of them reverberates at this moment.

So that is why tonight I have come to ring the alarm bells—to ring the alarm bells that our democracy is in deep trouble. We have an authoritarian President, we have a rubberstamp Congress, and we have a Supreme Court handing the Executive more power—the three major elements that wipe out the separation of powers and the checks and balances of the Constitution.

We have in President Trump an individual that has conducted himself in a manner that rings each one of the alarm bells that these scholars indicate are signs of an authoritarian personality.

Their book goes on:

Keeping authoritarian politicians out of power is more easily said than done. Democracies, after all, are not supposed to ban parties or prohibit candidates from standing for election—and we do not advocate such measures. The responsibility for filtering out authoritarians lies, rather, with political parties and party leaders: democracy's gatekeepers.

Successful gatekeeping requires that mainstream parties isolate and defeat extremist forces, a behavior political scientist Nancy Bermeo calls “distancing.” Prodemocratic parties may engage in distancing in several ways. First, they can keep would-be authoritarians off party ballots at election time. This requires that they resist the temptation to nominate these extremists for higher office even when they can potentially deliver votes.

Second, parties can root out extremists in the grass roots of their own ranks.

Third, prodemocratic parties can avoid all alliances with antidemocratic parties.

Fourth, prodemocratic parties can act to systematically isolate, rather than legitimize, extremists.

Finally, whenever extremists emerge as serious electoral contenders, mainstream parties must forge a united front to defeat them. To quote Linz, they must be willing to “join with opponents ideologically distant but committed to the survival of the democratic political order.” In normal circumstances, this is almost unimaginable.

Each party's followers would be infuriated at this seeming betrayal of principles. But in extraordinary times, courageous party leadership means putting democracy and country

before party and articulating to voters what is at stake. When a party or politician that tests positive on our litmus test emerges . . . there is little alternative. United Democratic fronts can prevent extremists from winning power, which can mean saving a democracy.

So the book goes on to lay out a number of cases around the world in which parties teamed up with each other when they saw the threat of an extremist who exhibited authoritarian tendencies. They worked together to save their democratic republic.

That has not happened here, and that should concern us all because when that fails—parties don't come together to stop an authoritarian extremist—that authoritarian starts to expand the power around the Presidency, starts to attack the liberties of the country—the freedom of the press, the freedom of assembly—starts to militarize and weaponize the Department of Justice against enemies, plots to justify sending the military out during peacetime to attack peaceful protesters—this is what happens when one fails to proceed to work together to stop a political extremist, and that extremist ends up in power.

The mastermind behind Trump's 100 days of chaos and lawbreaking is Russ Vought. He is Director of the Office of Management and Budget. He directed that office at the end of Trump's first term. In the intervening 4 years, he was the architect of Project 2025, and now he leads OMB again.

I interviewed him in my office before his nomination hearing, and he was very clear with me about his viewpoint in which he says the President has complete power over every element of the executive branch—unitary executive theory. The President, he believes, can ignore all the laws passed by Congress and, perhaps, orders of the court that constrain how the President manages the executive branch.

Vought anticipates that when Trump's lawbreaking reaches the Supreme Court, a deferential court will legitimize the unitary executive theory and hand Trump more power—and, so far, this year he has been right.

I called Mr. Vought, as the chief engineer of Trump's authoritarian campaign, the most dangerous man in America. I led a 30-hour Senate debate on his nomination to put a spotlight on him and his dangerous ideas, but he was confirmed to the position of OMB where he has become the conductor of the Trumpian authoritarian train, lining up policy after policy after policy to be signed by the President in Executive order after Executive order after Executive order. He has proven extremely effective in this undertaking: several hundred Executive orders prepared and signed; multiple attacks on our fundamental freedoms, carefully coordinated; attacks on the freedom of the press; trying to tell networks what errors they can have, even what comedians can perform; attacks, certainly, on our newspapers, on our universities, on our law firms.

Nowhere has his efforts been more effective, however, than in stealing the congressional power of the purse. Article 1 of our beloved “we the people” Constitution says: Congress will decide what programs should be funded and how much.

Now, that law has to be signed by the President, but once signed, it is the law. Drafted by Congress, passed by the House, passed by the Senate, signed by the President—it is the law.

But Mr. Vought thinks not. He felt these laws regarding what programs should be funded are simply suggestions. Every time you hear the President say or a member of his Cabinet say or Mr. Vought say: We shut down a program because it is not in line with the President’s priorities, what you are hearing is the articulation of the President making the decisions about what programs are funded and at what level—a direct violation of the Constitution, the power of the purse.

This strategy is illegal. It is unconstitutional, and the Supreme Court has said so twice. In 1975, the Supreme Court ruled that the Nixon administration could not ignore Congress’s power of the purse through impoundments.

Now, the ruling was in 1975. Nixon was already out of power because of Watergate, but it stemmed from the Nixon administration’s actions to say: Oh, Congress approved these funds for programs I don’t like, so I am just not going to forward the funds to the Departments and kill the programs.

And the Supreme Court robustly said: Hell no. You can’t do that. That is unconstitutional. That violates the separation of power. That violates our Constitution.

In 1998, the Supreme Court ruled that Congress could not give away or delegate its power of the purse to the President through a line-item veto. This was a very popular idea at the time. When the Gingrich election occurred—and I say “Gingrich” election. He really put forward a whole new strategy for the Republican Members of the House. He said: For too long, we have simply worked to make laws better and include more of our elements. But that simply results in laws passing and the majority, Democrats, taking credit for them. We would do far better to oppose them in every way we can and then argue to the American people they have failed to govern well so elect us.

In addition, he laid out a series of reforms, Contract With America, and in so doing, he really touched a strong vein of enthusiasm across the land. And so the House, for the first time in, I think, four decades, became a Republican majority, and certainly it was a Republican majority here in the Senate. And so in that time period between January 1995 and January 1997, stemming from the November 1994 election, there were a number of strategies that they wanted to implement, some of them straight off of their Contract with America.

And one of those was to do a constitutional amendment that would create a balanced budget, and they needed no extra votes in the House. They passed it easily. Again, they had the supermajority, the two-thirds supermajority needed.

A constitutional amendment has to pass both Chambers, and then it has to be ratified by three quarters of the States.

And then it ran into trouble over here in the Senate. They had 66 votes but not 67 votes, and they needed 67. And the one Republican who held out was Senator Mark Hatfield. And Senator Mark Hatfield said: You know, here is the story. Every single year we decide what the deficit is by the combination of the laws we pass for revenue and the laws we pass for programs to fund programs.

And Hatfield was chair of the Appropriations Committee, the spending committee. And so, with this in mind, that every year Congress decided how much deficit or debt there would be, well, Hatfield said: That is the right answer because sometimes we need to spend more because we have a national security challenge or war and sometimes we need to spend more because we are in a recession and other times we need to save more, but we decide this on a year-by-year basis.

Anyway, that was one of the themes of the Gingrich revolution. And it did not make it through the Senate because it was one vote short, and so it never went out to the voters in their collective States.

But a second idea on this agenda was a way we could control the budget is to let the President decide. We will simply take the Constitution, which says it falls on us, all of us, to proceed to decide, and we will simply delegate that to the President.

Well, that is like creating a strongman state. Now you have the President not just executing the law but deciding what programs will be funded and at what level.

And the Supreme Court said: Hell no. We have a Constitution. We have a democracy. And we do not vest both the creation of the laws and the execution of the laws in the same branch of government. Congress must decide and write the laws on how much is to go to what programs, and they cannot give away that power to the President. You would be creating an authoritarian state. You cannot do that. You took an oath to the office, an oath to the Constitution. The Constitution lays out a separation of powers, and you cannot delegate that away.

That is why I called Vought the most dangerous man in America because he was in my office saying that is exactly what he intended to do was to take that power away from Congress and hand it to the President, and I must say I complimented him on his honesty that that was his intention. He wasn’t disguising it one bit. It was his life philosophy or his philosophy of his life

about our government. It was what he had written into the architecture of Project 2025, a vastly stronger authoritarian Presidency, and he was telling me, in my office, before his hearing on the Budget Committee, that that was exactly what he intended to execute and that he would be backed up by the Supreme Court.

So Trump, once in office, did impound funds. He did shut down programs that were funded by law without authority to do so. Some of them were ones that—electric charging stations across America, programs for sanctuary cities, immigration lawyers who represent unaccompanied children. But the most notorious impoundment was the weekend attack on the U.S. Agency For International Development.

On February 3, Elon Musk posted on X that he and DOGE had spent the weekend feeding USAID into the woodchipper.

That is a pretty stunning moment. The program authorized by law, funded by Congress, in a law signed by a President, shut down over a weekend—no consultation with Congress, no hearings, no consultation with the countries where these programs operated, no consultation with other governments that provide help to see if they would step in. No. Just shut it down over a weekend.

Our Secretary of State was in a hearing before the Senate, and I asked him how much Elon Musk—who bragged about feeding the program to the woodchipper—how much he had consulted the Secretary of State. And I expected what he was going to say was there wasn’t much consultation. Elon Musk was head of DOGE. Elon Musk acted. The President had confidence in him and, in a weekend, the programs were shut down.

Instead he said: No, no, no. I, the Secretary of State, was very involved. He was in a hotel room over a weekend. I believe he said he was in Guatemala. And he proceeded to cancel hundreds of contracts. So, apparently, there was pretty close coordination between Elon Musk and DOGE and the Secretary of State in feeding these programs into the woodchipper—programs authorized and funded under the law.

How does that differ from a line-item veto? The President says, “I don’t like this program; shut it down,” or delegates that power to Elon Musk and the Secretary of State: I don’t like this program; shut it down.

How does that possibly fit with the Supreme Court decisions that say the power of the purse rests with Congress?

And when it is in law, a President cannot impound the funds. You have to execute the law the way it is written.

But impound, they did, and in this case, it was horrifically destructive. Innocent people around the world died because those programs were shut down overnight. These programs were programs for tuberculosis, for malaria, for HIV/AIDS. Those are the three worst pandemics in the world and do the most destruction.

And they were programs for nutrition. Without nutrition, people are in trouble.

There is a tracker that has been set up by experts in international economic development to try to understand how many programs were shut down and how they affected the folks who benefited from those programs. Their estimate, as of June 26—so going back several months—was that in shutting down that program in the woodchipper overnight, 30,000 children died of malaria; 72,000 children died of diarrhea—diarrhea is often the consequence in poor countries of not having access to clean water—88,000 children died from malnutrition; 94,000 children died from pneumonia. One study published on July 19 in the *Lancet*, a prestigious peer review medical journal, estimates that, as a result of USAID being fed to the woodchipper, 14 million people could die by 2030, including 4.5 million children under the age of 5.

I was also struck, in reading this analysis, that it noted that it isn't just children who die. It is adults. When the adults die, there are orphans. And it had a massive estimate of the number of orphans that had been created by this weekend shutdown of feeding USAID into the woodchipper.

Maybe these analyses are overstated. Maybe local folks found ways to sub in for the sudden shutdown more effectively than the academics who study this believe—maybe. Maybe other nations geared up faster to replace the shutdown than was anticipated. But even if you take these results put together by experts of international programs and cut them in half, massive numbers of people were killed across the country because the Secretary of State and an appointed head of DOGE, Elon Musk, decided to shut this program down, contrary to law.

That is not supposed to happen in a democracy. In a democracy, the President would say: I don't love how much money we are spending on international programs for public health, for malaria, for tuberculosis, for HIV/AIDS, for nutrition, for maternity care. And so here is my budget, and I want the majorities in both Chambers to proceed to eliminate some of those programs and decrease them.

Then you would have thoughtful hearings here on how to go about that effort and do so in a manner that was responsible. Some folks would have come and testified and said: Here are the consequences of cutting down programs X, Y, and Z. Do you really want to do that or do you want to work out a plan to transfer those responsibilities to our European partners who might pick up those responsibilities, or to empower some of the local governments where those programs operate to be able to pick up some of those programs? But don't shut them down. We wouldn't shut them down overnight because, one, that would break the law, and, two, massive number of people die.

But they did shut them down overnight, and a massive number of people have died.

One of the things that Trump and Vought shut down was the Consumer Financial Protection Bureau, whose mission, of course, is to save our Americans from all kinds of financial scams.

Nobody likes to be scammed. Nobody likes to be ripped off.

Since it was created back in 2011, the Consumer Financial Protection Bureau, or CFPB for short, has returned \$21 billion in checks back to American citizens—\$21 billion. That is a significant sum, even in a world where maybe millions don't seem as large as they used to. But billions still seems pretty substantial.

I mean, \$21 billion?

Trump just said he wants to send a massive \$20 billion to \$40 billion check to Argentina of our taxpayer money to help rescue a financially rightwing government—bail them out.

I think \$20 billion is a lot that got returned.

Here is the thing. Because those scams were shut down, that \$20 billion probably only represents a small fraction of the money saved by American consumers—a small fraction. So, hallelujah, we have an anti-scam agency helping Americans not get ripped off by clever or illegal tactics. And they have even recovered money from those companies that exercise those and sent checks—\$21 billion of checks—to the American consumer.

ELIZABETH WARREN was not in the Senate when this was passed, but it was her idea. She came here to Capitol Hill, and she went from office to office saying: Hey, we have a consumer protection group for appliances. We don't want toasters burning down the house. But shouldn't we have a way to stop scams that burn down people's finances?

I said to her: I am on the Banking Committee—I was put on the Banking Committee to lead the charge to shut down predatory mortgages—and I think it is a great idea you are suggesting, and I will do everything I can to help get it passed.

I did, and so did others.

So that was a citizen, not elected, coming here and saying: Here is a great idea. Let's get an anti-scam agency.

Who likes to be scammed? Almost everybody I know can tell a story of a family member being scammed or almost scammed.

I was very struck by a story my mother told me. She is no longer with us. She was very embarrassed about this story, as many people are when they have been scammed or almost scammed.

She got a phone call. On the phone was a person representing themselves as a border agent at the border between Canada and the United States. The border agent said: Your grandson has been arrested at the border for trying to bring cannabis into the United States, and that is a huge crime, and we

caught him red-handed. We have two options, which is why we are giving you a call. One option is he can pay a fine and be released today, if someone wires the fine money to us. The second option is he can go to prison here, get a court hearing several months down the road, and then possibly go to prison with a conviction.

So, of course, my mother inquired: Well, what is the amount of money required?

And the answer was \$5,000 to pay the penalty for this attempted smuggler.

Then they put the grandson on the phone, except it was not the grandson, but it was someone pretending to be the grandson. Because of the internet, you can learn factors about how old people are and that sort of thing and where they have gone to school.

So he is sobbing on the phone: Grandmother, do not tell my parents. Please do not tell my parents. I can't believe I did this terrible, stupid thing. If you can help me out, it just would mean so much.

My mother, wanting to help her grandson, said yes. She went down to the bank, and she sent a \$5,000 wire to the place that it was supposed to be sent to, and she came home, and she started to feel like: Is this really right? Was my grandson actually in Canada?

As she started to feel that—she started to have this dreaded feeling of—"I have been scammed." She called up my brother-in-law and said: So why did the grandson decide to go traveling in Canada?

He said: He is not in Canada. He is right here. He is right here.

So my mother went back down to the bank and actually was able to cancel the wire just in the nick of time. I suppose they were not on their toes. Wherever the money went to, they didn't grab it in time. Maybe it was nighttime at the bank, wherever in the world the money went to. So she did not lose her \$5,000, a significant sum for any ordinary American.

Almost everyone has a story of someone in their family who has nearly succumbed to a scam. I will tell you about one I almost succumbed to.

I got a message—I believe it was a text message; maybe it was an email—and it said: We have detected illegal downloads of songs off this website and done by a person in your family.

I am like: Oh, my goodness, are you kidding me?

The message said: If you pay for the songs, no charges will be filed—a \$25 fee.

I thought: I can't reach my children right now. I can't really believe one of them would do this, but I know it is not uncommon for kids to download songs off the internet. Maybe this happened. I certainly don't want charges to be filed.

It said: Go to a website and you fill it in, and you pay your \$25, and it is all over.

I went to the website, and when I saw "Fill in your credit card," the light

went off in my head. I went: Oh, this is a scam. They want my credit card number. They don't want the \$25. They want my credit card number.

Think of all the things, all the expenses, they can run up on my credit card once they have my credit card number. They will have the expiration date. They will have the three-digit code from the back of it. I go: Oh, my goodness, I can't believe I almost fell for that scam.

I suspect most Members of the Senate have someone in their family who almost fell for a scam.

Here, someone set up this Agency to stop illegal practices, unethical practices that rip people off. It returned \$21 billion, and it has probably saved Americans because it shut down these practices—these scam practices. It probably saved them hundreds of billions of dollars. That is a significant deal. That is as important as having a toaster that doesn't burn down your house—maybe not quite burn down your house.

And just as important as consumer appliance protection is financial protection.

So what happened with CBO?

I am going to just note that, essentially, the Trump administration shut it down. That is what happened to it.

There is an article in Bloomberg about how this agenda has been shaped not by President Trump, not by Elon Musk, but by the architect—or an architect—of Project 2025. Let's see what this article has to say.

Cat Farman realized in January that her job might be at serious risk. It was the night she learned that a small group of engineers close to Elon Musk had forced their way into the headquarters of the U.S. Agency for International Development. In the days that followed, they would gain access to sensitive employee records and bar staff from the building. The legality of all this was questionable—USAID exists because of an act of Congress, meaning it can only be dissolved in the same way—but that didn't deter Musk from declaring victory. "We spent the weekend feeding USAID into the woodchipper," he posted on X on February 3.

Farman works for a different government agency, the Consumer Financial Protection Bureau [CFPB], but she understood that the USAID news suggested that [the CFPB] might be next. The CFPB, like USAID, is [somewhat] obscure, with a do-gooder mission that conservatives, including Musk, have derided as wasteful and excessively woke. "I could see we were vulnerable in the same way USAID was," said Farman, who's president of the CFPB's union.

[I]t became clear to Farman that her adversary wasn't Musk, or any engineers who might have doused themselves with Axe's unique eau de middle school. She was really up against Russell Vought, the Trump loyalist who'd just been named director of the Office of Management and Budget . . . as well as acting director of the CFPB. Farman hadn't heard of Vought before he became CFPB director, which is pretty much how Vought likes it. A self-described "boring budget guy," he's best known for co-authoring the 900-page policy playbook of the Heritage Foundation's Project 2025, which has become something of a bible for Trump's second term. Vought's think tank,

the Center for Renewing America, has produced numerous policy papers that advocate for such Trump fixations as the annexation of Greenland ("a prudent aim," according to a CRA paper)—

The CRA is the Center for Renewing America—

and enacting broad tariffs ("just as sometimes a nation must go to war with guns and bombs, so sometimes are trade wars necessary") among others. At the center of Vought's ideology is the unitary executive theory, which critics say amounts to an argument that Trump should have wide latitude to do whatever he wants—

In other words, the strongman state, the authoritarian.

"Vought's unique combination of loyalty and knowledge of how the government actually works makes him, perhaps, the most powerful person in Washington not named Donald Trump. If you see a Republican politician or a member of the Trump administration talking about the deep state or the regime, there is an almost 100-percent chance they know his work. Nobody in DC has a better grip on the numbers and the management process of the federal government than Russ Vought," says Steve Bannon, Trump's former chief strategist.

"Vought's one of the critical architects of the Trump restructuring of the U.S. Government."

This includes Musk, who has been in regular contact with Vought from the start of the Federal transition and is seen by Vought allies as the public-facing arm of his agenda. The example of the CFPB showed how this tag team has been working. Musk took the credit for the shutdown, and his DOGE team attracted attention from union members. It was Vought in the shutdown—we are talking about the shutdown of the CFPB. It is Vought who quietly did the actual work.

On February 8—his first full day as the CFPB's interim Director, because then Vought was also assigned to be the Director of the CFPB—Vought sent an email ordering employees to stop whatever they were doing and informed the Federal Reserve that the CFPB wouldn't take any further funding for the year.

In the days that followed, he closed the office, canceled the Agency's contracts, axed more than 200 employees, and began preparations for far wider layoffs. "He wasn't trying to make it more efficient," Farman says. "They were trying to illegally fire everybody."

The article notes that the Trump administration disputes that.

Like many committed civil servants, Farman is an idealist who regards her Agency's work—protecting consumers against financial scams, big and small—as both apolitical and righteous. Vought seems to believe the opposite. He says, "We want the bureaucrats to be traumatically affected"—he said in a speech last year. "When they wake up in the morning, we want them to not want to go to work because they are increasingly seen as villains."

This was Farman's introduction to her new boss, Russ Vought, at the CFPB. She watched a video recording

of that speech—first published by ProPublica—the weekend Vought took charge. "Having that sentiment out in the open, I almost felt better," she says. "If he wants to"—and I will substitute the word with "mess." "He wants to [mess] with us to get us to quit." Instead, Farman's union sued, arguing Vought's actions amounted to a stealth attempt to illegally dismantle the CFPB without congressional approval.

Vought approached his tenure at the OMB—first as Deputy Director and later as Director—with the zeal of an activist. "The left has innovated over 100 years to create this fourth branch" of government, he told rightwing talk show host Tucker Carlson, in a late 2024 interview, in recalling his work during the first Trump administration.

"You and I might call it the regime—this administrative state that is unaccountable to the President." The notion of a secret regime controlled what Vought described as an unholy alliance of lobbyists, Members of Congress, media, and intelligence Agencies, and it became popular among members of the far right as a way to explain Trump's ineffectiveness during his first term. As Vought saw it, the main job of OMB was to tame the bureaucracy, to bring them to heel, and to do what the President was telling them to do.

"Perhaps by design, many of the Budget office's career staffers felt like they had stepped into 'The Twilight Zone.' OMB is an unusual part of the White House in that the career people really believe themselves to be loyal to the civil service; that they are there to serve whoever is in the administration; but that their highest loyalty is to good process," said Sharon Block, who worked at the OMB under Biden and is a Harvard Law School professor. "But they would never say we shouldn't do something because it is bad policy. They would say we shouldn't do it because it is not going to work."

Vought's approach in the face of this resistance was to ignore it. "They were willing to flagrantly misread the law," says Kogan, the other former Biden appointee. "That's what Trump's OMB was."

So here we have the dismantling of USAID, causing the deaths of hundreds of thousands of individuals and at least 100,000 children.

We have the shutdown of the anti-scams Agency—which does what? It gives a green light for us to be scammed. I think I get a scam about every 4 days on my phone of some type, and I say to my team: Is this real? You know, I just got this text message, saying that I need to pay up on driving my car through the automatic highway charge system, and I didn't have an automatic device on my car. I am, like, you know, I did drive a couple months ago.

And they are, like: No, no, no. Senator, it is a scam. We get them all the time—every one of us—wherever we have driven. Look at it very closely. Be

very careful. Do not put your credit card down. You will get the charge in the mail if it is legitimate and so forth.

Why, against the law, shut down an Agency overnight and directly cause the deaths of hundreds of thousands of people—USAID?

Why shut down the Consumer Financial Protection Bureau, which has helped millions of Americans get funding restored to them? And millions more of us will never know that we were spared a scam because they stopped it from happening in the first place.

I don't understand how this is possibly good governance in any shape or form.

After January 6, many senior administration officials either resigned or tried to put distance between themselves and Trump. Vought stayed at the White House until the very end and then immediately launched his own think tank dedicated to vigorously pushing back with the Center for Renewing America. Vought wrote in an essay for "The Federalist" in January 2021 that it would sustain what he called the counter assault by linking Trumpism with Christian values.

In Project 2025, Vought suggested that the OMB should give political appointees control over how funding is apportioned at Federal Agencies. The apportionment process was intended to make sure Agencies don't spend money too fast or have it come back to Congress. Vought argued that it should be used to cut wasteful spending and ensure consistency with the President's agenda. Again, you hear those magic words: Essentially, we shut down programs that do not reflect the President's priorities or are not consistent with the President's agenda.

It isn't the job of the President to cut programs that have already been authorized by law and funded by law. It is his job under the Constitution to execute those programs. Yes, it is to influence the next budget. It is the President's budget that starts the whole, entire process. The President can always veto a spending bill he doesn't like, and a President who has majorities of the same party in both Chambers exercises a huge influence on the next year. But shutting down a program in mid-stride that has been funded by law is a constitutional theft of the power of the purse. That is not just a violation of the law; it is a violation of the Constitution. And, in this case, stupid things were done—shutting down the USAID overnight. I say "stupid." "Stupid" doesn't begin to capture the enormity of the trauma inflicted by shutting down programs for HIV/AIDS and tuberculosis and malaria and nutrition and maternal care, overnight around the world.

Few people have done so much damage and created so many deaths so quickly as the Secretary of State and Elon Musk by putting USAID in the woodchipper overnight. Every time now, when there is a scam that some-

one falls prey to, well, it might be a good chance that they can thank Russell Vought and Donald Trump, because they shut down the Agency that tried to provide protection and had to return so much money.

I see that my colleague Senator KIM is here, and I yield to the Senator from New Jersey for a question.

Mr. KIM. Thank you, Senator MERKLEY, for taking time out tonight to shine a very bright light on a very dark problem: actions by the Trump administration that put your rights and your freedoms at risk.

You know, you are talking about USAID and how the Trump administration was putting it through the woodchipper. That is something that resonated with me as that was the place where I started my government service and my career—working at USAID and standing alongside public servants who were proud to be able to serve our country.

I wanted to ask you these questions because I am hearing it from a lot of people in New Jersey who are alarmed by the actions that they see, whether going after our government and our public servants or what we are seeing in the streets across our country.

I thought it might be good to talk through some of these questions, to dig in deeper and give the people watching at home a sense of what we mean when we see and say that Donald Trump is a threat to our democracy.

Let's start with the simple but important question of who is the enemy or, more importantly, who does Donald Trump see as an enemy?

In multiple speeches, it is very clear that Donald Trump sees many of his fellow Americans—your friends, your neighbors, you—as the enemy. He calls them "the enemy within." It is an absurd thing. It is an insane thing. It is something you might just write off as rhetoric, but it is not. You know it is not because of something called NSPM-7. "NSPM" means "national security Presidential memorandum." This one is entitled "Countering Domestic Terrorism and Organized Political Violence." In short, what this allows the President to do is basically declare that anyone or any group who opposes the President's agenda can be declared a domestic terrorist organization.

It directs multiple government Agencies—from the Department of Justice, to Treasury, to Homeland Security—to take broad, sweeping actions to disband and uproot basically any entity it decides they can label as opposing the President. Some of these entities are think tanks and advocacy groups.

But that is just politics. That is civil discourse, and that is how we are supposed to communicate our differences, these groups that are standing up and speaking out against the President's policies. That is what we in this country should be allowed to do in raising our free speech.

So, again, who are the enemies? To Donald Trump and this administration,

they say it is you. So if you are the enemy, what about the entity that exists to confront and deter our enemies—the military? Which brings me to a second question: What is the military's role in confronting enemies? Let's start with what the military's role should be in protecting Americans.

I have had the opportunity to work alongside our military during my career in national security, whether that was out in Afghanistan or at the Pentagon or at the White House. These are some of the best of us as Americans. They have chosen not just to serve but to put themselves in harm's way to protect our country and our way of life.

But that is not what Donald Trump sees as the military. Look at the current deployment of the National Guard troops. What we see here in DC or in Chicago or in the Senator's home State of Oregon is our National Guard, our servicemembers, used as political props to produce TV content for President Trump. In all of these cases, the servicemembers were deployed against perceived Democratic areas to clearly punish his political enemies.

So if this is a President who is going to try to get away with everything, that leaves us to a pretty scary question: What lengths will this President go to take actions against his declared enemies? The answer seems to be, incredibly great lengths.

We see that right now to our south in the Caribbean. Before I dig in here, let's pause for a moment and make one thing clear. Drug traffickers and gangs driven through the drug trade are enemies. These are entities and people who do harm to Americans. The American people are not the enemies.

Even when looking at how we address these threats from traffickers and gang members, there are laws that ensure that those efforts can't be turned against you. But that is exactly what we saw last month when a Black Hawk helicopter was used to transport and deploy Federal agents to Chicago.

According to a report by the New York Times, agents, led by the U.S. Border Patrol, pulled dozens of American citizens from their apartments in the middle of the night, pointing guns at sleeping men and women before zip-tying them and taking them outside. I never thought that I would see these actions here at home, and it terrifies not just me but so many people within my home State and I know around this country.

If that is what Donald Trump wants—total power to target the government's greatest resources against his enemies—then that begs yet another question: What is the President's end goal? I think that is pretty clear. His end goal is your silence, your fealty, your submission, making you so afraid to stand up or speak out.

So, Senator MERKLEY, thank you again for holding the floor tonight as a reminder that our democracy is under attack. It is a good reminder because

democracy isn't just your voice and your vote; it is your right to stand up and not be silenced, your right to have your rights not threatened or intimidated by the same military that is supposed to protect you.

So as I was thinking about the words that you were saying but also this incredible act that you are taking tonight to be able to focus the American people's attention upon the challenges and threats that we face, I wanted to ask you a question—one that sums up the totality of what I was going through about just this meditation on the word "enemy" being used against our fellow Americans.

So I ask you, Senator, what must we do to restore our democracy in this moment? What can we do to give power back to the people? How can I try to assure my constituents—the people in New Jersey—that our democracy is not slipping away?

Mr. MERKLEY. I so appreciate the question from my colleague from New Jersey and thank you for coming down here at this late hour to share in this discussion to help ring the alarm bells about the authoritarian takeover of our government.

You have alluded to a particular facet of this, which is the President's use of the military. I am very struck about how President Trump is striving to set up and open the gates that will allow the use of the military domestically in a way we never really anticipated.

Certainly, I want to emphasize that our Founders were terrified of having a standing military because they knew that authoritarian individuals would be tempted to use that against the people, so they did not want to have a standing army. It ended up that the threats were such, we ended up with standing military forces. But, still, there was a lot of sense that this is dangerous ground.

I am going to ask my team to grab the quote for me that I had from one of our Founders on this topic earlier.

Then, following Reconstruction, where troops had been used to restore civil rights in the Southern States to ensure that people could be registered to vote, could vote, and that the votes would be counted, that was essentially a precursor of laws that were designed to say the military should only be used domestically under very, very limited circumstances.

One of those circumstances in title 10 is used if there is a rebellion or if there is an invasion. Well, those terms had pretty clear meanings at the time they were written, pretty limited meanings.

We can picture what a potential invasion looks like—as a hostile armed force coming across our border from another nation; and we can picture what a rebellion looks like—generally considered to be a substantial, well-organized, well-armed operation designed to overthrow the government. It is a rebellion.

Now, I think of how Shays' Rebellion may have met that in the early years

of our Republic, when you had angry farmers whose property was being foreclosed on because they couldn't pay their bills, and there was economic crisis, and they were marching in front of the courthouse, shutting it down, and had intentions of gaining access to arms in an armory. Well, they were trying to overthrow at least the local government. But here is a President at this very moment trying to take that framework and misapply it across America.

Of course, this is near and dear to my heart right now, as a Senator from Oregon, because I have seen it firsthand. We have an ICE facility in the South Waterfront of Portland. It is a rented building utilized by Immigration and Customs Enforcement. It is often used as a weigh station when people are arrested, before they are sent to a prison up in Washington State. At that point, they sometimes—are supposed to have access to lawyers.

But Trump decided that he would send agents to Portland and try to provoke a riot in order to say: Look, now there is violence, and because of that violence, I can exercise more authoritarian power.

Well, had there actually been a significant disturbance, you could still wrestle with whether that constituted a rebellion because you have a lot of disturbances and protests against specific things that are not a sizable group, organized, weaponized, trying to overthrow the government.

But, in fact, it was incredibly peaceful in front of the ICE building. A few months earlier, there had been some protests and some confrontations, and there had been a couple of dozen arrests but nothing out of what the local police could handle and certainly nothing that led to that definition of a sizable, organized, weaponized group trying to overthrow the government.

But in recent times, it had been very, very peaceful—so peaceful, in fact, that a group of Federal Protective Service agents came out and asked the crowd to move back roughly three blocks, and they did, without confrontation with the agent. The agent said "Move back," and they did.

Behind the line of agents, across the road, were videographers. The videographers were there for what happened subsequently, which is that after they had been moved back three blocks—and there was no interaction, no hostile actions, no fights—on command, the agents threw down flash-bangs. Flash-bangs sound like gunfire, and you see light going off. They threw down tear gas canisters, and the tear gas canisters had smoke billowing all over. They fired pepper balls.

All of this, and then everybody is kind of—the protesters are all running. Well, the videographers are filming it because they want to get on film something that looks like a riot, as if to claim that the Federal agents were controlling or disrupting a riot.

I never imagined that the U.S. Government would fake a riot in order to

try to create evidence to convince a judge to allow the federalization of the Oregon National Guard or allow other federalized National Guard from other States to come to Portland. I still am just stunned by this.

(Mr. MCCORMICK assumed the Chair.)

But there were other provocative acts. For example, a woman was standing, talking to two officers. I assume they were from Federal Protective Service because they were the main element deployed. There is no physical contact. There is no failure to follow instructions. There is nothing of that nature. A third Federal agent walks up, holds up pepper spray, and then just sprays her straight in the face. Everyone who sees it goes "Ah," in shock, because, oh my goodness, how can a Federal agent just do a provocative act?

Or you may have heard about the frog demonstration. Well, why did these inflatable frogs become featured? Well, in part, it is because of a video online where a Federal agent walks up to a frog and sprays pepper spray into the intake. These costumes have a little intake. I assume it inflates them and gives them form. And he sprays it inside, and then, of course, the person trapped inside is trapped in there with the pepper spray.

And people have been responding with protests that I can only describe as joy and whimsy. I mean, we are talking about a couple coming down, rolling down a red carpet, and getting married in front of the ICE facility. We are talking about the bagpiper on a unicycle—he is called the Unipiper—long a feature of Portland demonstrations, coming down and playing bagpipes for everyone. We are talking about people bringing down their puppy dogs and having signs that say "Keep your paws off Portland" or "Puppy dogs for peace" or so forth. We are talking about women coming down in the morning dressed in pajamas and doing a pajamas-and-pastries demonstration where they hand out pastries. I mean, joy and whimsy.

And here are Trump's agents, confounded. So they occasionally attack the protesters to try to produce the riot, and the protesters have not been willing to engage in that because they understand what Trump is trying to do. He is trying to actually create violent interactions that he can then use to justify authoritarian control.

So along comes this district court consideration because Trump proceeded to move to federalize the Oregon National Guard. And the State appealed and said: Wait. There is a standard in the law. There has to be either an invasion or there has to be a rebellion.

And so they both presented their facts, and then the decision came out with the temporary—the judge came out, at the district court, with a temporary restraining order. And that temporary restraining order said that

the presentation from the government was “untethered to the facts” and went through kind of the history of the definition of a rebellion, the definition of an invasion. No such thing exists, and, no, you can’t federalize a temporary restraining order, which was then appealed to the Ninth Circuit.

The Ninth Circuit had a panel of three judges, and they did just come out, I think yesterday—I believe it was yesterday—with their decision. And those three judges ruled 2 to 1 that they were disagreeing with the district judge.

And I thought that what they presented represents a very dangerous moment for America because one of the three judges said everything the district judge wrote was accurate, and the other two said: Well, the district judge considered the level of violence, but if the judge had looked back several months, there were a couple dozen arrests, and maybe that would have changed the calculation—looking back in time to a previous period. But even that was easily managed by the Portland police.

They said: Second, normally, we would accept the definition that was based on what was the understanding of the word “rebellion” at the time the law was written, but we think a more flexible definition of “rebellion” might be merited. And then, finally, really, the key part in this was these two of the three judges said: We just think more deference should be given to the administration’s view of the situation. In other words, if the administration says that there is a rebellion, that is all that is needed because we should give high deference to the administration.

Now, there is a related law called the Insurrection Act. It is not about federalizing a National Guard; it is about being able to send in military troops and, based on a different set of issues, using troops to protect civil rights, for example. And this law was invoked when, for example, protecting children’s ability to go to school in the South—well and good—protecting civil rights.

That law does have in the law a statement related to the deference to the President. But title 10, federalizing the National Guard—there is no such deference.

If the judgment of our courts is that a President—no matter how detached from the facts, untethered to reality—says there is rebellion and can therefore send in troops against peaceful protesters, they have flung the door open to using the military not to protect the United States but to support an authoritarian President who wants to be able to bring forces to bear on Americans exercising their freedom of dissent.

So that is an extraordinarily scary moment, and right now we are still in that moment because there are several developments that may yet occur. The first development is that there may be

a larger panel in the Ninth Circuit. You have a small panel, but sometimes, when it is a very significant issue to the country—and this is a very significant issue in my mind, a huge issue—they put together what they call an en banc panel. In this case, the Ninth Circuit, it is the chief judge and 11 other judges chosen at random. So 12 judges bring their collective experience and understanding to bear. That may happen; it may not. They have to decide. They have to hold a vote of the judges.

And then you have, also, a related case in the Seventh Circuit involving Chicago. And in Chicago, IL, they went through the same process. Both the district and the circuit court found, like the district judge in Oregon, that there was not a case to be made under title 10, federalize troops, National Guard, or to allow other federalized National Guard in.

That has now been appealed to the Supreme Court. And the Supreme Court has been doing these shadow docket decisions where, without a full hearing of the facts, they make a ruling based on where they think they might end up if they heard a full hearing of the facts. It has been used far more under the last couple of years than at any time before.

And if the Supreme Court echoes the two judges from the Ninth Circuit and says: The law sets a standard, but you know what, the standard doesn’t matter. It sets a standard. There has to be a rebellion. There has to be an invasion. The standard doesn’t matter. As long as the President says there is a rebellion, there is a rebellion, and there is no longer then any control over the law against an authoritarian President.

That is my fear of what is going to happen, and I am particularly fearful because we have seen this Court already hand enormous power to the President. One of those key decisions was *Trump v. United States of America*. And in that key decision, they were being asked the question: Is the President above the law?

If the President commits a crime in the course of something that is documented as an act of the government, can the President be prosecuted?

And the Court, I thought, would say, “Well, of course he can be prosecuted,” because our Founders were absolutely terrified of having a King who was above the law. And by the way, they were also terrified of having a Chief Executive who would use military forces against their own citizens, which brings me to James Madison’s quote from the Constitutional Convention in 1787.

He said:

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

And what does he mean by that? He means that if you have an ambitious, authoritarian-style President—that is, the overgrown Executive—who has at

his disposal a steady military force, liberty will soon be a victim—because that is what they had witnessed, the Founders had witnessed—in the kingships of England time and time again. A King can use the military against his own citizens at his whim.

And that is what we are in danger of right here in the United States of America, right now, with the decisions that are unfolding in real time.

Mr. KIM. I thank the Senator for his answer. I thank you for what you are doing in standing up right now and shining a light on this in this incredibly dark time, especially as your own constituents are fearful about what comes next.

I think now, more than ever, it is important for us to be honest with the American people about the true state of the fragility that reminds us that we cannot take this for granted. And I think your work right now, being able to draw that attention, is all-important.

So, again, I am grateful for your time and continue to urge you to use your voice right now to speak out and continue to do so with strength.

Mr. MERKLEY. I so appreciate my colleague from New Jersey coming down to share this conversation.

In your original question, you posed the question: What must we do to restore our democracy in the moment?

And the alarm bells that I am ringing are that the situation demands intense action. And in the book that I am reading to the Nation tonight, “How Democracies Die”—and later sometime I hope to read this book tonight, too, “On Tyranny”—it basically says there has to be a fierce reaction in the year that the authoritarian starts to dismantle the Constitution.

Well, this is the year; that is, Trump may have had certain aspirations in his first term, but he also had Cabinet members that stopped him a lot of the time, including regarding the more use of the military in domestic affairs. But now those Cabinet members have been replaced by Cabinet members who can best be described as amateurs and loyalists, and they are not pushing back when the President seeks to roll over the top. They know that this Presidential train, this authoritarian train, is being directed by Russell Vought. Russell Vought’s clear philosophy is laid out in *Project 2025*. The President says: Yes, this is the direction I want to go. And so everybody has to be a part of that effort or get out of the way.

I must say, I was stunned—stunned—when the Secretary of Labor put what I think was described as a 60-foot banner on the side of the Department of Labor, as if we are North Korea, honoring—I don’t know—the dictator, if you will.

So in the absence of a Cabinet to exercise restraint, we are seeing the aggressive strategy to suppress information through the media that the President doesn’t like. He has had several

suits against different newspapers. In one of those suits, he is asking his own Justice Department to settle the suit and pay him, the President, the proceeds.

But he is also using the power of the FCC to issue licenses and to oversee mergers, to suppress potential negative information coming from networks. He doesn't even—he wants to control what comedians say on evening TV.

This is not the United States of America. This is a different world of authoritarian control. He wants to tell the universities how they can teach and what philosophies they have to present. And how does he do that? He says: You will lose your research funding. Well, research grants going to universities have been an enormous kind of gold star for America. I mean, the ability of our research universities to discover new information—and certainly we see this in all tech fields but also in medical fields—has been extraordinary. They are one of the really beautiful features of our country, what the research universities do.

And to shut down millions and even billions of dollars of research money in order to try to compel universities to now teach what the government wants—that is not the United States of America; that is freedom being crushed, right now, in front of us—right this moment. And that is why it is important, as these students of how democracies die note, to have outrage this year.

What they observe is that if there is not outrage, than a lot of citizens are like, well, this is really unusual because they are raising kids, they are going to work, they are engaged in their communities, but they aren't students of politics and maybe aren't following the Federal so much and aren't really sure exactly when the Constitution applies and exactly what the President means. If there is not outrage, maybe this is not so bad.

So they make the point that that outrage does two things. One is that it alerts the citizens, it rings the alarm bell this that is not ordinary or right, that this is a violation of law, that this is a violation of the Constitution, that we are losing things we have treasured since childhood that we have heard about directly or indirectly regarding the rights and freedoms of us as Americans under our Constitution.

We have been proud of them because they have survived some very difficult moments in our country. They survived the Great Depression. They survived Watergate. They survived World War II and World War I. They survived and often have thrived because of these freedoms. And we are pleased to live free—“live free or die,” as the phrase went from our Founders.

So that outrage we saw on Saturday when 7 million Americans took to the streets—and they took to the streets—well, out where I was, it was a beautiful day. It was actually a temperature that hit nearly 70 degrees in East-

ern Oregon. They could have been fishing, they could have been on that last hike, but they were out protesting because this was that important.

I went to this town of La Pine, OR. It is rural and, voting-wise, quite conservative. Two hundred people were out on the streets, and they were also engaged in that, if you will, joyful and whimsical protest.

So that is the first.

The second is, my colleague, the next election. The next election matters because an authoritarian President starts rigging the election process, and if you don't have a huge pushback to authoritarian rule in the next election, the elections become so rigged that you get trapped in a strongman state, often for decades. So the next election will matter enormously.

Already we see the President doing certain things—trying to do a national voter registration database to better manipulate who is registered to vote and who can vote, trying to do massive gerrymandering to change the balance of power in the House of Representatives, and attacking vote-by-mail because vote-by-mail can't be manipulated on election day like voters at precincts.

So those are the two things we can do. Outrage now, ring the alarm bells, and prepare for the next election, and send a hopefully bipartisan—hopefully Democrats and Republicans voting for folks who push back on this authoritarian takeover.

So I much appreciate my colleague from New Jersey coming to ask that question because isn't that the key question—what can we do to save our Republic?

When people have been asking me this question in the townhalls, my response has been: Get off the couch. You can't save our Republic with a pillow over your head, hoping something will be better when you get up, as tempting as it might be.

The second is to fiercely hold your electeds accountable. Share your opinion in your phone calls. Share your opinion through your emails. Share your opinion at their townhalls. Demonstrate outside their offices.

I told folks: Demonstrate outside my office. Remind me that I haven't done enough. Make me think about what else I can do to ring the alarm bells.

In fact, that question posed to me in townhalls of, Senator—or, actually, more a comment—Senator, you are doing a number of things we know, trying to inform people, to keep people who are unqualified from serving in the executive, to block and stop the big, ugly betrayal of a bill that is savaging our healthcare, but you have to do more. You have to find more to do. You have to realize that we are in the middle of our fundamental freedoms being attacked, and you have to do more to raise your voice.

In a way, that feedback I was given from my constituents in those townhalls is part of the reason I am standing here tonight.

I do hope constituents will continue the example set by those who came to my townhall and the example set by those 7 million who took to the streets on Saturday—the largest single-day protest in American history.

You know, we celebrate some of the protests we know of the past—the Tea Party, a protest against unfair taxes by the British. We celebrate the ride through the night, warning Americans that the British were about to attack. At midnight tonight, in about 40 minutes tonight, I intend to read parts of Longfellow's poem about that.

But we should also celebrate what people did this Saturday. The very title of the protests, “No Kings,” summarizes why people took to the streets of the United States in some 2,700 different locations—people turning out to say: Freedom matters in our Nation. Our rights matter in this Nation. Never should a government seek to deploy the military against peaceful protestors to try to create a riot, to try to justify expansion of authoritarian power. Never should that happen. Never should our government try to dictate what is taught in our universities. Never should our government try to tell our newspapers what they can print or our networks what shows they can air or which comedians they can have on their shows. Never should the Department of Justice be weaponized to try to take down, arrest, convict, imprison people because they have been targeted as the top of the list of President Trump's enemies list. Never should that happen here in the United States of America.

That is what people came out to say on Saturday. And I am certainly very much struck by the creativity that went into a lot of the signs, but the thing that really moved me the most was a couple of veterans who said: Senator, we fought for our country because we believe in our freedoms and we believe in our Constitution, and we are out here to say today that we cannot allow any President to take away what our country was founded on and what we fought for.

Amen to that.

When my colleague from New Jersey came down to ask a question, I was in the middle of going through the assault that Russell Vought had developed to go after the Consumer Financial Protection Bureau and his general philosophy. There is so much going on in that but also the basic effort to impound funds for many programs. So it wasn't just USAID programs on nutrition and malaria and HIV and maternal care. It wasn't just that. And it wasn't just the Consumer Financial Protection Bureau. All kinds of things were being frozen.

One of the things that were observed was that back in 2022, partly in response to Vought having frozen funding to Ukraine under the first President Trump, Congress passed a law requiring the Office of Management and Budget to disclose its apportionments on a public website.

Now, “apportionments” basically means how much money is going in different payments out to the Agencies or the programs that have been funded. The reason you would want those posted is because then you know the administration isn’t essentially stealing the power of the purse by slow-walking the distribution of funds or freezing the distribution of funds or impounding the funds. You have the ability—kind of an alert system to make you aware of what is going on. That was what that law was about.

But this year, in March, 2 years into the Presidency, that website that had that disclosure of apportionments went offline. So the very instrument that Congress created by law to prevent the slow-walking, the freezing, the impounding of funds was taken down. What they are doing is they are hiding the ball. What they are doing is illegally hiding the ball. And, of course, then it became the subject of another lawsuit.

One of the strategies of the Trump administration is this: We will break the law, and then the courts may take a look at it because somebody will sue us. Then we will make that proceeding go on as long as we possibly can. Then, if we don’t like the outcome, we will appeal it. Then we will keep appealing it and hopefully getting stays saying “Hey, this is in the province of security; there should be great deference to the President” or “This is in the province of international affairs; there should be deference to the President” or “You would do immediate harm by interrupting our program, so there should be great deference to the President”—in other words, that we should have a strongman President rather than a democracy.

When Vought was asked about this question of taking down the website, he declined to comment.

A person familiar with the thinking said that Vought saw Elon Musk and DOGE as a force multiplier, and DOGE’s actions, such as the cancellation of government contracts, mass layoffs, and seizures of buildings from Agencies, don’t amount to illegal impoundment under the Nixon-era law.

At his confirmation hearing in early April, Trump’s nominee for OMB Director, Eric Ueland, told the Senate committee that Vought intends to formally ask Congress to approve of some of the budget cuts via what is known as a rescission.

Now “rescission” is a fancy word for canceling a previously established law that says that you must fund a certain Agency at a certain level. That is a rescission. I don’t like the word. I mean, how, in conversations with folks who haven’t lived in the budget world—let’s just call it a program cancellation.

So Vought wants to cancel what is in the law without changing the law. But wait. It is in the law. The Executive is supposed to follow the law. So instead of canceling the funding outright, the President just slow-walks the distribu-

tion of funds or “freezes” the distribution of funds and then, in order to avoid a lawsuit, takes down the website that is the place where he is supposed to have put up how much is distributed and when so that people can know that he is actually following the law. So hide the fact you are breaking the law, slow-walk the funds, and then say: Well, this might really not be an impoundment because we may still spend these funds by the end of the year.

While all the time you are doing exactly what the Supreme Court said should not be done, you are stealing the power of the purse.

And then Mr. Vought came up with another idea, and that said he actually would submit a formal request for Congress to undo the spending. And that is where the actual word “rescission” comes in. It is a formal request for Congress to undo the spending. And what the law says is when that is submitted to Congress, Congress can, if it has, say, 10 elements, Congress can vote affirmatively to support the undoing, the spending, for all 10 of the elements or some portion of them.

And if it passes the House and the Senate, that funding for that program, because it has been changed into law, is officially canceled. So rescission is a proposal to cancel the spending. But now it gets even more interesting because there were things the President wants to cancel that he knows he can’t get the votes for here in the Senate or in the House—even though all that is required is a simple majority vote.

So how can the President try to pull off a semi-legal-appearing dance to cancel programs under the formal proposal being sent to Congress if Congress won’t vote to do so? And so he said: Here is what we will do. The law says there is a 45-day grace period once a proposal to undo funding—that is the rescission request—has been sent to Congress, a 45-day grace period in which the President doesn’t have to distribute the funds.

And then—this is the brilliant idea that Mr. Vought advocated for—we will send that request within 45 days of the end of the financial year, the fiscal year. It ends on September 30. So if we send this request by mid-August, that would be 45 days out from the end of the financial year or fiscal year, and there is a 45-day grace period saying that we don’t have to actually take action. Then, poof, along comes the end of September, October 1, and the funding which was authorized to be spent in that fiscal year can now not be spent because the fiscal year has ended.

Let me try to explain it a little differently. Imagine you are Cinderella and you are in the carriage and you are told that carriage will no longer be a carriage at midnight. It will turn into a pumpkin. And so you want to make sure that you utilize that carriage as much as you need it before midnight because, otherwise, you are in trouble.

And think of it like this then: The carriage—the spending bill that au-

thorizes a program, that is the carriage, but at midnight, the end of the fiscal year, it turns into a pumpkin. You are no longer in the year for which that funding was assigned, and that funding authority evaporates.

That was Russell Vought’s idea. Submit the provision to ask for Congress to vote to support canceling programs, knowing that they wouldn’t cancel them, but the grace period would take you to midnight and, poof, the funding for that program would evaporate because it was intended to be used in that fiscal year.

That is essentially a strategy to steal the power of the purse. It is the core of Trump and Vought’s vision of an authoritarian state. Trump and Vought doubled down on illegal impoundments when they sent a massive rescissions package to Congress, and they have worked to undo it in the manner that I have been describing.

And there is another little twist to this story, which is, here in the Senate, you need bipartisan support to pass the bill that funds diverse programs, and we have 12 spending bills. In Senate lingo, they are called appropriations bills because you take money from the Treasury to spend it. So you appropriate the money from the Treasury to spend it on a program. So 12 spending bills.

Those bills, to close debate on those bills and, therefore, to pass them, you need 60 votes. That means it has to be bipartisan. That means that we have to pay attention to the needs of every corner of the country to get that bipartisan support. We can’t just pass bills that work better in Democratic States than Republican, we have to help people in every corner of the country. That is a good thing.

But if the President can then submit that rescission, that effort to turn the carriage into a pumpkin, to have the funding evaporate at the end of the fiscal year, and can do so without a vote, now you don’t have the foundation for the two sides to work together. It would be like you and I working out a deal, and then, let’s say, I don’t know, I need to borrow a lawnmower, and you need to borrow a bicycle. And so we exchange, something to help out both of us. I return the lawnmower, and then you say: But I am not returning the bicycle.

That is what a submission to this body involves under rescission because the bipartisan deal can be undone on a partisan basis.

A supermajority of 60 needed to pass the bill and, therefore, requiring bipartisan cooperation, but a simple majority required to undo the deal. So if a rescission is submitted that primarily attacks the programs that are of more concern to one party than another, then how are the two parties to trust each other? This is why, even though rescissions have been in the law since 1974, Presidents haven’t used them. They have said: Look, the law was written. It has been signed. We are

going to assign the money to the programs in the very fashion that the law was passed. That is what we are going to do.

Now, the next year, the President may say, if you don't do X, Y, and Z, I am not going to sign the spending bill, and so there is more influence on the next year rather than undoing the previous year because next year the President has proactive authority to engage and try to steer how things come about.

So you have this power to undo through a vote of Congress, a spending bill by simple majority that Presidents have not used—have not used because they focus on the next year. OK. That bill, that year is kind of set. It has been passed. It has been signed. Let's focus on the next year.

But this President said: I want to undo what is already signed into law, but if I can't get a majority vote in the House and Senate to undo it, I will just do it in another fashion where the funds essentially are slow-walked until they expire. So that is what is going on with this.

So now, here we are trying to pass new spending bills for fiscal year 2026, which started on October 1. And Democrats said: OK. Great. Let's put a clause into this bill because we are making a deal, programs that you think are important for your States, programs we think are important to our States, programs important to all our States, but maybe a mix in philosophies about the best way to accomplish something. We work out this big compromise, but it is a deal. So you are not going to undo the deal, right?

And so we will put into this law that the 1974 Rescission Act—it is not actually called a rescission act but rescissions were in the 1970 Budget Impoundment and Control Act. We will put in a provision saying these particular bipartisan deals cannot be undone by a partisan vote.

So one party cannot bail after a bipartisan deal is made. It seemed pretty reasonable to me because if you are really exercising a deal between two parties, the deals are saying, we will stand behind this deal.

But here is the frustration: Because President Trump wants to undo the deals, kind of have that line-item veto through Russell Vought's clever strategy of slow-walking funds until they evaporate at the end of the fiscal year—because the President wants that, my Republican colleagues are refusing to put in language that protects the deal.

It is like that exchange I was referring to. I lend you a bicycle. You lend me a lawnmower. We agree to return them. I return the lawnmower, and you say: No, I changed my mind; I am keeping the bicycle.

I am saying: We had a deal.

And you are like: Yeah, but hey, too bad.

Well, that doesn't exactly engender trust. For the next bipartisan deal, if

one side says: But I am not actually compelled to honor this. That is what is giving us so much trouble where we are actually getting spending bills passed for the fiscal year that we are in already. And that is why we are in the middle of a conversation about a continuing resolution.

And the continuing resolution that was proposed by the Republicans proceeded to say: Hey, remember that very partisan continuing resolution we passed in March? We want to continue doing that very partisan thing and expect you to sign on to it.

And the Democrats responded and said: Well, no. There has only once in our history been a partisan continuing resolution. That was in March, but we are not doing that again. And, in fact, we are going to help save you from the huge mess you made on healthcare. We will work with you, but you have got to fix these tax credits that you changed and are doubling the price of healthcare on the exchange, making health insurance unaffordable to millions of families.

And while we are at it, let's fix what you did to Medicaid because that is going to be even more devastating. You hid that to go into effect after the next election. It is that bad. That should be fixed as well, but we will help save you from yourselves.

Let's fix these two attacks on healthcare that are so, so egregiously destructive to the American family. And we will get this continuing resolution done. And, by the way, we need to put into it that the programs that are in the continuing resolution cannot be unilaterally undone by the President of the United States slow-walking the funds and letting them evaporate on the last day of the fiscal year.

And my Republican colleagues have come across, literally walked across this Chamber and said: You know, we know this was a big mess-up. We want to fix it, but let's just reopen the government first and then discuss how to fix it.

Well, that is a trust level that is hard to have when you can sit down at a table that day and figure out a solution, but, no, no, no, just trust us. We will reopen the government with our partisan continuing resolution, and then we will discuss how to fix the healthcare mess we made.

Yeah, well, Charlie Brown would take that deal from Lucy time after time after time, but that is not a deal that serves the American people because we know President Trump doesn't want to fix that healthcare mess, and, therefore, we need to fix it now. Right now. We should have fixed it. Well, here we are, the House of Representatives has been on vacation for a month. The head of the House of Representatives called the Speaker, the Speaker said there is nothing to discuss.

Twenty million people are getting letters in the mail saying the average cost of their healthcare is being doubled, and the Speaker of the House of

Representatives is saying there is nothing to discuss. No concerns.

The attack on healthcare in the "Big Ugly Betrayal of a Bill" is going to put 15 million people out of insurance. Those folks are not going to be able to go to the doctor when they are sick because they can't afford it. And when they do go for an emergency because the disease has become so much worse, first, it might not be treatable; second, treating an advanced disease can be much more expensive than treating an early-stage disease; and, third, the treatments might be in the emergency room, which is the most expensive place of all to treat something.

So, in addition to all that, because the folks don't have insurance, they can't pay the bill, and the revenues plummet for both the hospital and the clinic. And that means that they cut their programs and affect healthcare for everyone.

So here we are in the government shutdown—shut down by my Republican colleagues voting against the Democratic bill that would fix those healthcare provisions, not because they don't want to fix it—because we have heard many of them say they do, certainly enough votes to pass it—but because the President says: Don't do it.

That is not the vision of our Constitution. That this is a rubberstamp Chamber for the President of the United States. Participating in a rubberstamp for the President is to undermine the very architecture of the checks and balances, the separation of powers designed to prevent us from sliding into an authoritarian state.

So that is the situation we are in right at the moment. We have the authoritarian strategy by the President against our fundamental freedoms. We have Russell Vought at OMB stealing the power of the purse—illegal and unconstitutional. We have a rubberstamp Congress and congressional majority that won't even sit down and discuss issues, even though the very function of a legislature is to discuss issues and try to find a path that both sides can agree to.

So that kind of sums up this section, and I think now I am going to turn to chapter 2. So I am proceeding to the second chapter of "How Democracies Die." So I am putting up this poster to remind folks that these are words that I am sharing from these scholars' understanding of the challenges across the planet and the challenges that we face here in America.

So the chapter is entitled "Gatekeeping in America."

In *The Plot Against America*, American novelist Philip Roth builds on real historical events to imagine what fascism might have looked like in prewar America.

An early American mass-media hero, Charles Lindbergh, is the novel's central figure: He skyrockets to fame with his 1927 solo flight across the Atlantic and later becomes a vocal isolationist and Nazi sympathizer. But here is where history takes a fantastic turn in Roth's hands: Rather than fading into obscurity—

In this novel—

Lindbergh arrives by plane at the 1940 Republican Party convention in Philadelphia . . . as a packed hall finds itself deadlocked on the twentieth ballot. Cries of “Lindy! Lindy! Lindy!” erupt for thirty uncontained minutes on the convention floor, and in a moment of intense collective fervor, his name is proposed, seconded, and approved by acclamation as the party’s nominee for president. Lindbergh, a man with no political experience but unparalleled media savvy, ignores the advice of his advisors and campaigns by piloting his iconic solo aircraft, Spirit of St. Louis, from state to state, wearing his flight goggles, high boots, and jumpsuit.

This is in the novel—describing the novel.

In this world turned upside down, Lindbergh beats Franklin Delano Roosevelt, the incumbent, to become president. And Lindbergh, whose campaign is later revealed to be linked to Hitler, goes on to sign peace treaties with America’s enemies. A wave of anti-Semitism and violence is unleashed across America.

Many Americans have found parallels between the 2016 presidential election and Roth’s work of fiction. The premise—an outsider with dubious democratic credentials comes to power with the aid of a foreign nation—cannot help but resonate. But the comparison raises another striking question: Given the severity of the economic crisis in 1930s America, why didn’t this happen here?

In the United States, in real life, why didn’t it happen here?

The reason no extremist demagogue won the presidency before 2016 is not the absence of contenders. . . . Nor is it the lack of public support for them. To the contrary, extremist figures have long dotted the landscape of American politics. In the 1930s alone, as many as eight hundred right-wing extremist groups existed in the United States. Among the most important figures to emerge during this period was Father Charles Coughlin, an anti-Semitic Catholic priest whose fiery nationalist radio program reached up to forty million listeners a week.

Forty million a week—wow.

Father Coughlin was openly antidemocratic, calling for the abolition of political parties and questioning the value of elections. His newspaper, Social Justice, adopted pro-fascist positions in the 1930s, naming Mussolini its “Man of the Week” and often defending the Nazi regime. Despite his extremism, Father Coughlin was immensely popular. Fortune magazine called him “just about the biggest thing ever to happen to radio.” He delivered speeches to packed stadiums and auditoriums across the country; as he traveled from city to city, fans lined his route to see him passing by. Some contemporary observers called him the most influential figure in the United States after Roosevelt.

The Depression also gave rise to Louisiana governor and senator Huey Long, who called himself “the Kingfish.” Long was described by the historian Arthur M. Schlesinger Jr. as “the great demagogue of the day, a man who resembled . . . a Latin American dictator, a Vargas or a Peron.” The Kingfish was a gifted stump speaker, and he routinely flouted the rule of law. As governor, Long built what Schlesinger described as “the nearest approach to a totalitarian state the American republic has ever seen,” using a mix of bribes and threats to bring the state’s legislature, judges, and press to heel. Asked by an opposition legislator if he had heard of the state constitution, Long replied, “I’m the con-

stitution just now.” Newspaper editor Hodding Carter called Long “the first true dictator out of the soil of America.” When Franklin Roosevelt’s campaign manager, James A. Farley, met Mussolini in Rome in 1933, he wrote that the Italian dictator “reminded me of Huey Long.”

Long built a massive following with his call to redistribute wealth. In 1934, he was said to have “received more mail than all other senators combined, more even than the president.” By then his Share Our Wealth movement had more than 27,000 cells across the country and a mailing list of nearly eight million names. Long planned a presidential run, telling a New York Times reporter, “I can take this Roosevelt . . . I can out-promise him. And he knows it.” Roosevelt viewed Long as a serious threat but was spared when Long, [terribly,] was assassinated in September 1935.

America’s authoritarian tendency persisted through the post-World War II golden age. Senator Joseph McCarthy, who used the Cold War fear of communist subversion to promote blacklisting, censorship, and book banning, enjoyed wide backing among the American public. At the height of McCarthy’s political power, polls showed that nearly half of all Americans approved of him. Even after the Senate’s 1954 censure of him—

This body right here censured the man—

[he] still enjoyed 40 percent support in Gallup polls.

A decade later, Alabama governor George Wallace’s defiant segregationist stance vaulted him to national prominence, leading to surprisingly vigorous bids for the presidency in 1968 and 1972. Wallace engaged in what journalist Arthur Hadley called the “old and honorable American tradition of hate the powerful.” He was, Hadley wrote, a master at exploiting “plain old American rage.” Wallace often encouraged violence and displayed a casual disregard for constitutional norms, declaring:

“There is one thing more powerful than the Constitution . . . That’s the will of the people. What is a Constitution anyway? They’re the products of the people, the people are the first source of power, and the people can abolish a Constitution if they want to.

Those are the words of Wallace.

[His] message, which mixed racism with populist appeals to [the] working-class . . . sense of victimhood and economic anger, helped him make inroads into the Democrats’ traditional blue-collar base. Polls showed that roughly 40 percent of Americans approved of Wallace in his third-party run in 1968, and in 1972 he shocked the establishment by emerging as a serious contender in the Democratic primaries. When Wallace’s campaign was derailed by an assassination attempt in May 1972, he was leading George McGovern by more than a million votes. . . .

In short, Americans have long had an authoritarian streak. It was not unusual for figures [like] Coughlin, Long, McCarthy, and Wallace to gain the support of a sizable minority—30 or even 40 percent—of the country. We often tell ourselves that America’s national political culture in some way immunizes us from such appeals, but this requires reading history with rose-colored glasses. The real protection against would-be authoritarians has not been Americans’ firm commitment to democracy but, rather, the gatekeepers—our political parties.

On June 8, 1920, as Woodrow Wilson’s presidency was winding down, Republican delegates gathered to choose their nominee in the flag-draped but poorly ventilated Chi-

cago Coliseum, where the withering heat reached over one hundred degrees. After nine ballots over four days, the convention remained undecided. On Friday evening, in Suite 404 on the thirteenth floor of the nearby Blackstone Hotel, Republican National Committee Chairman Will Hays and George Harvey, the powerful publisher of Harvey’s Weekly, hosted a rotating group of U.S. senators and party leaders in the original “smoke-filled back room.” The Old Guard, as journalists called them, poured themselves drinks, smoked cigars, and talked late into the night about how to break the deadlock to get a candidate the 493 delegates needed for the nomination.

The leading contender on the convention floor was Major General Leonard Wood, an old ally of Theodore Roosevelt who had generated popular enthusiasm in the primaries and dominated the ballot earlier in the week, with 287 delegates. He was followed by Illinois governor Frank Lowden, California senator Hiram Johnson, and Ohio senator Warren G. Harding . . . [Ohio Senator Warren Harding was] trailing in a distant fourth place with only 65½ delegates. From the convention floor, reporters wrote, “Nobody is talking Harding. . . . [He is] not even considered as among the most promising dark horses.” But as reporters heard rumors about the discussions taking place at the Blackstone, the most motivated of them found their way to the thirteenth floor of the hotel and quietly gathered in the hallways outside Suite 404 to catch a glimpse as leading senators—including Henry Cabot Lodge of Massachusetts, McCormick of Illinois, Phipps of Colorado, Calder of New York, former senator Crane of Massachusetts, and others—came and went.

(Mr. SHEEHY takes the Chair.)

Inside [the] Suite [404], the upsides and downsides of each candidate were carefully reviewed and debated. (Knox was too old; Lodge didn’t like Coolidge.) At one in the morning, seven members of the Old Guard remained in the room and took a “standing vote.” Called in at 2:11 A.M. by George Harvey, a stunned Harding was informed that he had been selected. Word spread. By the next evening, on the tenth ballot and to the great relief of the sweltering delegates, Warren G. Harding received an overwhelming 692½ convention delegates amid rousing cheers. Though he garnered just over 4 percent of the primary vote, he was now the Republican Party’s 1920 presidential nominee.

Nobody likes smoke-filled rooms today—

I am continuing to read Chapter 2, analyzing how gatekeeping has worked in America to prevent authoritarian takeovers. This is part of my effort to ring the alarm bells; to stand here, to share the insights of those who have studied how republics with a strong Constitution and strong values and a strong middle class have lost their separation of powers, their checks and balances, and become strongmen states. That is why I am reading Chapter 2.

It continues:

Nobody likes smoke-filled rooms today and for good reason. They were not very democratic. Candidates were chosen by a small group of power brokers who were not accountable to the party rank and file.

Now, the hour of midnight is approaching. With that, I am going to do a pause here. I would be happy to keep filling you all in later about this analysis of America’s history, world history, and what one has to be aware of if you want to save our Republic. We

will return to that. But here at midnight—is it midnight already; how did that happen—are excerpts from Paul Revere's Ride. This was Henry Wadsworth Longfellow's 1860 poem. I won't read the whole thing, but I will read some of it:

LISTEN, my children, and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
And lo! as he looks, on the belfry's height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he turns,
But lingers and gazes, till full on his sight
A second lamp in the belfry burns!
One lamp, the British are attacking by land;
two lamps, the British are attacking
by sea.
A hurry of hooves in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles, in passing, a
spark
Struck out by a steed flying fearless and
fleet;
That was all! And yet, through the gloom
and the light
The fate of the nation was riding that night;
And the spark struck out by that steed, in
his flight,
Kindled the land into flame with its heat.
So through the night rode Paul Revere;
And so through the night went his cry of
alarm
To every Middlesex village and farm,—
A cry of defiance and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo forevermore!
For, borne on the night-wind of the Past,
Through all of our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurried hoof-beats of that steed
And the midnight message of Paul Revere.

My father was a mechanic. He grew up in a household that, I believe, early on did not have a radio, let alone, he certainly didn't have television. And his mother would bring the family together, and they would read poems. And my father learned just by hearing them. Any number of poems that he would recite as I was growing up, something would trigger that.

I can imagine him now, my dad the mechanic, hearing about the situation we are in with the threat to our Republic and thinking back to how the Colonies were threatened by the British. And when they were threatened, Paul Revere rode through the night to warn people. And that is what has to happen in a democracy.

When there are authoritarian impulses that gain hold, when they start to strengthen, when the norms fall away and when direct attacks are made on our freedoms, then each of us has the responsibility as a citizen to join together to cry out the warning to the rest of America: Our Nation is in trouble.

Our Republic is facing a dire threat, greater than any it has faced since the Civil War. The constitutional checks and balances are being destroyed in realtime, right now. And this should be of concern to all of us who value our freedom of speech, our freedom of assembly, the freedom of a press that can say whatever the hell it wants and no-

body goes to prison and nobody gets sued, nobody gets arrested, nobody gets disappeared because we have freedom to publish what you want. And we have the freedom to say what we want.

I have done a fair amount of work here in the Senate on human rights, and I partnered, in particular, with our current Secretary of State in his former role as chair and vice chair of the Commission on China. In that Commission, we held hearing after hearing about China's assault on freedoms. One of the things they did was to violate their agreement with Great Britain over Hong Kong and to crush the self-governance of Hong Kong and to crush freedom of expression and freedom of press and freedom of assembly in Hong Kong.

Another thing that we spent a fair amount of time on was what China was doing to the Tibetan children, taking those children away from their parents at 4 and 5 years of age to try to destroy the culture—culture continuation, to destroy the language, the dances, the arts, the understandings that happen when you grow up with your own family, your own community, take them away to boarding school.

We focused on the Uighurs, a Muslim minority in China that has been effectively enslaved. And every possible technology is used to track every single Uighur, everything they say, every movement they make. It is like a science fiction novel about a futuristic society that proceeds to track every person, every moment, so the slightest deviation of behavior, the slightest resistance is crushed immediately. That is what has been done to the Uighurs. We worked together on the Uyghur Forced Labor Prevention Act that said any product made by the Uighurs, those products cannot be brought to the United States because they are being made with slave labor.

We created a safe harbor. We said, if a company can have an investigation and show that its particular products are not made through slave labor, then they can be admitted to the United States. Well, to my knowledge, no company has effectively utilized that safe harbor because China won't let them run an investigation.

First of all, it may well be if their products are made in that territory where the Uighurs live, they quite likely are produced by slave labor. But let's say they weren't. They need to do an investigation. China won't let them do it.

I just recited this because this is a bipartisan effort to promote and protect human rights around the world. And there has been bipartisan concern about other oppression around the world where freedom of assembly, freedom of speech, freedom of the press are being attacked or diminished.

But now it is happening here in the United States under the direction of this President. He is trying to tell universities what they can teach and networks what they can air and citizens, how they can protest.

Why, if there is bipartisan support for defending human rights around the world, why isn't there bipartisan support for defending human rights right here at home? Because what Paul Revere did wasn't Democratic or Republican. He was a patriot, letting his communities know they were under attack so they could prepare to respond and fend off that attack. That is what we need now, no matter what party people belong to—coming together to raise the alarm, to ring the alarm bells, to say that no matter what party or what loyalty may exist, when rights are attacked, we will respond together to protect them.

That is why I wanted to read that at midnight. In another 50 minutes, it will be midnight in some other part of the country, so maybe my colleague will remind me of what States are at midnight in an hour. Maybe we will return there again.

In this second chapter, the authors note—and I am back to reading what they are saying:

Nobody likes smoke-filled rooms. . . . They were not very democratic. Candidates were chosen by a small group of power brokers who were not accountable to the party rank and file, much less to average citizens. And smoke-filled rooms did not always produce good presidents—Harding's term, after all, was marked by scandal. But backroom candidate selection had a virtue often forgotten today: It served a gatekeeping function, keeping demonstrably unfit figures off the ballot and out of office. To be sure, the reason for this was not the high-mindedness of party leaders. Rather, party "bosses," as their opponents called them, were most interested in picking safe candidates who could win. It was, above all, their risk aversion that led them to avoid extremists.

Gatekeeping institutions go back to the founding of the American republic. The 1787 Constitution created the world's first presidential system. Presidentialism poses distinctive challenges for gatekeeping. In parliamentary democracies, the prime minister is a member of parliament and is selected by leading parties in parliament, which virtually ensures he or she will be acceptable to political insiders. The very process of government formation serves as a filter. Presidents, by contrast, are not sitting members of Congress, nor are they elected by Congress. At least in theory, they are elected by the people and anyone can run for president and—if he or she earns enough support—win.

Our founders were [very] concerned with gatekeeping.

I appreciate that these scholars are helping us understand different pathways that authoritarian power can creep into and destroy our democracy and how concerned our Founders were about that and how they tried to protect us from that happening.

[They] were deeply concerned with gatekeeping. In designing the Constitution and electoral system, they grappled with a dilemma that, in many respects, remains with us today. On the one hand, they sought not a monarch but an elected president—one who conformed to their idea of a republican popular government—

small "r" republican—
reflecting the will of the people. On the other, the founders did not fully trust the

people's ability to judge candidates' fitness for office. Alexander Hamilton worried that a popularly elected presidency could be too easily captured by those who would play on fear and ignorance to win elections and then rule as tyrants. "History will teach us," Hamilton wrote in the *Federalist Papers*, that "of those men who have overturned the liberties of republics, the great number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants."

So here are our Founders already observing the efforts to create republics around the world that have fallen to authoritarian powers. They were already concerned. This is not just something new to us. It is not something that just happened a couple hundred years later. No. It was a problem the Founders saw from the beginning. For Hamilton and his colleagues, elections required some kind of built-in screening device.

In continuing with the description here of these scholars:

The device the founders came up with was the Electoral College. Article II of the Constitution created an indirect election system that reflected Hamilton's thinking [as he expressed it] in *Federalist 68*.

"The immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under the circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern them."

In other words, a group would be elected—the electoral college—that would make sure that the person who went to the Presidency had the character and the knowledge suitable to the task.

In continuing with the paper—or with their book:

The Electoral College, made up of locally prominent men in each state, would thus be responsible for choosing the president. Under this arrangement, Hamilton reasoned, "the office of president will seldom fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications." Men with "talents for low intrigue, and the little arts of popularity" would be filtered out. The Electoral College thus became our original gatekeeper.

This system proved short-lived, however, due to two shortcomings in the founders' original design. First, the Constitution is silent on the question of how presidential candidates are to be selected. The Electoral College goes into operation after the people vote, playing no role in determining who seeks the presidency in the first place. Second, the Constitution never mentions political parties. Though Thomas Jefferson and James Madison would go on to pioneer our two-party system, the founders did not seriously contemplate those parties' existence.

The rise of parties in the early 1800s changed the way our electoral system worked. Instead of electing local notables as delegates to the Electoral College, as the founders had envisioned, each state began to elect party loyalists. Electors became party agents, which meant that the Electoral College surrendered its gatekeeping authority to the parties. The parties have retained it ever since.

Parties, then, become the stewards of American democracy. Because the parties select our candidates—

My editorializing on this is that it is, therefore, the parties that have to

serve this gatekeeping role. It is just something for us to understand as we seek to restore, reclaim our Republic from this authoritarian takeover.

I continue to read:

They must, therefore, strike a balance between two roles: a democratic role, in which they choose the candidates that best represent the parties' voters; and what political scientist James Ceaser calls a "filtration" role, in which they screen out those who pose a threat to democracy or otherwise unfit to hold office.

This chapter goes on to examine the history of gatekeeping in America. I encourage folks to feel free to read all of it, but I am going to fast-forward to the last couple of pages that come into a more contemporary time than the entire analysis over the course. If I have time later tonight or this morning, I may come back to share some of that in more detail.

But here we are, looking at the question of how, in our system, we make sure that the person who makes it to the Oval Office has the qualifications and the character necessary to carry that office in good fashion for the benefit of America. What this chapter has been explaining is that the Founders were very worried about this. They had seen efforts for republican control fall victim to Presidents who become Kings—republics that become strongmen states.

So they had this idea: Well, if local communities elect kind of their leading citizens whom they trust to have good judgment and good character and if those leading citizens go and gather in the capital and put their heads together, they will produce a vote for someone who has the qualifications and the character to fill the office; so the electoral college would be the filter. But when it became that the candidates you vote for, when you vote for the electoral college, are simply bound to the party, pledged to the party, that whole process of sending people to use their judgment is gone because they are simply a vessel—a predetermined vote, if you will—for the parties' nominees. So that is the challenge that we have.

In turning to Humphrey, Humphrey was hardly the first Presidential candidate to win the nomination without competing in primaries. He would, however, be the last. The events that unfolded in Chicago that were displayed on television screens across America mortally wounded the party insider Presidential selection system.

Now I want to just comment for a moment on Hubert Humphrey.

Back in 1975, I am in my second year of college, and someone mentions to me the idea of serving as an intern for a U.S. Senator. I thought, Wow, that sounds like a really cool thing to do. I asked my father whom did he really admire in the Senate, and he mentioned four people: One was Humphrey, another was Kennedy, another was Inouye, and the fourth was Church, Senator Church from Idaho. So I sent off letters to all four of them.

Had Humphrey responded and said, "Yes, you can be my intern," I might have some more personal stories to share about Humphrey, but he did not. He did not accept me as an intern nor did any of the other three, but they had an intern series here in the Senate where Senators would go and speak during the summer, and interns would come and listen in.

I went into a crowded room to hear Hubert Humphrey, the "happy warrior," and I must say that I was impressed. I loved everything he had to say. So, whenever Humphrey is involved, my ears kind of pick up a little bit. He did not become a President, but he certainly brought fierce love for our country and for making this country work better for working people, and that, I appreciate.

So, in going back to the commentary that is here in the book rather than my commentary, what happened in Chicago mortally wounded the party insider Presidential selection system even before the convention began. The crushing blow of Robert Kennedy's assassination, the escalating conflict over Vietnam, and the energy of the anti-war protesters in Chicago's Grant Park zapped any remaining public faith in the old system.

On August 28, the protesters turned to march on the convention: Blue-helmeted police attacked the protesters and bystanders, and bloodied men, women, and children sought refuge in nearby hotels. The so-called Battle of Michigan Avenue then spilled over into the convention hall itself. Senator Abraham Ribicoff, of Connecticut, in his nomination speech for anti-war candidate George McGovern, decried "the gestapo tactics" of the Chicago police, looking—on live television—directly at Mayor Daley. As confrontations exploded on the convention floor, uniformed police officers dragged several delegates from the auditorium. Watching in shock, NBC anchor Chet Huntley observed, "This surely is the first time policemen have ever entered the floor of a convention." His coanchor, David Brinkley, wryly added, "In the United States."

The Chicago calamity triggered far-reaching reform. Following Humphrey's defeat in the 1968 election, the Democratic Party created the McGovern-Fraser Commission and gave it the job of rethinking the nomination system. The commission's final report, published in 1971, cited an old adage: "The cure for the ills of democracy is more democracy." With the legitimacy of the party at stake, party leaders felt intense pressure to open up the presidential nomination process. As George McGovern put it, "Unless changes are made, the next convention will make the last look like a Sunday-school picnic." If the people were not given a real say, the McGovern-Fraser report . . . warned, they would turn to the "anti-politics of the street."

The McGovern-Fraser Commission issued a set of recommendations that the two parties adopted before the 1972 election. What emerged was a system of binding presidential primaries. Beginning in 1972, the vast majority of the delegates to both the Democratic and Republican conventions would be elected in state-level primaries and caucuses. Delegates would be preselected by the candidates themselves to ensure their loyalty. This meant that for the first time, the people who chose the parties' presidential candidates would be neither beholden to

party leaders nor free to make backroom deals . . . rather, they would faithfully reflect the will of their states' primary voters. There were differences between the parties, such as the Democrats' adoption of proportional rules in many states and mechanisms to enhance the representation of women and minorities. But in adopting binding primaries, both parties substantially loosened their leaders' grip over the candidate selection process—opening it up to voters instead. Democratic National Committee chair Larry O'Brien called the reforms "the greatest Goddamn changes since the party system." George McGovern, who unexpectedly won the 1972 Democratic nomination, called the new primary system "the most open political process in our national history."

[And] McGovern was right. The path to the nomination no longer had to pass through the party establishment. For the first time, the party gatekeepers could be circumvented—and beaten.

The Democrats, whose initial primaries were volatile and divisive, backtracked somewhat in the . . . 1980s, stipulating that a share of national delegates would be elected officials—governors, big-city mayors, senators, and congressional representatives—appointed by state parties rather than elected in primaries. These "superdelegates," representing between 15 and 20 percent of national delegates, would serve as a counterbalance to primary voters—and a mechanism for party leaders to fend off candidates they disapproved of. The Republicans, by contrast, were flying high under Ronald Reagan. . . . Seeing no need for superdelegates, the GOP opted, fatefully, to maintain a more democratic nomination system.

Some political scientists worried about the new system. Binding primaries were certainly more democratic. But might they be too democratic? By placing presidential nominations in the hands of voters, binding primaries weakened parties' gatekeeping function, potentially eliminating the peer review process and opening the door to outsiders. Just before the McGovern-Fraser Commission began its work, two prominent political scientists warned that primaries could "lead to the appearance of extremist candidates and Demagogues" who, unrestrained by party allegiances, "have little to lose by stirring up mass hatreds or making absurd promises."

Initially, these fears seemed overblown. Outsiders did emerge: Civil rights leader Jesse Jackson ran for the . . . Party nomination in 1984 and 1988 . . . while Southern Baptist leader Pat Robertson . . . television commentator Pat Buchanan . . . Forbes magazine publisher Steve Forbes [all] ran for the Republican nomination [in various years: 1988, 1992, 1992, 2000, 1996]. But they all lost.

Circumventing the party establishment was, it turned out, easier in theory than in practice. Capturing a majority of delegates required winning primaries all over the country, which, in turn, required money, favorable media coverage . . . crucially, people working on the ground in all states. Any candidate seeking to complete the grueling obstacle course of U.S. primaries needed allies among donors, newspaper editors, interest groups, activist groups . . . state-level politicians such as governors, mayors, senators, and congressmen. In 1976, Arthur Hadley described this arduous process as the "invisible primary." He claimed that this phase, which occurred before the primary season . . . was "where the winning candidate is actually selected." Members of the party establishment—elected officials, activists, allied interest groups—were, thereby, not necessarily locked out of the game. Without them, Hadley argued, it was nearly impossible to win either party's nomination.

[And] for a quarter of a century, Hadley was right.

That concludes the second chapter.

My whole political instinct has been to make everything as democratic as possible. I like to see the direct election of Presidents, but in this moment, as we face an authoritarian takeover, I think we have a responsibility to ponder not just how we fix it but how we prevent it from happening again.

It is interesting to hear through the observations of these scholars the filtering role that has been played in various setups over the course of our history trying to establish a system in which the person who did finally make it into the Oval Office had the character and the qualifications to execute the responsibilities effectively for the benefit—the collective benefit—of our Nation.

Trump is violating free speech and free press. Between each chapter, I am trying to address a different feature of Trump's assault on our democracy. In the previous section, we addressed continuous violation of laws that cover the Presidency, including the inspector generals and then so many other laws, including laws that control the distribution of funds. In this interlude, I am speaking to his attack on free speech and free press.

Benjamin Franklin wrote that "whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech." In other words, the path to authoritarian control begins by subduing free speech.

Trump began his assault on free speech immediately after his election. He sued CBS News for \$10 billion—yes, billion with a "b"—because he disliked its editing of an interview with then-Vice President Kamala Harris on the program "60 Minutes."

In April, Bill Owens, the executive producer of CBS's "60 minutes," resigned, citing encroachments on his journalistic independence in the face of mounting pressure from Paramount, which is CBS's parent company.

A reported possible source of that pressure was Shari Redstone, Paramount's controlling shareholder, who was reportedly eager to secure the Trump administration's approval of a multibillion-dollar sale of Paramount to Skydance.

On July 6, Paramount—the owner of CBS—settled Trump's lawsuit for \$16 million, agreeing to pay \$15 million to a future Trump Presidential library and \$1 million for his legal fees.

So the President sues CBS because of the way they edited an interview, and CBS settled the case even though the case had, according to the legal scholars, essentially no merit. Wow. Talk about trying to influence what is done.

There was further fallout regarding "60 Minutes" and the journalistic freedom that they had felt and always had to do their segments every Sunday night. They felt now that they couldn't be free to do those segments because the government was looking over their

shoulder. The President of the United States was suing for \$10 billion, so CBS proceeded to settle the case and give Trump \$16 million.

On July 17, CBS announced it was canceling the "Late Show with Stephen Colbert." The Colbert show is the top-rated late night show. Colbert is a frequent critic of Trump.

Not surprisingly, only 3 weeks after CBS canceled Colbert, on August 7, the government, run by Trump, gave the green light, and Skydance and Paramount completed their merger.

This is unheard of stuff—a President using the power of the government and personal lawsuits to try to change what the press can do in broadcasts. That is freedom of the press under attack.

A similar story occurred at ABC. In 2024, Trump sued ABC News because George Stephanopoulos said on air that Trump had been found liable for rape instead of saying he had been found liable for sexual assault in the E. Jean Carroll lawsuit.

Rather than challenging Trump's lawsuit in court, which experts expected ABC would win—a misstatement of sexual assault or rape—very close cousins to each other on a broadcast; not a foundation for winning any normal lawsuit, so experts expected ABC would win. But ABC, like CBS, bent the knee under this Presidential pressure and agreed to a similar settlement like CBS, paying Trump in this case \$15 million toward a future Trump Presidential library and \$1 million for his legal fees.

But this bending of the knee by ABC, this acquiescence to Trump, didn't protect ABC. On September 17, Brendan Carr, head of the FCC—Federal Communications Commission—went onto a conservative podcast and said that ABC should remove late night host Jimmy Kimmel from his show.

Nexstar and Sinclair Broadcast Group, which own dozens of local ABC affiliates, and Disney, which owns ABC, all have major deals pending that require FCC approval.

On that podcast, Carr threatened—Brendan Carr, the head of the FCC—saying "We can do this the easy way, or we can do this the hard way," like a mob boss.

Let's be clear. This is the power of the state being used to silence free speech it dislikes.

Brendan Carr himself wrote on Twitter in 2023:

Free speech is the counterweight—it is the check on government control. That is why censorship is the authoritarian's dream.

I couldn't have said it better myself. Yet this man, Brendan Carr, who talked about free speech as a counterweight, now in that powerful position where he can control licenses and mergers, proceeds to use that power to control what our networks air. How did he slide from being a champion of free speech into being an instrument of authoritarian suppression of free speech?

These tactics mirror other authoritarian approaches to silencing dissent.

Here is reporting by the Associated Press from Hungary, where another authoritarian regime is using similar tactics. This is a PBS article titled “Trump’s moves against media outlets mirror authoritarian approaches to silencing dissent” from September 18 of last month.

Since taking office in January, President Donald Trump has waged an aggressive campaign against the media unlike any in modern U.S. history, making moves similar to those of authoritarian leaders that he has often praised.

On Wednesday, Trump cheered ABC’s suspension of Jimmy Kimmel’s late-night show after the comedian made remarks about the assassination of . . . activist Charlie Kirk.

Trump said: “Congratulations to ABC for finally having the courage to do what had to be done.”

It was the latest in a string of attacks against news outlets and media figures . . . he believes are overly critical of him. Trump has filed lawsuits against outlets whose coverage he dislikes, threatened to revoke TV broadcast licenses and sought to bend news organizations and social media companies to his will.

The tactics are similar to those used by leaders in other countries who have chipped away at speech freedoms and independent media while consolidating political power, including Hungarian Prime Minister Viktor Orban, a close Trump ally whose leadership style is revered by many conservatives in the U.S.

Trump’s approach to governing has drawn comparisons to Orban, who has been in power since 2010. The Hungarian leader has made hostility toward the press central to his political brand, borrowing Trump’s phrase “fake news” to describe critical outlets. He has not given an interview to an independent journalist in years.

Media watchdog Reporters Without Borders says Orban has built “a true media empire subject to his party’s orders” through allies’ acquisitions of newspapers and broadcasters. The group says that strategy has given Orban’s Fidesz party control of about 80% of Hungary’s media market. In 2018, Orban’s allies donated nearly 500 news outlets they had acquired to a government-controlled conglomerate, a group that included all of Hungary’s local daily newspapers.

Continuing in another part of this article about Kimmel:

Kimmel became the second late-night comic with a history of pillorying Trump to lose their show this year. CBS canceled Stephen Colbert’s show just days after he had criticized the network’s settlement of a lawsuit filed by Trump over its editing of . . . “60 Minutes.”

CBS said the July move was made for financial reasons, but Trump celebrated it nevertheless while appearing to foreshadow this week’s developments: “I absolutely love that Colbert got fired. His talent was even less than his ratings,” he wrote on his social media platform at the time. “I hear Jimmy Kimmel is next.”

And the President was right.

ABC’s suspension of Kimmel on Wednesday came after Federal Communications Commission Chairman Brendan Carr made a pointed warning about the comedian on a conservative podcast earlier in the day.

So the attack on freedom of press is in full swing. And there is more. On July 18, Trump sued Rupert Murdoch and the Wall Street Journal for \$10 bil-

lion after the newspaper published a story reporting on Trump’s ties to convicted sex offender Jeffrey Epstein. That story included the sexually suggestive letter that Trump wrote Epstein, or reportedly wrote to Epstein, with a drawing of a woman’s body for Epstein’s 50th birthday book.

Here is what the Wall Street Journal wrote:

It was Jeffrey Epstein’s 50th birthday, and Ghislaine Maxwell was preparing a special gift to mark the occasion. She turned to Epstein’s family and friends. One of them was Donald Trump. Maxwell collected letters from Trump and dozens of Epstein’s other associates for a 2003 birthday album, according to documents reviewed by The Wall Street Journal.

Pages from the leather-bound album—assembled before Epstein was first arrested in 2006—are among the documents examined by Justice Department officials who investigated Epstein and Maxwell years ago, according to people who have reviewed the pages. It’s unclear if any of the pages are part of the Trump administration’s recent review.

The president’s past relationship with Epstein is at a sensitive moment. The Justice Department documents, the so-called Epstein files, and who or what is in them are at the center of a storm consuming the Trump administration. On Wednesday, after angry comments about how the files are a hoax created by Democrats, President Trump lashed out at his own supporters for refusing to let the matter go.

The letter bearing Trump’s name, which was reviewed by the Journal, is bawdy—like others in the album. It contains several lines of typewritten text framed by the outline of a naked woman, which appears to be hand-drawn with a heavy marker. A pair of small arcs denotes the woman’s breasts, and the future president’s signature is a squiggly “Donald” below her waist.

The letter concludes: “Happy Birthday—and may every day be another wonderful secret.”

In an interview with the Journal on Tuesday evening, Trump denied writing the letter or drawing the picture. “This is not me. This is a fake thing. It’s a fake Wall Street Journal story,” he said.

“I never wrote a picture in my life. I don’t draw pictures of women,” he said. “It’s not my language. It’s not my words.”

He told the Journal he was preparing to file a lawsuit if it published an article. “I’m gonna sue The Wall Street Journal just like I sued everyone else,” he said.

Allegations that Epstein had been sexually abusing girls became public in 2006, and he was arrested that year. Epstein died in 2019, in jail, after his arrest a second time on a charge of sex trafficking and conspiracy.

Justice Department officials didn’t respond to requests for comment or address questions about whether the Trump page or other pages of the birthday album were part of the Agency’s recent documents review, and the FBI declined to comment.

The existence of the album and the contents of the birthday letters haven’t previously been reported. The album had poems, photos, and greetings from businesspeople, academics, Epstein’s former girlfriends and childhood pals, according to documents reviewed by the Journal and people familiar with them.

Among those who submitted letters were billionaire Leslie Wexner and attorney Alan Dershowitz. The album also contained a letter from a now-deceased Harvard economist, one of Epstein’s report cards from Mark

Twain junior high school in Brooklyn and a note from a former assistant that included an acrostic with Epstein’s name: “Jeffrey, oh Jeffrey! Everyone loves you! Fun in the sun! Fun just for fun! Remember . . . don’t forget me soon! Epstein . . . you rock! You are the best!”

The longtime leader of Victoria’s Secret wrote a short message that said: “I wanted to get you what you want, so here it is.”

I don’t think I will read the rest of this paragraph. You can imagine what that leader was referring to.

Dershowitz’s letter included a mock-up of a “Vanity Unfair” magazine cover with mock headlines.

The list goes on.

Now, the point of this is that, by the President of the United States suing the Wall Street Journal, of all publications—the Wall Street Journal, not exactly a liberal bastion; the Wall Street Journal, the business newspaper of America, conservative in everything it does. It certainly is considered, from my point of view, to be a venue where the very powerful talk about the affairs affecting the very powerful. It is hardly concerned with the basics of families, like healthcare and housing and education; hardly concerned with human rights in the world. It is a business newspaper about the powerful people and companies.

So this was not some lefty paper, if you will—some liberal paper—that Trump is suing. And when the President of the United States launches a huge lawsuit—I think it was \$10 billion, I believe—checking the number to make sure I had that right—\$10 billion, wow. That is a whopper, even for an establishment as large as the Wall Street Journal. That is an intimidating factor.

If you are in the press and you know that ABC has been sued and settled; CBS has been sued and settled; the Wall Street Journal, for disclosing a story, is sued for \$10 billion, you get a little careful about what you think of putting in your newspaper. This is intimidation. This is not freedom of the press. This is the corruption of freedom of the press.

Now, at this moment, there is a discharge petition over in the House of Representatives. And in the House, under their rules, if you get a certain number of signatures, you can get a bill voted on—debated and voted on—on the floor.

There is no such thing here in the Senate, or maybe we would be beneficiaries, should there be such a rule. But we don’t have it; the House does.

And that petition is short one signature to be able to discharge, and it so happens that there was an election; and in that election, the candidate who won is a Democrat and has pledged that when she is sworn in to the House of Representatives she will sign that petition. That petition is to hold a vote on releasing the Epstein files.

The House of Representatives left town in part to escape having to vote on disclosing the Epstein files because the President of the United States

doesn't want them to vote. Now, that is not the way it should work under our Constitution. The collective opinion of the House about what they should do should prevail. They shouldn't simply just be a rubberstamp for the opinion of the President. So they have been out for a month—a month—partly to avoid swearing in the winner of a by-election who, when sworn in, will provide a signature that could lead to a House vote on the Epstein files.

Now, here in the Senate, we had a vote. There was a place in the amendment tree that was free. So the minority leader thought it was important that we vote on releasing the Epstein files. So he filed my bill, as it turns out, as an amendment so that we would vote on it. And he called it up. So we did have a vote here. Only the vote wasn't directly on the amendment. It was on the motion to table the amendment.

Nevertheless, it reflected the disposition. And more or less, it was a party-line vote. Every Democrat voted against tabling so that we would, in fact, consider that Epstein file bill directly, and almost all Republicans voted to table. In other words, they wanted to kill this amendment rather than vote on it.

So we have had the vote in the Senate. I would like to still see us have a vote directly because if there is, in fact, evidence of crimes involving assaults and rapes on underage women in America, people should be held accountable. I would think 100 Senators would say that if there is evidence of individuals who were involved in the rape of teenage girls, they should be held accountable.

But the majority of the Senate decided not to hold the President accountable, and the President filed a \$10 billion lawsuit over the release of just a single page of a drawing that he did for Epstein's 50th birthday book. That is how worried the President is about his association with Epstein.

Trump has gone after government-funded media as well. But before I turn to that, the assault on PBS and NPR, I want to note that the clock is turning midnight in Alabama, in Arkansas, in Illinois, in Iowa, and in Louisiana and Minnesota and Missouri and Mississippi and Oklahoma and Wisconsin—a great swath of American States.

Since it is turning midnight for the second time in America, the first time here on the east coast, I will turn again to this excerpt from "Paul Revere's Ride."

Do you have the full poem?

LISTEN, my children, and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
And lo! As he looks, on the belfry's height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he turns,
But lingers and gazes, till full on his sight
A second lamp in the belfry burns!

The second lamp indicated an attack by the British was coming from the sea.

A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles, in passing, a
spark
Struck out by a steed flying fearless and
fleet:

That was all! And yet, through the gloom
and the light,

The fate of a nation was riding that night;
And the spark struck out by that steed, in
his flight,

Kindled the land into flame with its heat.
So through the night rode Paul Revere;
And so through the night went his cry of
alarm

To every Middlesex village and farm,—
A cry of defiance and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo forevermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

The midnight message was that the Colonies were in trouble, that they were under attack by the British. Now it is our U.S. Constitution and our freedoms that are under attack by the President of the United States.

I was asking for the full poem from my team member Mike because I love the first part of this poem, which describes how a person put the lamps in the belfry.

Then he climbed the tower of the Old North Church,

By the wooden stairs, with stealthy tread,
To the belfry-chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him made
Masses and moving shapes of shade,
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town,
And the moonlight flowing over all.
Beneath, in the churchyard, lay the dead,
In their night-encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel's tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, "All is well!"
A moment only he feels the spell
Of the place and the hour, and the secret
dread

Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide, like a bridge of boats.
Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse's side,
Now gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle-girth;
But mostly he watched with eager search
The belfry-tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! As he looks, on the belfry's height—

That is when he saw the glimmer of light and then not one but two lanterns—the signal that a ship was the source of the attack. The attack was coming from the sea. And off he went to make the warnings to folks.

There are times in our history when it is important to ring the alarm bells, and I am standing before you here at

1:05 eastern time, uncomfortable after standing this many hours. My back is not a happy camper; I messed it up jogging some weeks ago. But I am going to stand here for some time more to do all I can to ring the alarm bells, to sound the alarm that an authoritarian has taken control of our government and is brutally assaulting due process and freedom of speech and freedom of the press, freedom of assembly, and weaponizing the judiciary to go after the folks he considers to be his political enemies. This is what dictators do in foreign countries—they lock up their opponents.

I was down in Nicaragua with my daughter a few years ago. She was working for the summer guiding trucks through the volcanoes in that country. While I was there, there was an election approaching. What was happening? The President of the country, Daniel Ortega, was coordinating the imprisonment of those that might run against him.

Nothing quite intimidates you from running for President like the existing President locking you up. Campaign over. No election held.

Now we have a President with an enemies list who is targeting those he has disagreed with, those who have criticized him, for a special strategy of persecution and prosecution. That is not the way we do things in America. That is injustice, not justice. It is a huge assault against the values that every child hears when they hear that the law applies to the rich and powerful here and that it is administered with integrity, not with political vengeance. But here we are now, just like those countries with dictators, where the government targets its political enemies and goes after them.

And, of course, Trump goes after government-funded media as well as the broadcast media. On May 1, he issued Executive orders slashing funding for PBS and NPR. Now, the President doesn't have a line-item veto—can't do that, but he did.

In this case, he did submit a request to Congress to approve his cuts, and I would say, unfortunately, it did get a majority vote in the House and the Senate. So at least that piece—that attack was done according to the law, unlike these other lawsuits, which were kind of extortionist.

On September 30, the Corporation for Public Broadcasting ceased operating.

In March, Trump began to dismantle the Voice of America, which was created to counter propaganda from authoritarian governments during the Second World War. Why in the hell is the President of the United States dismantling a voice that counters propaganda from authoritarian governments?

We think of Liberty's torch held high, the Statue of Liberty—beacon of the world. It has some deeper meanings to Americans. Welcome to the land of freedom, welcome to the land of opportunity, not welcome to the land of authoritarian control. As a beacon, as a

light to the world, it represents what we stand for and have stood for in so many corners of the globe, leading to such enormous respect and admiration for our country. But here is the President of the United States dismantling the Voice of America, which stood up for freedom around the world.

Voice of America had become a powerful check on disinformation from authoritarian regimes, broadcasting in 49 languages to 360 million people every week. Now that powerful voice has been silenced. Authoritarians around the world celebrated these cuts, including the Chinese Government, which quickly took over the radio frequencies.

Let's not forget that on February 12, Trump removed the Associated Press from the White House press pool because they refused to change the name from the "Gulf of Mexico" to the "Gulf of America," controlling who can be in the press pool at the White House.

So ABC, attacked; CBS, attacked; the Wall Street Journal, attacked; Voice of America, attacked; public broadcasting, attacked; Associated Press, attacked. That is what an assault on freedom of the press looks like.

Even the world's richest billionaires who own social media platforms and claim to champion free speech have fallen in line, to the point of literally falling in line behind Trump at his inauguration.

To understand why, we only need to think back to 2016. At a rally in Fort Worth, TX, in 2016, Trump threatened Jeff Bezos, who owns Amazon and the Washington Post, with an antitrust action, saying: If I become President, oh, do they have problems. They are going to have such problems. They were going to have such problems that the Washington Post editorial board did not endorse a Presidential candidate in 2024 for the first time in 26 years after being threatened by Donald Trump. His threats have impact because he is President of the United States. Nor did the Los Angeles Times endorse.

Trump has gone further in suppressing freedom of speech—taking control of the Kennedy Center and the Smithsonian museums, canceling programs, reviewing exhibits, firing employees, scrubbing Federal websites of words he opposes. Censorship alive and well.

Then, egregiously, we have the utilization of a 1952 Red Scare law. That law said that the Secretary of State—if he didn't like what someone said or views that were held and thought that person might be a risk to the United States, they could be denied a visa. But even during McCarthyism at its height, this law was never used to expel people from the United States of America for expressing an opinion.

But this year, our Secretary of State bragged about throwing hundreds of students out of our country because they expressed an opinion on the Middle East that our Secretary of State

did not like. Talk about censorship and an assault on freedom of speech.

I was always struck by the power of the phrase "I disagree with what you say, but I would defend to death your right to say it." That is the spirit that has imbued, invigorated our democracy and our freedom for 250 years. But now, because a student criticizes the Netanyahu government for their bombing campaign in Gaza and their deprivation campaign in Gaza and their destruction campaign in Gaza, they are thrown out of the country.

I thought universities were places where we encourage students to examine each other's views, to debate the issues right and wrong. Certainly, a university is a place where robust debate and differences of opinions should be aired. That is part of the learning process. People grow up when they are in a university and hear things that conflict with the established viewpoint they have with their family.

I grew up in a blue-collar community. I didn't know people who had gone to college. Nobody in my family had gone to college. I go off to my first year of college, and I am in classes about European history and American history, about international affairs, and I am going, really? The things I am hearing and the things I am reading don't match the impressions I had growing up. But those impressions came from Reader's Digest, and Reader's Digest had a certain light on the world, a certain angle on the world, and now the university has exposed me to many other opinions.

Throwing people out of our country because they express an opinion the Secretary of State doesn't like is a massively egregious assault on freedom of speech and is intimidation. Students like Mahmoud Khalil at Columbia University or Rumeysa Ozturk at Tufts—neither was accused of a crime. Both simply exercised the freedom of speech we all assume they have. But they exercised it to protest Netanyahu's war in Gaza. That was unacceptable to our Secretary of State, and he revoked their visas and the visas of hundreds of other students, saying: We do it every day, every time I find one of these lunatics.

There are a lot of people I disagree with. It is kind of just a cheap shot to dismiss their viewpoints by calling them a lunatic. They often have a whole set of arguments that are worth hearing and worth understanding.

That is what should be happening in the process of learning, the process of education, not throwing people out because they air a view you disagree with—that one person in our government, the Secretary of State, disagrees with.

We should get rid of that law. We should have 100 Senators here saying: Amen; we are getting rid of that law.

It says that an alien can be excluded if the Secretary of State personally determines the alien's admission to the United States would compromise a

compelling U.S. foreign policy interest. It doesn't even sound like that law authorizes someone being expelled from the United States. The alien's admission sounds like an alien's entry into the United States would compromise a compelling U.S. foreign policy issue. Well, extraordinarily vague standard, for sure. Extraordinary power to be invested in one person, to be chief censor of the United States of America. It is a chilling attempt to silence free speech that presents viewpoints out of favor with the administration.

Now the Trump administration is seeking complete control of press reporting at the Pentagon. Thankfully, all media outlets—or virtually all, I should say—have refused to submit to this new policy.

I will read and share a report from the Washington Post and a second from an NPR journalist.

The first story: "Media including FOX News overwhelmingly reject Pentagon press policy." It is October 15, so hot off the press almost:

FOX News, along with ABC, CBS, and NBC, did not sign the Defense Department's press policy by Tuesday's deadline, having earlier in the day denounced the new regulations in a joint statement that included CNN, which previously said it would not sign.

"Today, we join virtually every other news organization in declining to agree to the Pentagon's new requirements, which would restrict journalists' ability to keep the nation and the world informed of important national security issues," the news networks wrote. "The policy is without precedent and threatens core journalistic protections. We will continue to cover the U.S. military as each of our organizations has done for many decades, upholding the principles of a free and independent press."

FOX's dissent is notable considering the Trump-friendly views of many of its opinion hosts, whose ranks previously included Defense Secretary Pete Hegseth.

The policy prohibits journalists from accessing or soliciting information the Defense Department doesn't make available for them and revokes Pentagon press credentials for those who will not sign on. The new rules have drawn an anguished chorus of detractors across the ideological spectrum since they were announced last month.

Censorship, plain and simple—reporters being told they cannot ask questions; they can only report the information that is handed to them in a press release. Well, so much for any story that matters. A press release is just tooting the Department's own horn. They are certainly not going to lay out the stories that Americans need to hear about.

I worked for 2 years in the Pentagon for Secretary Weinberger. Secretary Weinberger was President Reagan's Secretary of Defense. I was hired as a Presidential fellow. I had the privilege in that role of interviewing with about 50 offices throughout the building and then arranging to work for different offices, often for 3 or 4 months and then rotating, so I worked a lot of different roles.

My first assignment was to serve as the desk officer for Jordan for the Defense Security Assistance Agency. The

reason for that is one desk officer had previously covered Lebanon and Jordan, but then the tower the marines were housed in in Lebanon was blown up. A lot of marines died. From that moment going forward, Lebanon required our whole attention. Yet Jordan—we were trying to get involved in the Middle East peace process. There was an upcoming meeting to discuss military aid, and someone needed staff to prepare us. That was my role in that first assignment.

I was in a bunch of different assignments, most of them involving strategic nuclear policy. But one of the assignments was to be a budget analyst for a research and engineering section. The way this worked was that every program got a budget review. I was assigned a long list of programs, and then I would hold a little hearing in which the colonel or whoever was in charge of that program would come in, and we would look at all the financial records and determine, is this program making sense?

I would write up what was called a program budget decision, a PBD. That program budget decision basically said things like “No, we can cut this program by X because there are carried-over funds” or “We can cut this program or eliminate this program because it is no longer serving the purpose it was intended, and in fact, they didn’t actually use the funds the previous year” or so on and so forth. In the course of that, I saw a huge amount of waste in the Pentagon programs.

At that time, there were tons of stories being written about waste in the Pentagon. They still to this day can’t account for the money that is given to them. You hear people on both sides of the aisle say that even after all these years and all these requirements that they have a vastly improved auditing system to be able to track where the money goes, they still can’t do it, and they still don’t do it.

None of the stories would be written if you were just reporting on a press release because they weren’t flattering stories. You had journalists asking questions about this and that and asking for documents and trying to get to the bottom of what was really going on. All that is what Pete Hegseth is trying to suppress in his assault on the freedom of the press.

Now I am reading the story again:

The TV networks joined many other outlets in saying no, including The Washington Post, the New York Times, the Wall Street Journal, the Associated Press, Reuters, Bloomberg News and the Atlantic. Right-wing outlets including Newsmax, the Washington Times, the Daily Caller and Washington Examiner also declined to sign, along with a raft of defense-related trade publications.

As of Tuesday’s 5 p.m. deadline, only the MAGA-friendly One America News had said it would sign the policy.

Well, that is certainly an egregious attack on freedom of the press. Ring the alarm bells. It is not one misunderstood event. It is ABC. It is CBS. It is

the use of licenses and mergers to compel and lawsuits to compel. It is the Wall Street Journal. It is NPR. It is Voice of America. And then it is all of these other news agencies being asked to stop doing basic reporting on military affairs.

This is a page that has all of the groups that refused to sign and the one that did. One America News signed, and approximately 35-ish organizations refused.

OK. Now, Tom Bowman wrote an article titled: “Why I’m handing in my Pentagon press pass.”

Today, NPR will lose access to the Pentagon because we will not sign an unprecedented Defense Department document, which warns that journalists may lose their press credentials for “soliciting” even unclassified information from federal employees that has not been officially approved for release. That policy prevents us from doing our job. Signing that document would make us stenographers parroting press releases, not watchdogs holding government officials accountable.

No reputable news organization signed the new rule—not mainstream outlets like NPR, The Washington Post, CNN, and The New York Times, nor the conservative Washington Times or the right-wing Newsmax, run by a noted ally of President Trump. Some 100 resident Pentagon press will be barred from the building if they don’t sign by the end of business on Tuesday.

This is Tom Bowman speaking.

I’ve held my Pentagon press pass for 28 years. For most of that time, when I wasn’t overseas in combat zones embedding with troops, I walked the halls, talking to and getting to know officers from all over the globe, at times visiting them in their offices.

Did I as a reporter solicit information? Of course. It’s called journalism: finding out what’s really going on behind the scenes and not accepting wholesale what any government or administration says.

I remember how then-Defense Secretary Donald Rumsfeld was ecstatic after the fall of Baghdad in 2003, insisting that it showed the success of the U.S. invasion. Not long after, I ran into an officer at the Pentagon who told me, “No, Tom. It’s not a success. Saddam Hussein’s supporters are attacking our supply lines. Now, we have to send more troops back to guard them.” That was because the United States, at Rumsfeld’s insistence, never sent an adequate number of forces to Iraq to begin with—a fact another Army general warned me about, unsolicited—and I reported on, before the war even began.

Instead of toeing the official line, that reporting helped people understand what U.S. troops were really facing. Far from being a success, the fall of Baghdad marked the beginning of an insurgency that stretched on for years.

Then the article goes on to convey.

You know, when I was first elected and came here to the Senate, we were still in the Afghanistan war, which I quite fiercely opposed as well as the strategy of trying to occupy Afghanistan—a country of a vastly different population from the United States, an economy that was often based on very rural-, agricultural-, village-based practices; that often had regional militias; that was controlled by a strongman; was a place where, obviously, the dominant language differed

from the U.S., where the dominant religion differed, and where the world experiences differed.

I remember there was a poem by Rudyard Kipling about the British experience in Afghanistan. The end of the poem always stuck in my head, although I may not have the lines exactly right, but it went something like this: If you are injured and lying on the Afghanistan plains, roll over on your rifle and blow out your brain before the women come out and carve up what remains. It was something like that, but the essence of it was the British were unwelcome in Afghanistan. The Afghani people prided themselves on having expelled foreign group after foreign group after foreign group over the centuries, including the Russians.

I went up to the bridge in the northern part of Afghanistan where the last Russian forces had retreated back into Russia out of Afghanistan. We needed reporters to tell us what the hell was really going on in Afghanistan because, when you visited there, you got the rosier story: Oh, we have this great program in which people are signing up to be part of the army, and it is ending corruption in the society, and they are really taking to that training, and they are going to be able to defend themselves, and we won’t be needed, and we have this new strategy of take and hold because our old strategy of take and then leave didn’t work, and so on and so forth.

Reporters are essential to understanding the defense enterprise. The idea the Department of Defense is trying to shut down reporters and only have them issue the happy face press releases is a terrible insult to the American people. It is a terrible transgression of freedom of the press—so not OK.

Well, this has been quite a list of assaults by this government on freedom of the press.

When I was seated in the Rotunda for the President’s inauguration and his inaugural speech—just down the hall from here—Trump claimed in that speech to have “brought free speech back to America,” but the opposite is the case. This President has launched an unparalleled assault on free speech and freedom of the press and is doing all he can, with every lever available, to intimidate and silence his critics.

But let me pause for a moment and return to why we are in a government shutdown—and in one word: healthcare. Republicans have shut down the government to continue the strategy of slashing Americans’ healthcare.

Why did they pass this, what they call the Big Beautiful Bill that was actually a big, ugly assault on Americans’ healthcare? Why did they do it? Well, the short answer is, to help fund tax breaks for billionaires.

Why did they proceed to lay out a vast reduction in Medicaid that would be implemented after the next election? Because they thought a lot of

people would be upset by it. Well, because it helps fund tax breaks for billionaires.

Why did they cut nutrition programs for children? Because it is tax breaks for billionaires and because all those cuts weren't enough to fund all the tax breaks they wanted to give.

The bill also increases the national debt by \$30 trillion over the next 30 years—hardly a monument to fiscal responsibility. It is a “families lose, billionaires win” proposition.

In Oregon, the average cost of buying healthcare on the exchange is forecast to increase by some 68 percent. Now, we will probably have some updates to that number because the new cost of the premiums and the new lower tax credits have been posted and people are starting to get letters, telling them what their policies will be, but it is estimated to be about \$1,300 a person.

Nationally, it is expected to skyrocket by 114 percent on average—more than double, more than double. It is not inflation of 3 percent or 4 percent or 5 percent. People might grumble about 3, 4, or 5 percent and be pretty upset by 10 percent, but 68 percent or 114 percent—a doubling? a more than doubling? That is an issue for families, and that is what is being done—slashing those credits.

People will be hurt. People will go without insurance, and their modest healthcare problems will become big healthcare problems, and their trips to the emergency room to address those big healthcare problems will be more expensive both because of the emergency room and because their problems are now much larger.

The fact that they don't have insurance to pay the bill means there will be a lot less revenue for those clinics and hospitals. The Sheps Center estimates 300-plus rural hospitals will be forced to close by the drop in revenue from the attack on healthcare, including the attack on Medicaid. It is a red carpet for the billionaires. It is redtape for America's families. Make it hard to sign up for healthcare.

I believe healthcare is so fundamental that it is a right. In any nation that seeks to provide a foundation for its families to thrive, basic healthcare is a given, and the health outcomes are better in virtually every other advanced nation around the world—developed nation around the world. They spend less, and they have better health outcomes than our system.

So our system is not perfect, but it was vastly improved under President Obama. It was improved because we said: Folks who are not eligible for Medicaid should be eligible, like people with disabilities and veterans; and we said the level of which you are eligible should be expanded upwards because the people outside of Medicaid are still too poor to buy insurance.

Then we said: But middle class insurance was too expensive, so we should provide some tax credits to help people buy those policies, and we should put it

up on an exchange so people can compare those private policies so they can pick the best policy for their family.

In April of 2009, I am a new Senator. I am here, and somebody hands me a copy of a piece written by Frank Luntz. He was an adviser to the Republican Party. What this said was, regardless of what Democrats propose under the Obama administration and the Democratic majority to improve healthcare, we will try to stop it, and we have done focus groups to find out the most effective way to stop it and the most effective ways to call it a government takeover.

I was just stunned—just absolutely stunned—by this presentation. Here is someone saying, if the other party has some good ideas to improve healthcare, we are going to oppose it regardless, and no matter what it is we will call it a government takeover because that phrase makes people angry. Well, it was such a big lie.

The proposal that came forward was modeled on a Republican Governor who was later a Senator here, Mitt Romney. When he was a Governor for a Democrat State, he proposed giving tax credits to help people buy insurance policies from private companies—no government takeover at all. But here was this press release saying: Here is our strategy.

It wasn't even a press release. It was an internal document advising Republicans and Republican leadership on the best way to defeat a healthcare proposal regardless of what the proposal was.

And I just thought, aren't we all here working together to improve healthcare? Boy, did I feel naive.

What I found was something I had heard about but didn't really believe until I came here, which is we have become trapped in entrenched warfare in which the minority party, instead of seeking to actually produce good policies, is mainly aiming at frustrating the majority party.

This was kind of the revelation and strategy—or the revolution and strategy—that Gingrich pursued. He said, you know, we here in the House have been striving every cycle to get our ideas into the majority's bills. We get quite a few of them in, and we like that, but it doesn't present a case for us to be in the majority. So let's shift gears. Quit working with the Democrats, and frustrate them as much as we can, and when they fail, we will say: Look, dump them. Elect us. They didn't get the job done. Over here in the Senate, MITCH MCCONNELL said: Hey, obstruction—Gingrich gives obstruction a good name.

And then this cycle of obstruction began here in the Senate. Only in the Senate, there are more tools for the minority to obstruct the majority of either party—Republicans obstructing a majority of Democrats or Democrats obstructing a Republican majority. That is not the way to make this world work better, this country to work better.

So here we are with this purely partisan “Big Ugly Betrayal of a Bill” that slashes healthcare, and Democrats reach out and said: Look, let's fix this. This is going to be bad politics for you all Republicans.

Seventy-five percent—actually, I think it was 78 percent—of the folks who are on the policies are in States Trump won—on the exchange, on policies on the exchange. So it isn't Democrats saying: Hey, the bulk of the folks are in blue States; so we are going to propose something.

No, no. The idea is to help anyone afflicted by this egregious attack on healthcare because we want families to thrive. We don't want a “families lose, billionaires win” to slash programs that are fundamental to families to give even bigger trust funds for billionaires to pass on to five generations into the future. That is not going to make America better. Enable families to thrive, and healthcare is one of the foundations.

One of the questions becomes: What is the connection between this bill and Trump's authoritarian takeover?

The key is that when you have an authoritarian takeover, you listen to the billionaires.

Do we have that picture, still, of the billionaires lined up behind the President at the Inaugural Address, his swearing in—not champions for healthcare and housing and education and infrastructure investment and good-paying jobs, but, instead, folks like Elon Musk and Jeff Bezos and Mark Zuckerberg—the billionaires.

So an authoritarian government listens to billionaires. They have power, and they pass a bill giving even more money and power to the billionaires, slashing the programs for the people. That is the connection between the authoritarian strategy of President Trump, his inclinations, his violations of the separation of powers and violations of the checks and balances. It is a connection between that authoritarianism and the bill that was passed, what Trump called the Big Beautiful Bill and many of us called the “Big, Ugly Betrayal.”

Why do we call it a betrayal? Because Trump campaigned on helping families, but that bill slashed programs to help families to fund tax breaks for billionaires. That bill slashed nutrition to fund tax breaks for billionaires. That bill added \$30 trillion to our debt over the next 30 years to fund tax breaks for billionaires. Authoritarian government stops caring about what serves the people of the United States of America and starts producing bills designed to help billionaires at their expense. That is the connection. It is a “families lose, billionaires win” authoritarian takeover of America, and every red-blooded patriot in this country who values our freedom needs to make sure they hear the alarm bells ringing and ring the bells themselves so we can have a “families thrive and billionaires pay their fair share” agenda in this place.

(Mr. ROUNDS assumed the Chair.)

The third chapter of this book, “How Democracies Die,” lays out a little bit more about the American story.

I am just reading straight from the book here.

On June 15, 2015, real estate developer and reality-TV star Donald Trump descended an escalator to the lobby of his own building, Trump Tower, to make an announcement: He was running for president. At the time, he was just another long-shot candidate who thought his wealth and celebrity might give him a chance or, at the very least, allow him to bask in the spotlight for a few months. Like fellow businessman Henry Ford a century earlier, Trump held some extremist views—his most recent experience with politics had been as a “birther,” questioning whether President Barack Obama was born in the United States. To the extent that leading media and political figures took him seriously, it was to denounce him.

But the primary system had opened up the presidential nomination process more than ever before in American history. And openness is always double-edged. In this new environment, a wider range of politicians, from George McGovern to Barack Obama, could now compete seriously for the presidency. But the window was now also open to true outsiders—individuals who [hadn’t] held elective office. In the twenty-three years between 1945 and 1968, under the old convention system, only a single outsider (Dwight Eisenhower) publicly sought the nomination of either party. By contrast, during the first two decades of the primary system, 1972 to 1992, eight outsiders ran (five Democrats and three Republicans), an average of 1.25 per election; and between 1996 and 2016, eighteen outsiders competed in one of the two parties’ primaries—an average of three per election.

The post-1972 primary system was especially vulnerable to a particular kind of outsider: individuals with enough fame or money to skip the “invisible primary.”

Now, the invisible primary, as we talked about earlier, is the fact that in order to run, you have to put a lot of money together. So it means you have to reach out to a lot of folks across America and ask for their support, ask for the support of mayors and county commissioners and Governors and Senators and House Members and other people with deep pockets to contribute to your campaign. That is the invisible primary.

The editorial page writers, you reach out to them all to try to say: Hey, listen to my message. It matters. I would be a good choice. Please get involved. Please help. Please write a favorable story about me.

That is the invisible primary. In other words, those who can skip the individual primaries are the celebrities, affluent celebrities.

Although conservative outsiders Pat Robertson, Pat Buchanan, and Steve Forbes did not manage to overcome the effects of the invisible primary during the 1980s and 1990s, their relative success provided clues [on] how it might be done. Forbes, an extraordinarily wealthy businessman, was able to buy name recognition, while Robertson, a televangelist who founded the Christian Broadcasting Network [CBN], and Buchanan, a television commentator (and early Republican proponent of white nationalism), were both colorful figures with special media access. Although none of them won the nomi-

nation, they used massive wealth and celebrity status to become contenders.

But in the end, celebrity outsiders had always fallen short. And so on [the] early-summer afternoon in the gilded lobby of [the] Trump Tower, there seemed [to be] no reason to think things would be different. To win the nomination, Trump would have to compete in an intricate web of caucuses and primaries against sixteen other candidates. Many of his rivals boasted the kind of resume that had been the hallmark of successful candidates in the past. At the head of the pack was Florida Governor Jeb Bush . . . brother of [the] former president. There were other governors, as well, including Wisconsin’s Scott Walker, Louisiana’s Bobby Jindal, New Jersey’s Chris Christie . . . Ohio’s John Kasich, and several rising Republican stars—younger, media-savvy politicians such as Senators Marco Rubio and RAND PAUL, who hoped to replicate Barack Obama’s fast track to the presidency. Texas, home to three of the last eight elected presidents, offered two more candidates: Senator TED CRUZ and former governor Rick Perry. Besides Trump, two other outsiders threw their hats into the ring: businesswoman Carly Fiorina and neurosurgeon Ben Carson.

Trump could not hope to win the support of the establishment. Not only did he lack . . . political experience, but he wasn’t even a lifelong Republican. Whereas Bush, Rubio, CRUZ, Christie, Walker, and Kasich all had deep Republican roots, Trump had switched his party registration several times and . . . even contributed to Hillary Clinton’s campaign for the . . . Senate.

Even after Trump began to surge in the polls, few people took his candidacy seriously. In August 2015, two months after Trump declared his candidacy, Las Vegas bookmakers gave him one-hundred-to-one odds of winning the White House. And in November 2015, as Trump sat high atop the Republican polls, Nate Silver, founder of the FiveThirtyEight blog, whose uncannily accurate predictions in the 2008 and 2012 elections had earned him fame and prestige, wrote an article titled “Dear Media: Stop Freaking Out About Donald Trump’s Poll Numbers.” The article predicted . . . Trump’s weakness among party insiders would spell his demise. Despite Trump’s seemingly large lead, Silver assured us, his chances of winning the nomination were “considerably less than 20 percent.”

But the world had changed. Party gatekeepers were shells of what they once were, for two main reasons. One was a dramatic increase in the availability of outside money, [that outside money] accelerated (though hardly caused) by the Supreme Court’s 2010 Citizens United ruling. Now even marginal presidential candidates—Michele Bachmann, Herman Cain, Howard Dean, BERNIE SANDERS—could raise large sums of money, either by finding their own billionaire financier or through small donations via the Internet. The proliferation of well-funded primary candidates indicated a more open and fluid political environment.

The other major factor diminishing the power of traditional gatekeepers was the explosion of alternative media, particularly cable news and social media. Whereas the path to national name recognition once ran through relatively few mainstream channels, which favored establishment politicians over extremists, the new media environment made it easier for celebrities to achieve wide name recognition—and public support—practically overnight. This was particularly true on the Republican side, where the emergence of Fox News and influential radio talk-show personalities—what political commentator David Frum calls the “conservative entertainment complex”—radicalized conserv-

ative voters, to the benefit of ideologically extreme candidates. This gave rise to such phenomena as Herman Cain, the former Godfather Pizza CEO and radio talk-show host, who rocketed to the top of the Republican polls in late 2011 before flaming out because of scandal.

The nomination process was now wide open.

So this chapter lays out how, in our modern system, the filters that were first envisioned by our Founders, which was that people would elect local leaders that they trusted and admired to go to the electoral college and the electoral college would make sure that the person in the White House was a person of character and had qualities that suited the office—the responsibilities of the office, the demands of the office—well, that was wiped out when the electors became bound to the party.

And still, there was another factor that served as a bit of a filtering mechanism, and that is what the authors are calling the invisible primary—the fact that, in order to run across a land as large as the United States, you have to find a lot of support, and you have to find a lot of support through an incredible number of meetings, phone calls, persuasion of mayors and State leaders and congressional Members and news media commentators and so forth.

In that invisible primary, you have to raise a lot of money, as well, and that served as sort of a vetting mechanism that gave folks who had been in the business of policy and politics some considerable influence. But the modern system in Citizens United allows massive donations, unlimited in size; allows anonymous donations, as long as those donations go not directly to the candidate but to someone supporting a parallel campaign of the candidate.

Now, I want to come back to this question of how Citizens United has proceeded to change the dynamics of American politics, but it is now 12 o’clock somewhere, and that somewhere, midnight, is mountain time—midnight on mountain time in Colorado, in Montana, New Mexico, Utah, Wyoming, Idaho, and Arizona—basically all but the west coast now.

And so it is midnight again. Let’s turn back to “Paul Revere’s Ride” once again and the poem by Henry Wadsworth Longfellow. Before, I was reading excerpts. I think I will read the whole poem this time around. It is kind of an American classic, but it has to do with the importance of ringing the alarm bells when there is a threat—a threat to the Colonies in that case, a threat to the United States now from authoritarian control, from the President.

So this is the poem that Henry Wadsworth Longfellow wrote about the ride of Paul Revere:

LISTEN, my children, and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
He said to his friend, “If the British march
By land or sea from the town to-night,

Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal
light,—

One, if by land, and two, if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm.”
Then he said, “Good night!” and with muf-
fled oar

Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.
Meanwhile, his friend, through alley and
street,

Wanders and watches with eager ears,
Till in the silence around him he hears
The muster of men at the barrack door,
The sound of arms, and the tramp of feet,
And the measured tread of the grenadiers,
Marching down to their boats on the shore.
Then he climbed the tower of the Old
North Church,

By the wooden stairs, with stealthy tread,
To the belfry-chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him
made

Masses and moving shapes of shade,—
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town,
And the moonlight flowing over all.
Beneath, in the churchyard, lay the dead,
In their night-encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel’s tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, “All is well!”
A moment only he feels the spell
Of the place and the hour, and the secret
dread

Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide, like a bridge of boats.
Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse’s side,
Now gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle-girth;
But mostly he watched with eager search
The belfry-tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! As he looks, on the belfry’s height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he
turns,

But lingers and gazes, till full on his sight
A second lamp in the belfry burns!
A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the
dark,

And beneath, from the pebbles, in passing,
a spark
Struck out by a steed flying fearless and
fleet:

That was all! And yet, through the gloom
and the light,

The fate of a nation was riding that night;
And the spark struck out by that steed, in
his flight,

Kindled the land into flame with its heat.
He has left the village and mounted the
steep,

And beneath him, tranquil and broad and
deep,

Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the
ledge,

Is heard the tramp of his steed as he rides.
It was twelve by the village clock,
When he crossed the bridge into Medford
town.

He heard the crowing of the cock,
And the barking of the farmer’s dog,
And felt the damp of the river fog,
That rises after the sun goes down.
It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, blank and
bare,

Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.
It was two by the village clock,
When he came to the bridge in Concord
town.

He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadows brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket-ball.

You know the rest. In the books you have
read,

How the British Regulars fired and fled,—
How the farmers gave them ball for ball,
From behind each fence and farm-yard
wall,

Chasing the red-coats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.
So through the night rode Paul Revere;
And so through the night went his cry of
alarm

To every Middlesex village and farm,—
A cry of defiance and not of fear,
A voice in the darkness, a knock at the
door,

And a word that shall echo forevermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

I am here tonight to ring the alarm
bells about the attack on due process,
on freedom of speech, freedom of the
press, the weaponization of the Depart-
ment of Justice against political en-
emies, the assault on our fundamental
constitutional separation of powers,
particularly the power of the purse and
the effort to direct the military into
our towns to assault peaceful pro-
testers.

This is the work of an authoritarian
government, featuring all the basic
features when a republic has lost its
checks and balances. It has instead a
rubberstamp for a legislature, a Su-
preme Court that delivers court rescis-
sion after court rescission, transmit-
ting powers to the Executive that don’t
exist in our Constitution, and an ag-
gressive authoritarian personality at
the helm.

We are in deep trouble. Ring the
alarm bells. Hear the alarm bells.

When folks in my townhalls asked
what they can do, I said: Get off the
couch. You can’t save our Republic
with a pillow over your head. Fiercely

hold your electeds accountable. Press
them with your messages on the phone,
with your messages in the email, with
your messages at the townhalls, with
your demonstrations in the street.
Demonstrate outside their office. Let
them know you want us to defend our
Republic against this authoritarian
takeover. And join affinity groups—be-
cause to be angry and alone is to be de-
pressed, but to be angry and organized
with others is to be energized and effec-
tive. And the only way you stop an au-
thoritarian takeover is for citizens to
be energized and effective.

And those folks at my townhall, they
challenged me. They said: You are not
doing enough. Look at what happened
last week with the assault on our net-
works, with the President trying to
shape and intimidate what they can
say and who they can have on their
programs and even what comedians can
be there at night. If the comedians are
insulting the President, the President
doesn’t like that, and they need to be-
have because their licenses—their
broadcast licenses—their mergers are
in trouble.

So ABC and CBS bent the knee. How
can this be happening? Do more. Call it
out.

Here is a President attacking public
broadcasting, shutting down the Voice
of America, which has been our voice
to counter disinformation around the
world since it was founded with a par-
ticular emphasis on making sure that
the disinformation from authoritarian
governments around the world was
countered with truth and light to the
world, to so many populations who
could never get the truth from their
own government but could get the
truth from the Voice of America.

The attack on the Wall Street Jour-
nal, threatened \$10 billion lawsuit be-
cause they published a picture alleg-
edly drawn by President Trump that
President Trump didn’t want publicly
disclosed.

Collectively, we are in deep trouble.
When Paul Revere rode, the underlying
sense was people heard him, and they
responded, and they repulsed the Brit-
ish attack.

Now we need Americans to make sure
that they hear the voices expressed—7
million strong at 2,700 locations across
the country on Saturday—saying we do
not have a King. A President is not a
King, and the law is not a suggestion,
and the Constitution is not optional—7
million people taking to the streets to
hold us accountable, to hold the Presi-
dent accountable.

Are we listening? Are we responding
to the threat?

So I am going to skip through the
balance of this chapter which lays out
essentially what I was describing, and
that is that the circumstances have
changed about the way Presidential
candidates are selected which gave a
lot of room to have candidates who
would not have been eligible before be-
cause they didn’t carry, if you will, the
life experience or the character suit-
able to serving in the Oval Office.

But Citizens United changed a lot of that. Citizens United said: Hey, if you are an ordinary citizen and you make a donation, it has to be disclosed if it is over \$200, and you are limited as to how much you can give. I think the levels are quite high actually. There are very few people who can afford to give that amount. But it is \$7,000 now at this moment; \$3,500 in primary; \$3,500 in the general. The limit is \$7,000 and disclosure.

But if you give it to the friend of the candidate to run a parallel campaign, you can give unlimited sums, and you can give it secretly.

So what did we see in the last election? Well, we saw, for example, executives from the crypto community put \$40 million into an Ohio Senate race because the incumbent was the chair of the Banking Committee, and the crypto community did not think that individual, that Senator, had been attentive enough to their desires—and so \$40 million.

Can you imagine? Think about this from the normal point of view from Americans. If you are going to raise \$1 million in 3 months—90 days—you won't do it, even if you get on the phone and you raise \$10,000 every night. You will still only have \$900,000, and a couple hundred of that would be spent on the cost of fundraising.

So just imagine, who in America thinks they can sit on the phone and raise \$10,000 a night? Simply absurd. That is an absurd amount of money. But that is for \$1 million. Here a couple executives put \$40 million into a race. And although they weren't required to disclose who they were, they wanted the world to know.

So a crypto bill flew through this Chamber because Senators are terrified that they will be the next target of Citizens United money just like our former colleague from Ohio was a target.

Massive money like that, massively corrupting, and the argument of the Supreme Court: Oh, if you give the money directly to the candidate—well, yes, there can be limits because we could see how that can influence a candidate, but if you give it to the friend of the candidate, well, the candidate isn't directly receiving the money from you so they are not influenced, so, therefore, no countervailing interest in our democracy to put a limit on donations going to the friend of the candidate to run a parallel campaign.

It is a completely bogus argument. Nobody that is operating in the real world of politics thinks that if you give massive money to their friend to run a parallel campaign, somehow they are not aware of it and potentially influenced by it.

At the end of this chapter, they summarize the four warning signs of authoritarian power in the context of the early Trump administration. Remember, this was written in 2018.

So the first question or sign, concern about identifying authoritarian power

was: Does the candidate—or in this case, the President—successfully, I will note, reject the Constitution and express a willingness to violate it?

Do they suggest a need for antidemocratic measures, such as canceling elections, violating or suspending the Constitution, banning certain organizations, or restricting basic civil or political rights?

Do they seek to use (or endorse the use of) extraconstitutional means to change the government, such as military coups, violent insurrections, or mass protests [thereby] forcing a change in the government?

Do they attempt to undermine the legitimacy of elections, for example, by refusing to accept credible electoral results?

They proceed to go through and restate each of these four foundations that should make you worry that you are headed for an authoritarian takeover.

No 2. was the denial of legitimacy of political opponents.

Do they baselessly describe their partisan rivals as criminals, whose supposed violation of the law (or potential to do so) disqualifies them from full participation in the political arena?

Well, “Lock her up.” The cry “Lock her up” answers that question.

No. 3. toleration or encouragement of violence.

Have they tacitly endorsed violence by their supporters by refusing to unambiguously condemn it and punish it?

Have they praised (or refused to condemn) other significant acts of political violence, either in the past or elsewhere in the world?

Well, yes, again and again for Mr. Donald Trump. Think about how he tacitly encouraged violence against this Capitol. And many of us currently in the Senate were here at the moment that the mob, urged on by Trump, assaulted this Capitol, calling for the death of the Vice President and tried to interrupt the counting of the ballots.

The fourth, readiness to curtail civil liberties of opponents, including media.

Have they supported laws or policies that restrict civil liberties, such as expanded libel or defamation laws or laws restricting protest, criticism of the government, or certain civic or political organizations?

Have they threatened to take legal or other punitive action against critics in rival parties, civil society, or the media?

Have they praised repressive measures taken by other governments, either in the past or elsewhere in the world?

Well, yes and yes and yes.

Have they threatened to take . . . punitive action against critics?

Trump has his list of enemies. He has said publicly he intends to weaponize and is weaponizing the Justice Department to go after them.

[Has he] praised repressive measures?

Well, yes, time and time again praising dictators around the world—not democracies but dictators.

So it is four for four in terms of the warning signs that exist for our democracy, and that was before the straight-out actions that we are witnessing today.

As I noted, after I kind of summarized what the experts have laid out in

this book “How Democracies Die,” the key point being that you may think democracies die through military coups, through men with guns. And, yes, many democracies did die that way, but now the way they are dying around the world is not men with guns; it is elected leaders who erode the boundaries of the checks and balances of the Constitution. That is the version as we have seen in republic after republic after republic slide into a strongman authoritarian state, and that is exactly what we are in the middle of right now here in the United States.

So I addressed free speech. I addressed the violation of laws governing the Executive. I addressed free press. Let's talk about how Trump is violating due process.

Earlier, I noted how Secretary Rubio has used the McCarthyist 1952 law to silence the freedom of speech for foreign students who disagree with the administration over foreign policy. There was no due process for the students that Rubio disfavored, just as there was no due process for the Venezuelan immigrants Trump sent to El Salvador.

Trump ignored the Supreme Court's 9 to 0 order to facilitate the return of Kilmar Abrego Garcia, ignoring the Supreme Court's order is a huge—huge—flag that we are deep into the authoritarian takeover of our country.

Due process, the words, may sound like legal mumbo jumbo, but it is the guardian of our freedom; that before you can take away my freedom, you have to proceed in a certain fashion that gives me the ability to defend myself and not be simply tossed into a van and deported from the country or tossed into a prison cell.

You must follow step by step. That is the due process, and that is what protects my freedom. The guardian of our freedom, due process, keeps any one of us from being locked up by an offended strongman.

I want to read two pieces about the thrust of due process and what that can mean for all of us. The first is titled “The Emergency Is Here.” It is an Ezra Klein editorial or opinion piece—an op ed.

The emergency is here.

The crisis is now. It is not six months away. It is not another Supreme Court ruling away from what is happening. It's happening now.

Perhaps not to you, not yet. But to others. Real people. We know their names. We know their stories.

The president of the United States is disappearing people to a Salvadoran prison for terrorists. A prison known by its initials—CECOT. A prison built for disappearance. A prison where there is no education or remediation or recreation, because it is a prison that does not intend to release its inhabitants back out into the world. It is a prison where the only way out, in the words of El Salvador's so-called justice minister, is a coffin.

On Monday, President Trump said, in the Oval Office, in front of the cameras, sitting next to President Nayib Bukele of El Salvador, that he would like to do this to U.S. citizens, as well.

Donald Trump word for word:

If it's a homegrown criminal, I have no problem. Now, we're studying the laws right now. Pam is studying. If we can do that, that's good. And I'm talking about violent people. I'm talking about really bad people. Really bad people. Every bit as bad as the ones coming in.

He told Bukele that he needed to build five more of these prisons because America has so many people Trump wants to send.

Trump said:

"Why? Do you think there's a special category of person? They're as bad as anybody that comes in. We have bad ones, too. And I'm all for it. Because we can do things with the president for less money and have great security. And we have a huge prison population. We have a huge number of prisons. And then we have the private prisons, and some are operated well, I guess, and some aren't."

The Trump administration holds the view that anyone they send to El Salvador is beyond the reach of American law—they have been disappeared not only from our country but from our system—and from any protection or process that system affords.

Again, this is Ezra Klein's article.

In our prisons, prisoners can be reached by our lawyers, by our courts, by our mercy. In El Salvador, they cannot.

Names. Stories. Let me tell you one of their names, one of their stories, as best we know it.

Kilmar Armando Abrego Garcia is from El Salvador. His mother, Cecilia, ran a pupuseria in San Salvador. A local gang, Barrio 18, began extorting the business, demanding monthly and then weekly payments. If the family didn't pay, Barrio 18 threatened to murder Kilmar's brother Cesar or to rape their sisters.

Eventually, Barrio 18 demanded Cesar join their gang, at which point the family sent Cesar to America. Then Barrio 18 demanded the same of Kilmar, and Kilmar, at age 16, was sent to America, too.

This was around 2011. This was what we mean when we say he entered illegally: A 16-year-old fleeing the only home he's known, afraid for his life.

Abrego Garcia's life here just seems to have been a life—and not an easy one. He lived in Maryland. He worked in construction. He met a woman. Her name is Jennifer, a U.S. citizen. She had two children from a past relationship—one had epilepsy, the other autism. In 2019, they had a child together. That child, now 5, is deaf in one ear and also has autism.

Jennifer was pregnant in 2019 on the day Abrego Garcia dropped off one kid at school, dropped off another with the babysitter and drove to Home Depot to find construction work. He was arrested for loitering. Asked if he was a gang member.

He said no. He was put into ICE detention. The story gets stranger from here. About four hours after Abrego Garcia was picked up—and that appears to be the first contact he had with local police—a detective produced an allegation, citing a confidential informant, that Abrego Garcia is a gang member.

Abrego Garcia has no criminal record—not here, not in El Salvador.

He was accused of being part of a gang that operates in New York, a state he never lived in. Whoever produced the allegation was never cross-examined.

But when Abrego Garcia's attorney later tried to get more information, he was told that the detective behind the accusation had been suspended, and the officers in the unit would not speak to him.

Abrego Garcia's partner, Jennifer Stefania Vasquez Sura, said she was "shocked when the government said he should stay detained because Kilmar is an MS-13 gang member. Kilmar is not and has never been a gang member. I'm certain of that."

In June of 2019, while Abrego Garcia was still detained, he and Jennifer got married, exchanging rings through an officer, separated by a pane of glass. Later that year, a judge ruled that Abrego Garcia could not be deported back to El Salvador because he might be murdered by Barrio 18—that his fear was credible. Abrego Garcia was then set free.

Each year since then, he has checked in with immigration authorities. He has been employed as a sheet metal apprentice. He is a member of a union. He was studying for a vocational license at the University of Maryland. His last check-in with immigration authorities was on January 2. There has been no evidence, anywhere, offered by anyone, that suggests Abrego Garcia poses a threat to anyone in this country.

But on March 12, Abrego Garcia was pulled over while driving, his 5-year-old in the backseat. He was told his immigration status had changed. On March 15, in defiance of a 2019 court ruling, Abrego Garcia was flown to El Salvador and imprisoned at CECOT as a terrorist.

That is the prison that was described earlier. The only way out is a coffin.

The Trump administration, in its own legal filings, has said this was an "administrative error." They themselves said they should not have done this—that it was a mistake.

This is not just my opinion.

And by "my opinion," I mean the opinion of Ezra Klein, who wrote this article.

I want to read to you from an editorial from *The National Review*, probably the country's leading conservative magazine. Here is the first sentence:

"The court fight over Kilmar Armando Abrego Garcia is a most unusual one in that no one denies that the government violated the law in deporting him."

"This case has made its way to the Supreme Court. And the Supreme Court ordered that the administration 'facilitate Abrego Garcia's release from custody in El Salvador and to ensure that his case is handled as it would have been had he not been improperly sent to El Salvador.'"

I feel I do not have the proper words to describe this next part—how grotesque it all is.

The Trump administration does not deny that they deported Abrego Garcia unlawfully. What they deny is that they have the authority to bring him back. That authority, they say, lies with President Bukele. But President Bukele says he also cannot send him back.

Again, you don't have to take it from me. I want to quote *The National Review*, which writes:

"This is a ridiculous pretense because the president of El Salvador, Nayib Bukele, will clearly do anything we ask. If the deputy assistant secretary of state for Latin America requested that he ride a unicycle wrapped in an American flag in San Salvador's central square, Bukele would probably ask whether it should be a Betsy Ross flag or the traditional Stars and Stripes."

If nothing else, Trump could slap those tariffs he is so fond of on El Salvador. But we are paying Bukele to imprison Abrego Garcia—and others. He is not doing this against Trump's wishes. He is Trump's subcontractor.

That Oval Office meeting between Trump and Bukele was a moment when the mask fully slipped off. I thought Jon Stewart pinpointed part of its horror when he said that the thing that came through so clearly was how much Trump and Bukele were enjoying themselves, each of them declaring that there was nothing they could do for Abrego Garcia—no way to allow him his day in court, no way to allow the American legal system to do its job and assess whether he is a danger. No way to follow the clear order of the Supreme Court.

And from their perspective, maybe they're right. Because here's the scary thing that I think sits at least partially beneath their calculus: Politically, they cannot let Abrego Garcia out, nor any of the other people they sent to CECOT, without due process.

Because what if he was released? What if he returned to the U.S.? What if he could tell his story? What if—as seems likely—he has been brutalized and tortured by Trump's Salvadoran henchmen? Well, he can't be allowed to tell the American people that.

The article went on to say:

We are not even 100 days into this administration, and we are already faced with this horror. And I can feel the desire to look away from it, even within myself. What all of this demands is too inconvenient, too disruptive.

But Trump has said it all plainly and publicly: He intends to send those he hates to foreign prisons beyond the reach of U.S. law. He does not care—he will not even seek to discover—if those he sends into these foreign hells are guilty of what he claims. Because this is not about their guilt—it is about his power.

And if he is—
Meaning Trump—

capable of that, if he wants that, then what else is he capable of? What else does he want? And if the people who serve him are willing to give him that, to defend his right to do that, what else will they give him? What else will they defend?

This is the emergency. Like it or not, it's here.

A second piece from *The Atlantic* is titled "A Loophole That Would Swallow the Constitution."

If we want to preserve freedom, we better make sure that due process is vigorously defended—end of story.

This is by Jonathan Chait. It starts out by saying, if Donald Trump can disappear people to El Salvador without due process, he can do anything.

Donald Trump's most frightening power grab was undertaken with an undertone of sinister jocularly. There was no column of tanks in the streets, no burning of the legislature. The president and his partner in despotism, President Nayib Bukele of El Salvador, were bantering amiably in the Oval Office in front of the press corps, mocking the American court system with evident delight.

Trump's ploy is almost insultingly simple. He has seized the power to arrest any person and whisk them to Bukele's notorious Terrorism Confinement Center, where they will be held indefinitely without trial. Once they are in Bukele's custody, Trump can deny them the protections of American law. His administration has admitted that one such prisoner, Kilmar Abrego Garcia, was sent to El Salvador in error, but insists that it has no recourse. Trump, who has threatened the territorial integrity of multiple hemispheric neighbors, now claims that requesting the return of a prisoner he paid El Salvador to take would violate that country's sovereignty.

Neither Trump nor Bukele bothered to make this absurd conceit appear plausible. Even as Trump and his officials claim that only El Salvador has the power to free wrongfully imprisoned American residents, the United States is paying El Salvador to hold the prisoners. (Naturally, Congress never appropriated such funds; Trump has already seized large swaths of Congress's constitutionally mandated spending power for himself.)

That is a reference to what we call the power of the purse, the power vested in the Congress of the United States of America by our Constitution that the author of this article Jonathan Chait is referring to.

"I don't have the power to return him to the United States." Trump, not even attempting to maintain the pretense that the two countries were somehow at an impasse, told his counterpart, "You are helping us out, and we appreciate it."

Well, this article goes on, much like the first one, to note that when due process is abandoned, the freedom of all is endangered. Sure, it may be someone else today, but it might well be you or you or you tomorrow. That is why we collectively have the responsibility to defend due process for every single person.

The Trump administration's illiberalism has two main sources. One is the personality at the center of its cult, Donald Trump gravitates instinctively towards despots, sees the constraints that democracies place upon elected leaders as a form of weakness, and refuses to accept the legitimacy of any electoral or judicial proceeding that goes against him.

Trump's personal contempt for liberal democracy has been augmented by a growing school of "post-liberal" thought on the right, with liberal referring not to the American center-left, but to the broader philosophical tradition that emphasizes that the state be governed by neutral rules that all sides agree to abide by.

Neutral rules all sides agree to abide by. That is kind of a sense of how you organize everything about a government.

Well, I think that the balance of this article and the showdown at the Supreme Court just reinforce the first article by Ezra Klein that really lays out in detail the lack of shame that the administration violated civil rights.

Lack of shame that they did so, throwing people out of our country because they expressed a view on the Middle East that the Secretary of State didn't like, lack of shame that they threw people into a notorious prison in El Salvador without a hearing, without even knowing for sure who they were or why they were sending them. These are mistakes, like this one.

This leads us to chapter 4: Subverting Democracy.

I am going to untie my shoelace because standing in place for this much time, well, made my shoes a little tight.

That feels a little better.

In general, I don't recommend standing through the night and talking—not a healthy pursuit. But I am standing here to ring the alarm bells as loudly

as I possibly can, using the privilege of serving in this Chamber.

You know, I never envisioned that I would have this opportunity in life. In fact, if you told me I would be an early passenger to the Moon colony, I would consider that more likely than I would be able to serve here in the Senate.

And yet here I am, sworn to uphold our Constitution, an obligation to the constituents who sent me here to do all I can to protect our freedom and to raise the alarm when an authoritarian is destroying our democracy.

The first hint that I might have some association with this Chamber was when I was a sophomore in college, and someone mentioned that possibility to do internships here. And earlier I mentioned that one of the people I applied to was Hubert Humphrey and that I was not accepted, nor by any of the other four Democrats.

But I was accepted by Senator Hatfield, and I had a lot of respect for Senator Hatfield. Senator Hatfield had taken a courageous stand as a Governor and a U.S. Senator against the Vietnam war at a time it was not popular to oppose the Vietnam war. He had been one of the first members of the Armed Services in Hiroshima following the nuclear bomb. He had seen the utter destruction. He had seen the shadow of a person emblazoned on the wall because the flash and the light were so bright that it changed the color of the wall around the silhouette of the individual.

And he understood that many wars were fought for reasons that made no sense and that you had to be very diligent in examining the arguments that a government put forward for a war—something that I thought a lot about during that summer as his intern.

I read the books he had written, including one called "Between a Rock and a Hard Place," as he wrestled with different moral challenges that we face and how to best use his public voice and his power in confronting those challenges.

One of the things that he was deeply dedicated to was trying to reduce the risk of nuclear weapons.

Out in the walk, if you go outside the doors of the Senate, and you are staring at the Supreme Court—so you are going out these south doors—and you take the curved path through the Capitol grounds toward the Russell Senate Office Building, there is a tree, and it has a plaque on it, and it says: The Hatfield Peace Tree. And this tree was planted by Senator Hatfield and Senator Kennedy. And the way that tree came to be there is that there was an intern named Sean O'Hollaren. And since Hatfield liked to walk outside, he often would have the intern accompany him.

I had this privilege when I was covering this floor for Senator Hatfield in 1976. But in, I think it was 1985, Sean O'Hollaren was an intern, and when Senator Hatfield started talking about the trees, this intern said: Senator

Hatfield, you love these trees so much, you should plant one.

He said: Well, that will be your job as an intern.

So he wrote to the—the intern prepared and Hatfield sent a letter to the Architect of the Capitol and said: I want to plant a tree.

But the tree he wanted to plant is referred to as a "dawn redwood."

Now, the interest in this tree is that this tree grew all over the northwestern part of the United States, but it has been extinct for millions of years. But it was found growing in a valley in China. And so it was reimported back to the United States as one of these kind of discovered ancient species. Occasionally, we read about some deepwater fish washing up, some ancient fish, and discover there is still something that exists that we didn't know about.

So here is just this one grove in China, and so that is the tree I want to plant.

And the Architect of the Capitol responded and said: Well, the brothers who designed the landscape plan for the Capitol didn't have that tree in their plan, so sorry.

And Hatfield responded and said: Well, if they had known about the existence of the tree, maybe they would have included that tree. You know, it was considered extinct so they didn't know about it. So maybe you should give a special exemption and plant the tree.

Well, eventually Hatfield knocks on the door of the Architect, takes him out, and says: Here is where I want to plant the tree, and the Architect says: OK.

As they are preparing to plant the tree, his team sees Senator Kennedy, and so they go and get Senator Kennedy and said: Hey, you may want to plant this tree with Senator Hatfield? And the two of them had worked so closely on the nuclear freeze movement, trying to reduce the risk of nuclear war in the world. The result of trying to reduce the risk of nuclear war had produced a lot of results in that decade of the 1980s, and Senator Kennedy said: This should be known as the Peace Tree.

And so the Peace Tree is out there as a memorial to the effort to reduce one of the major risks to human kind, nuclear war, but also as a memorial to a Democrat and Republican working closely together on a significant challenge.

(Mr. MULLIN assumed the Chair.)

And that is a vision all of us should embrace: trying to find on each issue a partner across the aisle because we may disagree on 7 out of 10 things, but that means we agree on 3 out of 10. Why not work together on those 3 out of 10 issues?

Well, I did end up, through this internship, coming here in 1976. It was our bicentennial summer—200-year celebration. And, oh, my goodness, there was so much going on here. They

had just opened the first part of the metro underground system. It had only a couple stops from Union Station going north on the red line.

And the Union Station itself, the train station, had been refurbished as a national visitor center. So that was a center of activity. And the Capitol Mall, all summer long, had the American Folklife Festival that was just booming—people coming from all over the country in a bicentennial year to come here to witness our Capitol and think about and celebrate our history.

And the fireworks on the Fourth of July that summer were like nothing you had ever imagined. I was watching them from the balcony of the Capitol here, and then, in the middle of it—this is back when I was in good shape and a good runner—I said: I want to run down and be right underneath the fireworks as they are going off. So I ran down to the Washington Monument, a couple miles down the Mall, and laid on the ground and looked up at those fireworks.

And it seemed America was on a course, a course that year, in which we were emerging from Watergate. We were emerging from the Vietnam war. We had just passed major provisions to try to clean up our air, clean up our water. These were done under the Nixon administration.

Gerald Ford was President by virtue of Nixon's resignation. He was running for President—and Jimmy Carter.

And I recall being in an elevator with Senator Hatfield. The reason I saw a fair amount of him was I was assigned to cover this floor for the Tax Reform Act of 1976. And at that time, there was no television here in the Chamber. There were often very long speeches, and Wayne Morse of Oregon particularly enjoyed doing long speeches—although he was no longer the Senator at that moment. He had died in 1974 of a heart attack.

But even without television, people came and delivered long statements that were often—they were printed in the CONGRESSIONAL RECORD. They were followed by people across the country.

But because there was no television and no fax machines had been invented and no cell phones, each Senator had somebody here monitoring the floor of the Senate. And then when the vote came, that area out there, outside these doors on the southern side—where now reporters gather—you would have those individuals who represented the Senators standing, waiting for the Senators to come out of the elevator, grab their Senator, brief them on what the debate had been, brief them on what the folks back home said as they came in to vote.

And then you would run up to the Staff Gallery to cover the next amendment. There were 125 votes on that Tax Reform Act of 1976, all of them by simple majority.

Anyway, my point where I started was that I never expected to be serving in the Senate. My mother stayed at

home to help raise the kids. My dad was a mechanic. We had no particular political network. The idea of people serving here was that they would come, in my mind, from families with huge networks and huge wealth that would make it possible for them to meet folks who serve here in the Senate.

So I think about that, the total unlikelihood that I would end up here. The fact is that any number of spots—I could list a dozen of them—my life might have taken a slightly different turn. But one advocacy, one job, one opportunity led to another, and then I got angry about positions the incumbent was taking promoting the Iraq war and promoting tax relief for the richest Americans and just felt like democracy demanded a conversation. And a year-and-a-half later, here I am.

And it is incumbent on each of us who have the privilege to serve in this body to try to do the best damn job we can to defend the freedoms of the country.

I was quite sure our debates would always just be about policies—about healthcare, about housing, about education, about investment in infrastructure, about the creation of good-paying jobs, about the environment, certainly about climate change, certainly about equality of opportunity for every American and ending discrimination policies.

I never—never—thought we would be in a moment where the President of the United States is engaged in a full-fledged authoritarian takeover, a dismantlement of the checks and balances of our Constitution. Yet that is where we are.

And having the privilege to serve here and the responsibility to the Constitution that we take on when we come means that every one of us—all 100 of us—should be full-fledged advocates to end this authoritarian takeover. All 100 of us should be ringing the alarm bells in every way we possibly can.

The American people get it. Seven million turned out on Saturday—the largest demonstration in American history—to say: Pay attention. There are no Kings in America. Laws are not suggestions. And all of you we elected. Get to work and save our Republic.

We will, I believe, save our Republic with the combined effort of a mobilized citizenry and mobilized champions here in the House and Senate. I hope and pray those champions would come from both sides of the aisle because saving our Republic, defending our Constitution should not be a partisan affair.

We are now at the fourth time midnight has been struck in America. This time, midnight is arriving in Washington and Oregon and Nevada and California, and in another couple of hours, Alaska and then Hawaii, which my team will track.

The reason I am pausing at midnight is to remind folks that at moments of crisis in our country, folks have raised

the alarm and people have listened and responded. And one of those moments is memorialized by Henry Wadsworth Longfellow's 1860 poem about Paul Revere's ride.

I really don't know how much of his story is fact and how much is myth, and I really don't care. It is a beautiful presentation of the importance of making the effort to defend our Nation—in this case, actually pre-Nation, since it was before 1776; I think 1775—but to defend the Colonies against the attack by the British.

LISTEN, my children, and you shall hear—

I am doing this particularly for the folks in Oregon and Washington and Nevada and California, who are now reaching midnight, since this poem is about action at midnight.

LISTEN, my children, and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive Who remembers
that famous day and year.

He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal
light,—

One, if by land, and two, if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm."
Then he said, "Good night!" and with muffled oar

Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.
Meanwhile, his friend, through alley and street,

Wanders and watches with eager ears,
Till in the silence around him he hears
The muster of men at the barrack door,
The sound of arms, and the tramp of feet,
And the measured tread of the grenadiers,
Marching down to their boats on the shore.
Then he climbed the tower of the Old North
Church,

By the wooden stairs, with stealthy tread,
To the belfry-chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him made
Masses and moving shapes of shade,—
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town,
And the moonlight flowing over all.
Beneath, in the churchyard, lay the dead,
In their night-encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel's tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, "All is well!"
A moment only he feels the spell
Of the place and the hour, and the secret
dread

Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide, like a bridge of boats.
Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse's side,

Now gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle-girth;
But mostly he watched with eager search
The belfry-tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! As he looks, on the belfry's height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he turns,
But lingers and gazes, till full on his sight
A second lamp in the belfry burns!
A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the dark,
And beneath, from the pebbles, in passing, a
spark
Struck out by a steed flying fearless and
fleet:
That was all! And yet, through the gloom
and the light,
The fate of a nation was riding that night;
And the spark struck out by that steed, in
his flight,
Kindled the land into flame with its heat.
He has left the village and mounted the
steep,
And beneath him, tranquil and broad and
deep,
Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the ledge,
Is heard the tramp of his steed as he rides.
It was twelve by the village clock,
When he crossed the bridge into Medford
town.
He heard the crowing of the cock,
And the barking of the farmer's dog,
And felt the damp of the river fog,
That rises after the sun goes down.
It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, blank and
bare,
Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.
It was two by the village clock,
When he came to the bridge in Concord town.
He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadows brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket-ball.
You know the rest. In the books you have
read,
How the British Regulars fired and fled,—
How the farmers gave them ball for ball,
From behind each fence and farm-yard wall,
Chasing the red-coats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.
So through the night rode Paul Revere;
And so through the night went his cry of
alarm
To every Middlesex village and farm,—
A cry of defiance and not of fear,
A voice in the darkness, a knock at the door,
And a word that shall echo forevermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

That last stanza:

Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear—

The call to action because we are
threatened—and we are threatened now

by the authoritarian takeover of Presi-
dent Trump of our Constitution.

Chapter 4, "Subverting Democracy."
If you are just tuning in at 3 a.m., east-
ern time, this is a passage from "How
Democracies Die," by two scholars who
have studied how democracies die all
around the world.

They say: You know, we think of de-
mocracies dying because of men with
guns. And, certainly, there have been
many military coups, and, in many
cases, democracies have perished in
that fashion.

But they said that is rare. That is
now rare. They say this is not the way
democracies are dying now. They are
now dying because elected leaders de-
cide to take authoritarian powers onto
themselves, and they get away with it,
when they are aided by a rubberstamp
legislature like we have right now; and
by a supreme court that gives them
more power, like we have right now;
and there is a well-planned, aggressive
authoritarian President, like we have
right now.

We are three for three, and that is
why we are in the middle of this crisis
for our Republic—the most perilous
moment for our Nation, the most per-
ilous moment for our Constitution, the
most perilous moment for our Republic
since the Civil War.

And 100 of us here in the Senate have
the responsibility, because we are serv-
ing now, to take on this threat, to ring
the alarm bells and then take collec-
tive action. And taking action will re-
quire bipartisan work. So we need bi-
partisan bell ringing. We need bipar-
tisan advocacy. We need bipartisan rec-
ognition that the problem exists in the
first place.

And it is not just a tiny problem. It
is not a wrinkle to be ironed out. It
goes to the very heart of our Constitu-
tion and our separation of powers.

Authoritarian takeover is a knife at
the heart of government of, by, and for
the people.

Chapter 4:

Peru's Alberto Fujimori didn't plan to be
dictator. He didn't even plan to be president.
A little-known university rector of Japanese
descent, Fujimori had hoped to run for a sen-
ate seat in 1990. When no party would nomi-
nate him, he created his own and nominated
himself. Short of funds, he threw his hat into
the presidential race to attract publicity for
his senate campaign. But 1990 was a year of
acute crisis. Peru's economy had collapsed
into hyperinflation, and a Maoist guerrilla
group called the Shining Path, whose brutal
insurgency had killed tens of thousands of
people since its launching in 1980, was clos-
ing in on Lima, the capital city. Peruvians
were disgusted with the established parties.
In protest, many of them turned to the polit-
ical nobody whose campaign slogan was "A
President Like You." Fujimori surged unex-
pectedly in the polls. He shocked Peru's po-
litical world by finishing second and qual-
ifying for a runoff against Mario Vargas
Llosa, the country's most prominent nov-
elist. Peruvians admired Vargas Llosa, who
would go on to win a Nobel Prize in lit-
erature. Virtually the entire establishment—
politicians, media, business leaders—backed
Vargas Llosa, but ordinary Peruvians viewed
him as too cozy with the elites, who seemed

deaf to their concerns. Fujimori, whose pop-
ulist discourse tapped into this anger, struck
many as the only real option for change.
[And] he won.

His was one of the most unlikely
Presidential campaigns in the world, I
think. A little-known university rector
hopes to run for a Senate seat,
launches a Presidential campaign to
draw attention to his Senate race, and
ends up as President of the nation.

In his inaugural address, Fujimori warned
that Peru faced "the most profound crisis in
its republican history." The economy, he
said, was "on the brink of collapse," and Pe-
ruvian society had been "broken apart by vi-
olence, corruption, terrorism, and drug traf-
ficking." Fujimori pledged to "dig [Peru] out
of the state that it's in and guide it to a bet-
ter destiny." He was convinced that the
country needed drastic economic reforms
and that it would have to step up the fight
against terrorism. But he had only a vague
idea of how to accomplish these things.

He also faced daunting obstacles. As a po-
litical outsider, Fujimori had few friends
among Peru's traditional power brokers. Op-
position parties controlled Congress, and
their appointees sat on the supreme court.
The traditional media, most of which had
backed Vargas Llosa, distrusted him.
Fujimori had been unsparing in his attacks
on the political elite, describing it as a cor-
rupt oligarchy that was ruining the country.
Now he found that those he had attacked and
defeated during the campaign still controlled
many of the levers of power.

[He] got off to a rocky start. Congress
failed to pass any legislation during his first
months in office, and the courts did not seem
up to the task of responding to the mounting
terrorist threat. Fujimori not only lacked
experience with the intricacies of legislative
politics, he also lacked the patience for it.
As one of his aides put it, Fujimori "couldn't
stand the idea of inviting the President of
the Senate to the presidential palace every
time he wanted Congress to approve a law."
He preferred, as he sometimes bragged, to
govern Peru alone—from his laptop.

So this chapter goes on with an ex-
tensive recap of Fujimori's rise to au-
thoritarian status. It started with an
election, and he ended up as an author-
itarian.

So he started governing by decree.

In November 1991 he sent a massive pack-
age of 126 decrees for congressional approval.
The decrees were far-reaching, including
some antiterrorism measures that threat-
ened civil liberties. Congress demurred. Not
only did it repeal or water down several of
the most important decrees, it passed legis-
lation curbing Fujimori's power. The con-
flict escalated. Fujimori accused congress of
being controlled by drug traffickers, and in
response, the senate passed a motion to "vac-
cate" the presidency because of Fujimori's
"moral incapacity." Although the motion
fell a few votes short in the Chamber of De-
puties, the conflict had reached a point where
one government official worried that "either
the Congress would kill the President, or the
President would kill the Congress."

The president killed congress. On April 5,
1992, Fujimori appeared on television and an-
nounced that he was dissolving congress and
the constitution. Less than two years after
his surprising election, the long-shot out-
sider had become a tyrant.

Although some elected demagogues take
office with a blueprint for autocracy, many,
such as Fujimori, do not. Democratic break-
down doesn't need a blueprint. Rather, as
Peru's experience suggests, it can be the re-
sult of a sequence of unanticipated events—

an escalating tit-for-tat between a demagogic, norm-breaking leader and a threatened political establishment.

The process often begins with words. Demagogues attack their critics in harsh and provocative terms—as enemies, as subversives, and even as terrorists. When he first ran for president, Hugo Chavez described his opponents as “rancid pigs” and “squalid oligarchs.” As president, he called his critics “enemies” and “traitors”; Fujimori linked his opponents to terrorism and drug trafficking; and Italian Prime Minister Silvio Berlusconi attacked judges who ruled against him as “communist.” Journalists also become targets. Ecuadorian President Rafael Correa called the media a “grave political enemy” that “has to be defeated.” Turkey’s Recep Tayyip Erdogan accused journalists of propagating “terrorism.” These attacks can be consequential: If the public comes to share the view that opponents are linked to terrorism and the media are spreading lies, it becomes easier to justify taking actions against them.

And the assault rarely ends there. Though observers often assure us that demagogues are “all talk” and that their words should not be taken too seriously, a look at demagogic leaders around the world suggests that many of them do eventually cross the line from words to action. This is because a demagogue’s initial rise to power tends to polarize society, creating a climate of panic, hostility, and mutual distrust. The new leader’s threatening words often have a boomerang effect. If the media feels threatened, it may abandon restraint and professional standards in a desperate effort to weaken the government. And the opposition may conclude that, for the good of the country, the government must be removed via extreme measures—impeachment, mass protest, even a coup.

When I read this, I think a little bit about Guatemala. In Guatemala, a couple of years ago, they had a candidate who had been a professor, not very involved in politics, but he decided to run for President. I believe his father had been a President.

And he was eighth in the polls, but he talked about fighting for all the people of Guatemala, which included the indigenous population, and the indigenous population is often absolutely overlooked. And the government is often run by and for the nonindigenous population.

And then some young folks proceeded to hear his talk about strengthening the country for all. They got very excited about him, and they started using modern social media. And in a few weeks’ time—it kind of reminds me a little bit of the response in Peru with Fujimori—he became just a phenomenon, and he took second place.

And then there was a runoff with the establishment candidate, and he won, but the establishment was so aggressive against him that they wanted to keep him out of power.

And so he came up here to Washington, DC, and met with a few of us. And after listening to him, I said: What would be the most helpful thing we could do to support democracy in Guatemala?

He said: Well, of course, I would appreciate your support.

I said: Well, it sounds like you are worried that you may never even make

it to be installed as President because of the opposition of the establishment and the potential effort to invalidate the election by the establishment.

And he said, yes, that was his concern.

And I said: What if a group of us go down to Guatemala before you are installed to just show support for the democratic process.

He said that would be the single best thing we could do.

And Senator TIM Kaine of Virginia, one of our best Spanish speakers and also the chair, at that time, of the Latin American section of the Foreign Affairs Committee—I talked to him the next day, and he liked the idea. And so we went.

And two of the people we went with were Guatemalans who had been elected to Congress, to the House, and so that was pretty cool. I think we had a delegation of six Members.

And sure enough, while we are there, the Attorney General of Guatemala declares the elections to be null and void. We immediately held a press conference to say, by all the international standards, these elections were fair and the United States stands strongly on the side of democracy.

And then the outgoing President—and my memory is that the Guatemalan President had a term limit; so he was not running for reelection. The outgoing President, by the end of the day, said, yes, he supported the peaceful transition and the respect for the elections. And the Europeans had weighed in.

And what very much struck me is the difference between Guatemala 2 years ago and Guatemala when I passed through there as a student of foreign affairs back in the summer of 1980. In that summer, Guatemala was in a full-fledged civil war. The military was going town to town killing young men for fear they would become future combatants in the civil war.

The roads to some of the towns were shut down by the military. In fact, we heard at one of the stops that the reason it was shut down was for the army to go town to town and kill as many young men as they could. I didn’t really believe it, and it turned out I got back to the United States and got more information, and that was exactly what was going on. There were a lot of assassinations going on.

And while we were in Guatemala City, there was an assassination of the president of the chamber of commerce. And we had gone to a synagogue for a service, and people were going to his home to pay their respects afterward.

And then we are in the street, in Guatemala City, and we met a fellow who said his father was flying a light plane into one of the towns where there is historical ancient Mayan ruins and would we like to fly in his light plane with him. We said, sure, we would be up for that adventure.

At that time of year, with the rain, you couldn’t get there by an autobus

because the roads were soaked with rain and therefore with mud, and the transportation through the jungle was pretty much shut down.

So we arranged to meet him at our little inexpensive hotel, called a pension. I think we were paying three or four bucks a night to stay there. And we were at the post office mailing some things back to the United States, and we were running out of time to make the appointment. So my friend proceeded back to the pension ahead of me, and I proceeded about 5 minutes later.

And I come to the street where the pension is, and there is nobody on the street. And then I see a head sticking out between two cars. And I thought it was a car accident. And back from my days of Boy Scouts and first aid, my reaction was to run up and give help.

And I run up, and here is a body just absolutely riddled with bullets. And the street was not very wide across, maybe 20 feet at most, maybe less. And our pension was on the opposite side.

So I ran across the street to duck into the pension. My friend, who had arrived a few minutes before, had walked into the cantina across the street, and as he was walking out with a beer in his hand, the person walking out behind him was gunned down by assassins. That was the person whose body I found a few minutes later.

At that time, the United States was not supportive of democracy in Latin America, and the battle that was taking place between the factions in Guatemala was a battle of bullets.

But 2 years ago, when a delegation of us went down to support democracy, instead of a battle of bullets, it was a battle of ballots. It was a legitimate, high-integrity election in which people were choosing a champion to take them forward.

That is what the United States should inspire around the world: high-integrity elections serving the people and their opportunity to have their vision embodied by electing a person who shares that vision they hold.

So we have all of these folks who have been elected that then lead their countries into authoritarian control. And that is what is happening right now in the United States of America. That is why I am here tonight at 3:30 in the morning ringing the alarm bells.

You have heard pieces of the story. At some point over the last 9 months, you have heard a bit about due process being attacked. You have heard a bit about the President trying to influence and control what universities teach, of his effort to control the broadcast media and intimidate them through the use of the power of licenses and mergers.

You have heard some of the stories of his weaponizing the Department of Justice to go after his political enemies. And you have heard about his effort to federalize our National Guard to go to suppress dissent in peaceful cities.

Take this entire collection, and what you have is a massive, broad, intense assault on our democracy. So ring the alarm bells and listen to others who are ringing alarm bells. And when folks say at my townhalls: What should I do, I say: Get off the couch. You can't change the course of the country with a pillow over your head. Fiercely hold your electeds accountable, write to them, make phone calls to them, demonstrate, demonstrate outside their offices. Hold me accountable.

Exercise your opportunity of free speech and free assembly so you can keep those freedoms for this generation and the generations to come and join an affinity group because to be angry and alone is to be depressed. But to be angry and organized with others is to be energized and effective, and we need Americans to be energized and effective in order to save our Republic.

So this chapter goes through the various countries, including Malaysia, and to many other countries. But then it turns a little bit to the United States. So let me pick up at that point.

Perhaps the most striking example of re-writing the rules to lock in an authoritarian advantage comes from the United States. The end of post-Civil War Reconstruction in the 1870s led to the emergence of authoritarian single-party regimes in every post-Confederate state. Single-party rule was not some benign historical accident; rather, it was a product of brazenly antidemocratic constitutional engineering.

During the era of Reconstruction, the mass enfranchisement of African Americans posed a major threat to southern white political control and to the political dominance of the Democratic Party. Under the 1867 Reconstruction Act and the Fifteenth Amendment, which prohibited suffrage limitations on account of race, African Americans suddenly constituted a majority of the voting population in Mississippi, South Carolina, and Louisiana and a near-majority in Alabama, Florida, Georgia, and North Carolina. Federal troops oversaw the mass registration of black voters throughout the South. Nationwide, the percentage of black men who were eligible to vote increased from 0.5 percent in 1866 to 80.5 percent two years later. In many southern states, black registration rates exceeded 90 percent. And black citizens voted. In the 1880 presidential election, estimated black turnout was 65 percent or higher in North and South Carolina, Tennessee, Texas, and Virginia. Enfranchisement empowered African Americans: More than two thousand southern freedmen won elective office in the 1870s, including fourteen congressmen and two U.S. senators.

I often ask my interns or other student groups about that period. Do they know where the first two African-American Senators came from? What State they came from? And they have never gotten this right. I don't know if anyone in this room would get it right, right now. The answer is Mississippi.

When Mississippi rejoined the Union, they had two Senate seats to fill, and they worked out a deal that recognized the political power of the fact that Black Americans could now vote in the South and the legislature—because we had indirect elections—sent the first Black Senator here and then sent a second one a couple years later.

It was, in this Chamber, a big public event. I think they referred to it in the newspapers as the “15th Amendment in body and soul,” flesh right here.

But what happened? A deal was struck in the election of 1876. And in that election, there were four States that had contested slates. The Democrat had one vote short—was one vote short of winning the electoral college, but the four outstanding slates, if every vote went to the Republican, the Republican, Rutherford Hayes, would be elected.

So what unfolded? Well, a standoff. The Republicans said: Hey, in the Constitution, it is the Vice President who receives the slate of folks serving in the electoral college over in the House, and so it should be the Vice President who decides the slates.

The Democrats said: Not so fast. There is nothing in the Constitution that assigns that responsibility to the Vice President.

Now, if that story sounds like the election of 2020, you are absolutely right. It is a scary parallel. And so they decided to pass a bill and create a Commission of 15. There would be five Senators and five House Members and five Supreme Court Justices, and they would be chosen so that there were seven Republicans and seven Democrats and one Independent. And this panel would decide which slates to accept.

Well, the Independent on the Supreme Court proceeded to resign, and a Republican was assigned. So now there was an 8-to-7 split. And in that 8-to-7 split, they voted exactly by party. The Republicans voted for all of the contested slates to go to the Republican nominee, Rutherford Hayes. The Democrats voted in the opposite direction.

And it looked like the Republican had won—but not so fast. The Democrats controlled the House of Representatives, and the Democrats said: We will filibuster the vote-counting in the House. And so they retired to a house not here—far from this Chamber—and a deal was struck. And that deal was this: The Republican, Rutherford Hayes, would get every single one of the contested slates and become President, but the first action would be to end Reconstruction. And doing any reconstruction, it meant that the military forces that were protecting registration and voting in the South would be pulled out. And with that deal, civil rights were crushed in the southern United States.

It would be, from that time forward until the Voting Rights Act, extraordinarily difficult and unlikely that you would be able to vote if you were a Black man or woman in the southern States of the United States.

So that was the—what was going on at this time was this tension post-Civil War tension, particularly over political power in the South.

The Democrats—

As a result of the elections, elections that included the newly registered Black citizens—

lost power of North Carolina, and Tennessee, and Virginia in the 1880s and 1890s, and they nearly lost it in Alabama, Arkansas, Florida, Georgia, Mississippi, and Texas. If democratic elections continued, political scientist V.O. Key observed, it “would have been fatal to the status of black belt whites.”

So they changed the rules—and did away with democracy. “Give us a [constitutional] convention, and I will fix it so that . . . the Negro shall never be heard from,” former Georgia senator Robert Toombs declared as Reconstruction was coming to an end. Between 1885 and 1908, all eleven Post-Confederate states reformed their constitutions and electoral laws to disenfranchise African Americans. To comply with the letter of the law as stipulated in the Fifteenth Amendment, no mention of race could be made in efforts to restrict voting rights, so states introduced purportedly “neutral” poll taxes, property requirements, literacy tests, and complex written ballots. “The overarching aim of all of these restrictions,” historian Alex Keyssar observed, “was to keep poor and illiterate blacks . . . from the polls.” And because African Americans were overwhelmingly Republican, their disenfranchisement could be expected to restore the Democrats’ electoral dominance. The goal, as a state senator from North Carolina put it, was to write a “good square, honest law that will always give a good Democratic majority.”

And in that political deal rewriting, the rules of the road led to nearly a century of disenfranchisement of millions of Americans. And one of the things that these scholars point out is, you really just have two significant opportunities to stop the entrenchment of an authoritarian state.

So we are in the middle of an authoritarian state, and what are these two ways that we have to keep it from becoming entrenched and to save our Republic?

One is a significant protest during the first year because if people don't respond to the fact that these freedoms are being attacked—freedom of the press, freedom of assembly, the organization and jurisdiction of his political enemies list, the doing away with due process that protects our freedom from an overbearing government, the effort to be able to send the military into our cities—if people don't pay attention, there is no outcry, then people become accustomed to believing, well, perhaps these things aren't that far off from the norm; perhaps they aren't that much of the breaking of the law; perhaps they aren't that much a disturbance of the Constitution, so perhaps I shouldn't be so worried about it, and I should just continue in my path.

That outcry is essential in that first year so that folks know that, yes, this is outside the norms; yes, this is breaking the law; yes, this is scrapping, shredding the Constitution; and it is not OK.

And through that demonstration, through that protest, people say there are others who feel the same way that we can organize with and save our Republic.

The second main way that you have a chance to keep authoritarian power from becoming entrenched is the next election, because it always happens:

The authoritarian tries to rig the elections. And if you don't win the next election, they have too much time to rig the system and leave you stranded in a strongman state that can endure for decades.

Do we have any real evidence of that happening even now? We sure do. The President is trying to have his team compile a national voter registration list so that it will be easier to manipulate that voting registration list in the next election, easier to purge names of folks that the President's team thinks might vote against the Republicans.

And then there is the gerrymandering, a full-on-force effort to redistrict in the middle of a 10-year period—normally, we redistrict after each census, every 10 years—to redistrict now, to split up seats that are held perhaps in a city that tends to be more blue and a Democrat holds the seat. So redistrict it and slice it into little pieces and reglue it on the edge of surrounding red districts so that you take away that little representation that the people in that blue city had. That effort is in full mode right now.

And then we have the President attacking vote-by-mail. The President hates vote-by-mail because it stops the election day shenanigans.

On election day, it is so simple to rig the vote. If you don't want people in the city to vote, you, well, produce fewer sites to vote, which means a lot more people have to crowd into the same election site. You proceed to put in machines that don't function very well, so you slow things down. You put in staff members who slow things down as well. You relocate the location so it is a new place, so people go to the wrong place and give up. You put out misinformation about the time of the election.

You have heard about those tweets in the past: So sorry you missed the election last Tuesday. Hope you will make it next time—when, actually, the election is the coming Tuesday. They put out misinformation about the location.

When people are in long lines, they send people down to look intimidating, discourage them; create a law that says you can't hand out glasses of water to people waiting in the heat for hour after hour to vote.

These are all things that are done. With vote-by-mail, you can't do any of that. Vote-by-mail, high integrity. Voting at the precincts, easily manipulated. President Trump wants to end the high integrity system of voting that he can't manipulate and make everyone go to the system he can manipulate.

That is exactly why the experts say the next election matters so much, because those efforts, if given an additional 2 years, just get amplified across the country.

So that is the responsibility we have. It should be a responsibility held by both parties to defend our Constitution, to defend the integrity of our elections.

Most constitutions—

I am getting back to chapter 4, "Subverting Democracy."

Most constitutions permit the expansion of executive power during crisis. As a result, even democratically elected presidents can easily concentrate power and threaten civil liberties during war. In the hands of a would-be authoritarian, this concentrated power is far more dangerous. For a demagogue who feels besieged by critics and shackled by democratic institutions, crises open a window of opportunity to silence critics and weaken rivals. Indeed, elected autocrats often need crises—external threats offer them a chance to break free, both swiftly and, very often, "legally."

And I think it is appropriate to note here that this inclination of authoritarians to create artificial crises is on full display in the United States of America right now. The President of the United States tried to federalize the Oregon National Guard, saying that there were uncontrolled riots and war-ravaged zones in downtown Portland.

Well, nobody visiting Portland could see anything of the kind. If you go back some 2½, 3 months, there were, over a course of weeks, a few dozen arrests of protesters, but nothing not easily handled by the local police, which they did.

And at the time Trump was actually focused on Portland, that had gone away, and there were virtually no arrests. And what you did have was people protesting in a manner particularly special to Portland, and that is protesting with joy and whimsy.

So here is Trump, claiming that there is a war-ravaged zone and you need to federalize Oregon's National Guard to address it. And there is no such thing.

So when the district judge hears the case—because the State of Oregon, led by Dan Rayfield, attorney general, challenged it—the judge wrote: The case presented by the administration is "untethered" from the facts.

They made up that there was a crisis in Portland in order to federalize the military against the American people. Now, I can tell you, and you will see some interesting things if you go down outside the ICE building.

You will see women coming down in a "pastries and pajamas" demonstration, in their pajamas handing out pastries. You might catch a glimpse of the Unipiper, the man who plays his bagpipes on a unicycle as he makes his way through the zone. You might get to witness a wedding because one was held. They rolled out a red carpet and had a little wedding outside the ICE building.

You might get to witness a whole bunch of folks with their puppy dogs in a "Keep Your Paws off Portland" demonstration or a "Paws for Peace" demonstration.

You might get to see a whole bunch of people in inflated frog outfits, the frog squad.

Why did the frog become so popular? It is a demonstration of joy and whim-

sy. There are people dancing. They are doing the cha cha slide. They are handing out flowers, putting candles on the ground, and the reason they are protesting in this fashion is because they know what Trump wanted to do.

He lied to the public that there was a crisis in Portland, and then he wanted to create a crisis because, if there isn't one, create one. And so he had his Federal agents go out and attack peaceful protesters. Well, they did not engage. They backed off. And then he had his agents stage a fake riot in which he had the agents back up the protesters three blocks, which they did without altercations. They followed instructions.

And behind the Federal agents were videographers, and upon command, the Federal agents threw down flash-bangs. They sound like gunfire going off. They threw down tear gas. There were clouds of tear gas. They shot pepper balls. And the combination was to create chaos, for the videographers to do a video of, maybe convince a judge that there had been a riot, maybe to convince the American people watching some far-right news channel that was claiming: Look, there is a riot in Portland.

Or maybe they were just replaying from 2020, when there actually were significant disturbances in Portland.

A government that is faking a riot in order to persuade a court to give the President the power to use the military against the people—shouldn't that disturb every single Member of the U.S. Senate?

So as this goes on:

The combination of a would-be authoritarian and a major crisis can, therefore, be deadly for democracy. Some leaders come into office facing crisis. For example, Fujimori took office amid hyperinflation and a mounting guerrilla insurgency, so when he justified his 1992 presidential coup as a necessary evil, most Peruvians agreed with him. Fujimori's approval rating shot up to 81 percent after the coup.

Other leaders invent crises. There was a backstory to Ferdinand Marcos's declaration of martial law in 1972: His "crisis" was largely fabricated. Acutely aware that he needed to justify his plan to skirt the constitution's two-term limit in the presidency, Marcos decided to manufacture a "communist menace." Facing only a few dozen actual insurgents, President Marcos fomented public hysteria to justify an emergency action. Marcos wanted to declare martial law as early as 1971, but selling his plan required an act of violence—a terrorist attack—that generated widespread fear. That would come the following year with the Manila bombings, which U.S. intelligence officials believed to be the work of government forces, and the assassination attempt on Defense Secretary Enrile—which Enrile later admitted was "a sham." In fact, he said he was "nowhere near the scene" of the reported attack.

So Marcos manufactured a crisis in order to accentuate his authoritarian control. President Trump manufactured a fake riot in Portland to try to convince the courts and the public that there was, in fact, violence that would justify the federalization of the Oregon National Guard.

And when the judge said “no way,” then, he said: I will just send in the National Guard that have already been federalized from Texas and California.

And the judge said: Not so fast, because it isn’t just the act of federalizing them. They can’t be sent in unless this is something that meets the standard of the law.

The standard of the law, unless you have the cooperation from a Governor, is there has to be either an invasion or there has to be a rebellion. Well, neither existed. So if you couldn’t meet the standard to federalize the Oregon forces, you also couldn’t meet the standard to send the federalized forces from California or Texas.

And as of the moment, that is more or less where things stand, but a lot is going on. There is a three-judge panel, the Ninth Circuit, that came out and said: Well, we don’t agree with the district judge. The district judge who said you can’t federalize because it is a standard in the law, and you have to have a rebellion or you have to have an invasion and neither exists.

And those two judges of that three-judge panel said: Well, you know, there were some arrests a couple of months earlier, and maybe, maybe that was fair basis.

(Mr. JOHNSON assumed the Chair.)

But clearly it was nothing like a rebellion or an invasion. And the judges said: Maybe the definition of “rebellion”—which appropriately reflected the understanding of what a rebellion was at the time the laws were written—maybe we should use a more flexible definition of “rebellion.”

Then the real clincher of an argument: Defer to the President’s judgment.

Now, here is the thing: If the law says the President can only bring in the military domestically against U.S. citizens if there is a rebellion or an invasion, that is an objective standard of the law. But these two judges said: Toss that objective standard aside. As long as the President claims there is a rebellion, defer to the President.

Well, that is not a standard of law. There is nothing in this law that says defer to the President. It sets a standard, and people knew what a rebellion was. It was a sizeable, organized, weaponized group seeking to overthrow the government. That is a rebellion. A bunch of women handing out pastries in their pajamas is not a rebellion. A bunch of people in inflatable frog suits holding protest signs is not a rebellion.

You may wonder, well, how did they decide the whole frog suit thing? Well, it is because of one of the provocative acts by the Federal agents, who walked up and sprayed pepper spray inside the suit of this person wearing an inflatable frog suit. It was such an outrageous act that others said: I am going to wear one too. So suddenly, you have the frog squad.

So there we are. If the court says that standards in the law mean nothing, that the President can fictionalize

and just claim something exists that doesn’t exist, then we have thrown the door wide open to not just the authoritarian assault on our freedoms that is in full force but to using the military against our citizens, and that is a horrendously dangerous place to go.

Now we will see if the Ninth Circuit has a 12-member panel, called an en banc panel, to take a broader look at this question, and we will also see what happens when the Chicago court—which had the same opinion: that there was no rebellion, there was no invasion under title 10 that can justify the federalization or the use of federalized National Guard in Illinois—that is going to the Supreme Court. They may issue something from the shadow docket, where they never even hold a hearing, but they just assert a principle, often without explaining why or how they got to the conclusion. So much may happen or unfold in the coming days.

But I am ringing the alarm bells to say that this is an extraordinarily dangerous moment right now in which a couple judges have said that the standards required in the law can be cast aside, and just give full deference to a fictionalized story told by a President.

The courts are to hold the President accountable to the law, hold all of us accountable to the law. If the courts simply roll over and say “Whatever the President says goes” and this Chamber is just a rubberstamp for whatever the President says, then we have an authoritarian state, and that is what we have right now.

Well, we have arrived at another hour where it is 12 o’clock somewhere, and somewhere in this pile, I have the first page of Henry Wadsworth Longfellow’s poem on Paul Revere’s ride. I have been reading it every hour as we come to midnight somewhere in the country, and this will be the fifth reading. We had it at midnight and at 1 a.m. here, which was midnight somewhere else, farther west, and then at 2 a.m. here and then at 3 a.m., when it was midnight on the west coast and in Oregon and California and Washington and, I think, Idaho and Nevada. Now it is Alaska’s turn. It is midnight in Alaska.

The reason I am reading this poem repeatedly, once an hour, is simply to try to drill in the fact that when our country is threatened, when our Republic is threatened, a warning needs to go out, the bells need to be rung, and the lanterns have to be put in the belfry to convey to the citizens: This is not right. This is wrong. It is a threat to our freedom. It is breaking laws. It is shredding the Constitution. And we, as patriots, will not stand for it, and we will do everything within our power—our heart, our nerve, our sinew—everything within our power to restore our Republic for the people.

LISTEN, my children, and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.

He said to his friend, “If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal
light,—

One, if by land, and two, if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm.”
Then he said, “Good night!” and with muffled oar

Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.
Meanwhile, his friend, through alley and street,

Wanders and watches with eager ears,
Till in the silence around him he hears
The muster of men at the barrack door,
The sound of arms, and the tramp of feet,
And the measured tread of the grenadiers,
Marching down to their boats on the shore.
Then he climbed the tower of the Old
North Church,

By the wooden stairs, with stealthy tread,
To the belfry-chamber overhead,
And startled the pigeons from their perch
On the sombre rafters, that round him
made

Masses and moving shapes of shade,—
By the trembling ladder, steep and tall,
To the highest window in the wall,
Where he paused to listen and look down
A moment on the roofs of the town
And the moonlight flowing over all.
Beneath, in the churchyard, lay the dead,
In their night-encampment on the hill,
Wrapped in silence so deep and still
That he could hear, like a sentinel’s tread,
The watchful night-wind, as it went
Creeping along from tent to tent,
And seeming to whisper, “All is well!”
A moment only he feels the spell
Of the place and the hour, and the secret
dread

Of the lonely belfry and the dead;
For suddenly all his thoughts are bent
On a shadowy something far away,
Where the river widens to meet the bay,—
A line of black that bends and floats
On the rising tide, like a bridge of boats.
Meanwhile, impatient to mount and ride,
Booted and spurred, with a heavy stride
On the opposite shore walked Paul Revere.
Now he patted his horse’s side,
Now gazed at the landscape far and near,
Then, impetuous, stamped the earth,
And turned and tightened his saddle-girth;
But mostly he watched with eager search
The belfry-tower of the Old North Church,
As it rose above the graves on the hill,
Lonely and spectral and sombre and still.
And lo! as he looks, on the belfry’s height
A glimmer, and then a gleam of light!
He springs to the saddle, the bridle he
turns,

But lingers and gazes, till full on his sight
A second lamp in the belfry burns!
A hurry of hoofs in a village street,
A shape in the moonlight, a bulk in the
dark,

And beneath, from the pebbles, in passing,
a spark
Struck out by a steed flying fearless and
fleet:

That was all! And yet, through the gloom
and the light,

The fate of a nation was riding that night;
And the spark struck out by that steed, in
his flight,

Kindled the land into flame with its heat.
He has left the village and mounted the
steep,

And beneath him, tranquil and broad and deep,

Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the ledge,

Is heard the tramp of his steed as he rides.
It was twelve by the village clock,
When he crossed the bridge into Medford town.

He heard the crowing of the cock,
And the barking of the farmer's dog,
And felt the damp of the river fog,
That rises after the sun goes down.
It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, blank and bare,

Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.
It was two by the village clock,
When he came to the bridge in Concord town.

He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadows brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket-ball.

You know the rest. In the books you have read,
How the British Regulars fired and fled,—
How the farmers gave them ball for ball,
From behind each fence and farm-yard wall,

Chasing the red-coats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.
So through the night rode Paul Revere;
And so through the night went his cry of alarm

To every Middlesex village and farm,—
A cry of defiance and not of fear,
A voice in the darkness, a knock at the door,

And a word that shall echo forevermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

When the Colonies were threatened,
Paul Revere rode his steed to warn them.
Two lanterns in the belfry window;
the British were attacking by sea.

We here in America have had a phenomenal 9 months in which an authoritarian has grabbed the Oval Office and proceeded to attack liberty after liberty after liberty, including the weaponization of the Department of Justice; including taking an effort to fake a riot to justify deploying the National Guard into Portland, OR, deploying and federalizing the National Guard in Southern California, and trying to send them into Chicago; trying to get the courts to set the standard that he is seeking. And two judges on the Ninth Circuit have already granted that standard. And what is that standard? That if the President says there is a rebellion, then he is justified in sending in troops just because he says so, even if it is untethered to the facts. Well, that is about as phony of an argument in terms of defending the integ-

rity of the law as anything I have ever heard.

Did this Chamber or the House Chamber set a standard and then say that it is up to the President, and if he invents a fake demonstration that is not even a rebellion, doesn't come close to the definition, he is still justified in doing this even if he hasn't met the standard? No. The words meant something when this Chamber voted for that law, title 10.

They meant something when the House voted that only in the case of a rebellion—a significant, organized, weaponized effort to overturn the government—that is a rebellion. That is the standard this Chamber set into law. And for two judges from the Ninth Circuit to sweep that away and say: No, just give deference to the President—are we already such an authoritarian government that our judges just say defer to the President? That is an authoritarian nation right there.

Extremely, extremely troublesome. If you cherish liberty, if you cherish freedom, if you cherish the right to free speech and free assembly and free press and due process, those words should terrify you.

The book goes on to say:
Other leaders invent crises. There was a backstory to Ferdinand Marcos's declaration of martial law.

I read this paragraph which notes there was a fake assassination attempt. It was fake. Even the person who supposedly made the effort to assassinate him actually wasn't at the location and was never in that location and said so. But Marcos wanted to declare martial law, so his plan required an act of violence, and if faking it was the way to go, then that is what he did.

The President of the United States faking a riot in Portland, trying to justify the federalization of the National Guard, is in shocking parallel—not an exact parallel, maybe does not quite rise to the same level as a fake assassination or a faked terrorist attack—but the fact that it was a faked riot to try to persuade a quarter of the people that there was violence when there was not, that is pretty damn scary. I don't know of any other instance in the history of the United States where a President faked a riot.

Returning to the script of the book here:

Whether real or not, would-be authoritarians are primed to exploit crises to justify power grabs. Perhaps the best-known case is Adolf Hitler's response to February 27, 1933, Reichstag fire, just a month after he was sworn in as chancellor. The question of whether a young Dutchman with communist sympathies started the fire in the Berlin parliament building or whether the Nazi leadership itself did remains a matter of debate among historians. Whatever the case, Hitler, Hermann Goring, and Joseph Goebbels arrived at the burning Reichstag and immediately used the event to justify emergency decrees that dismantled civil liberties. This, along with the Enabling Act one month later, destroyed all opposition, consolidating Nazi power until the end of the Second World War.

A security crisis also facilitated Vladimir Putin's authoritarian turn. In September 1999, shortly after Putin was named prime minister, a series of bombings in Moscow and other cities—presumably by Chechen terrorists—killed nearly three hundred people. Putin responded by launching a war in Chechnya and a large-scale crackdown. As in the case of Nazi Germany, there is some debate over whether the bombings were committed by Chechen terrorists or by the Russian government's own intelligence service. What is clear, however, is that Putin's political popularity received a major boost with the bombings. The Russian public rallied behind Putin, tolerating, if not supporting, attacks on the opposition over the months and years that followed.

Most recently, the Erdogan government in Turkey used security crises to justify his tightening grip on power. After the AKP lost its parliamentary majority in June 2015, a series of ISIS terrorist attacks enabled Erdogan to use the rally-'round-the-flag effect to call snap elections and regain control of parliament just five months later. Even more consequential was the July 2016 coup attempt, which provided justification for a wide-ranging crackdown. Erdogan responded to the coup by declaring a state of emergency and launching a massive wave of repression that included a purge of some 100,000 public officials, the closure of several newspapers, and more than 50,000 arrests, including hundreds of judges and prosecutors, 144 journalists, and even two members of the Constitutional Court. Erdogan also used the coup attempt as a window of opportunity to make the case for sweeping new executive powers. The power grab culminated in the April 2017 passage of a constitutional amendment that demolished checks on presidential authority.

For demagogues hemmed in by constitutional constraints, a crisis represents an opportunity to begin to dismantle the inconvenient and sometimes threatening checks and balances that come with democratic politics. Crises allow autocrats to expand their room to maneuver and protect themselves from perceived enemies. But the question remains: Are democratic institutions so easily swept away?

So if we ring the alarm bells, as we understand these numerous assaults on our freedoms; as we recognize the weaponization of the Justice Department going against a public enemies list; as we see the President doing everything in his power to try to get the courts to allow him to federalize the National Guard when any facts he is presenting are untethered to reality; as we see his effort to create a fake riot to persuade the press or the judges or the public that there really was a crisis to be addressed; as we understand that his goal is to provoke violence in order to justify greater authoritarian control—this is straight out of the authoritarian playbook.

As this set of professors relays, you see it again and again and again: You are using an actual crisis or generating a fake crisis to expand authoritarian power.

So be on the watch, colleagues, patriots, for the misinformation or the fake crisis being used to expand Presidential authoritarian power. Already, we have seen it as he has pursued the authorization, the federalization of the National Guard in California and Texas and Oregon and Illinois; as he has tried to

send those federalized National Guard from Texas to California and Oregon. That is really a move, at this point, to do two things: One is to get a court precedent that makes it legitimate to send in the National Guard whenever the President wants. In addition to using title 10, he is threatening to using insurrection. Well, the Insurrection Act explicitly gives deference to the President about whether it is an insurrection, not like title 10 that deals with rebellion.

Presidents are enormously reluctant because they understand the Constitution, and the troops are used to defend America, not attack Americans. But an authoritarian wants those military forces available, and the President is trying to get the precedence in place. He may get it from the Supreme Court. He may get it on the shadow docket just this week. If that happens, ring the alarm bells even louder that the gates have been thrown wide open to the President's use of the military to suppress dissent here in the United States of America.

In between each chapter and discussion of these different elements, these different elements of authoritarian power, I laid out some of what is happening here in America. We looked at the assault on free speech. We looked at the assault on free press. We looked at the assault on due process. We looked at the deliberate and willful rejection of accountability to the laws that govern the executive.

And now we turn to his attack on law firms. Another of Trump's strategies is to go after those who enforce the law. Trump has attacked a host of major law firms, in some cases, hamstringing the firms by suspending their national security clearances. We talked about how the FCC was using the power of the licenses and mergers to intimidate the networks on the programming they provide, even down to the comics they employ. And here, we have the government using access to national security clearance to attack the ability of law firms to defend their clients. He has done this to punish their past association with individuals or cases that threaten his power and to dissuade them from using their skills and new efforts to threaten his power.

The attacks have generated some results. Skadden, Arps and Paul, Weiss have capitulated to Trump, agreeing, among other concessions, to end diversity policies and contribute millions of dollars of pro bono work to conservative clients. They are not alone. Several firms have surrendered about a billion dollars in pro bono legal work to causes preferred by the administration.

Can you imagine the outcry that would have happened in this Chamber if President Biden had proceeded to use security clearances against conservative law firms and then said they had to use their services for progressive organizations preferred by Democrats? Every single Member across the aisle would be down here screaming. I would

be down here screaming, too, because it is wrong. This is authoritarian abuse of government power. It should never be contingent on who is being attacked.

So put yourself through the test, dear colleagues. Ask yourself: Why are you not down here making an issue out of this? If you would have made it an issue if President Biden had done it, why aren't you making it an issue now? I look forward to your answer.

But other firms have fought back, challenging Trump's action—Perkins Coie, Jenner & Block, WilmerHale. Impressively, more than 500 other firms stood with them citing briefs denouncing Trump's actions.

Trump's actions are having real-world consequences. Let me read you a report from Reuters published on July 31. It is titled "How Trump's crackdown on law firms is undermining legal defenses for the vulnerable:"

When the Texas Civil Rights Project needed lawyers to help dozens of people arrested during U.S. President Donald Trump's immigration crackdown, legal director Dustin Rynders turned to a familiar strategy. He contacted major law firms that for decades provided free legal service to nonprofits like his.

On that April day in Houston, he called his usual contacts, many at firms that had previously handled challenges to Trump's immigration policies. Before Trump's return to the White House, they typically offered swift "pro bono," or free, legal help—a standard public service provided by elite firms.

This time, they all declined. "We are just handling the cases ourselves at this point," Rynders said.

In March and April, Trump issued a series of executive orders targeting law firms he considers adversaries, the first such attacks by a U.S. president against the legal profession.

I am adding in, just to clarify, "ever." Not in 200-plus years following the 1787 Constitution has a President proceeded to attack law firms and tried to blackmail them—sometimes successfully—into providing pro bono services for causes the President prefers. Wow—the first time ever.

Another norm would not have been crossed by any other President because other Presidents didn't believe it was right for the government to blackmail law firms. And it is not right. It is abusing the power of government to threaten security clearances in order to get this result.

Some of the orders lashed out at firms for donating their time to cases involving immigration, transgender rights and the January 6 attack by Trump supporters on the U.S. Capitol, claiming this legal work undermined U.S. interests.

Months later, the aftershocks threaten lasting damage to America's tradition of mobilizing free lawyers to challenge government actions on behalf of the vulnerable.

Dozens of major law firms, wary of political retaliation, have scaled back pro bono work, diversity initiatives and litigation that could place them in conflict with the Trump administration, a Reuters investigation found. Many firms are making a strategic calculation: Withdraw from pro bono work frowned on by Trump, or risk becoming the next target.

Fourteen civil rights groups said the law firms they count on to pursue legal chal-

lenges are hesitating to engage with them, keeping their representation secret or turning them down altogether in the wake of Trump's pressure, according to interviews with the nonprofits and a review of filings they have made in court.

In an analysis of court dockets, Reuters also found that Big Law firms have pulled back sharply from litigation against the federal government. That's a departure from Trump's first term, when the nation's largest firms were often involved in challenges to his directives. Now, they're mostly on the sidelines amid an avalanche of lawsuits contesting administration policies spanning immigration, funding cuts to nongovernmental organizations and attempts to fire tens of thousands of federal workers.

The retreat has been painful for the non-profit advocacy groups challenging Trump's sweeping assertions of executive authority, limiting their resources for researching legal arguments, preparing briefs and pursuing litigation. Such groups offer legal aid to low-income communities and have long relied on pro bono support.

The result, he warned, is a chilling effect that is discouraging elite law firms from confronting the administration. "Win or lose in court, the actions of the president are accomplishing their goal," he said.

Nine firms have capitulated to Trump, pledging nearly \$1 billion in free work to administration-backed causes.

One billion dollars of free work is extortion by the President of the United States. Threatening the security clearances for taking other actions will threaten the ability of the law firms to represent their clients or to gain new clients with nearly \$1 billion in free work for administration-backed causes.

The deals include pro bono work ensuring "fairness" in the justice system and combating antisemitism, issues the administration has cast as conservative, though the specific cases the White House is expecting firms to pursue remain unclear. The firms said their settlements protect employees and clients without compromising core principles or their pro bono commitments.

Four firms—Perkins Coie, WilmerHale, Jenner & Block and Susman Godfrey—successfully challenged Trump administration orders targeting them, winning permanent injunctions from judges who found the actions unconstitutional. All but Susman Godfrey's case have been appealed.

The important word in that paragraph is "unconstitutional." It is unconstitutional to use the power of the government to blackmail law firms. The President acted unconstitutionally.

Where is a single Member of my colleagues across the aisle, saying, "We are going to stand up for the Constitution"? One would be delighted to hear them stand up to the Constitution. One—just one—would be great.

Beyond those rulings, Trump's directives are reshaping the profession in subtle but significant ways.

A Reuters review found that 46 of the 50 top-grossing U.S. firms have removed or altered website references to diversity, equity and inclusion. Seventeen revised pro bono descriptions to omit contentious areas like immigration and racial justice. At least three added language highlighting work aligned with Trump's agenda, such as supporting veterans and fighting antisemitism.

Court records show a sharp decline in major firms challenging government policies, according to a Reuters analysis of dockets in the legal database Westlaw, a unit of Thomson Reuters.

Well, that is a pretty fundamental conclusion that the strategy is pretty effective.

Twenty of the nation's 100 highest-grossing law firms sued the Trump administration during his first term, often over politically sensitive issues such as immigration and regulation, but have not filed similar cases so far in his second term, a Reuters review of federal district court dockets found.

It is a very effective strategy: Threaten the success of a law firm by threatening their security clearances, and you get two effects. Either you get a settlement which they have to donate—now it is totaled at \$1 billion of free legal services to whomever the President wants—or—in addition, I should say, you also get intimidation that has law firms changing their practices. They won't represent clients who might make them a target of the administration's blackmail-extortion strategy. They won't put up on their website causes that they have been involved in that might disagree with the President's agenda.

It is an effective strategy, and it is wrong. It is unconstitutional. The government should never be in the business of providing a strategy to extort services out of the law firms or to basically intimidate them into not doing the function that they would choose to do in a normal world.

This is true of both sides of the aisle. No Democratic President should ever intimidate a law firm that wants to represent a pregnancy center from getting their representation. It is not the role of government to coerce private enterprises from choosing what they want to do for pro bono activities.

It is a form of freedom. Freedom at the corporate level, yes, to be sure, is somewhat different from the individual level for their lawyers to represent groups that they care about according to their philosophy either individually or as a firm.

Well, in the middle of this, we are still in the middle of the Republican shutdown because Republicans want to preserve the slashing cuts to healthcare that is affecting so many millions of Americans.

Where is the connection between the authoritarian strategies of this administration's and the bill, what Trump called his Big Beautiful Bill and that others call the "big, ugly betrayal"? What is the connection between them? The answer is that, under an authoritarian government, the incentive is to serve the billionaires.

Maybe we can put up the billionaires chart again.

That was clear from day one when Trump proceeded to be sworn into office and to give his inaugural speech just down this hallway in the rotunda. There he was, not giving a traditional speech. In a traditional speech, he would have been saying: Here, in Amer-

ica, I was elected for a vision, and my vision had these key elements to make America better. Now I am going to work with Congress and get that vision enacted.

Instead, he simply announced, in his speech, one after another, fiat, as some countries call them. More formally, here, they are called Executive orders—Executive order this, Executive order that. The sound of the Executive order is all they are doing. I am not saying it is every Executive order but many of them. It is a substitute for passing legislation. They may be challenged in court, but courts are slow.

There is no law that gives the President the power to do tariffs. Well, the courts are slow. They have never gotten to the point that they said: Stop doing the tariffs because you don't have that authority.

Do you know the very first bill ever considered by the U.S. Senate was a tariff bill? If you want a barrel of nails or if you want a keg of molasses, what is the tariff going to be when you import it?

When Senators sit around for 3 weeks, arguing over what price should be put—or what tariff amount should be put on each item, it has always been done by legislation until this administration.

So, if the law gives no authority to the President to do tariffs, then how is the President doing all these tariffs day and night? It is because he is acting as an authoritarian outside the law—that is how—and because the courts are too slow, too timid, too something, too overloaded to say: Hell no. You can't exercise authorities you don't have—authorities long invested in Congress to be done by law.

But if authoritarianism is essentially about billionaires being empowered and too bad for the families, then it is a perfect fit for the bill passed by this Chamber and the House of Representatives, the bill Trump called the Big Beautiful Bill.

What was the theory behind that bill? It was to run up the debt of the United States an additional \$30 trillion over the next 30 years. It does grind on me every time I hear someone who voted to run up the debt \$30 trillion over the next 30 years talk about how they are a fiscal conservative—because nothing could be further from the fact.

They slashed the tax credits that support affordable health insurance on the exchange in order to fund tax breaks for billionaires, and they slashed child nutrition to fund tax breaks for billionaires, and they slashed Medicaid to fund tax breaks for billionaires. It makes the billionaires pretty happy.

Here they are, standing behind the President on day one—Mark Zuckerberg, Jeff Bezos, Elon Musk—a government by and for the billionaires in the inaugural speech, in the inaugural picture, and in the President's big agenda bill. It is all the same. It flows from this authoritarian sense of

taking control of the country to enhance the power of the powerful and toss the people under the bus.

It is families lose and billionaires win, and if we were actually functioning now as a republic, we wouldn't see legislation that is families lose and billionaires win. We would see legislation for families to thrive and the billionaires or megamillionaires to pay their fair share.

No. We are raised to believe that we have a fair chance at legislation that supports the people when everyone has a vote. But here is the challenge: We have a massive inequality in this country—I think at the highest level since the 1920s—and in that inequality is a power differential because those with huge amounts of assets, they can afford lawyers who work 365 days a year to get the result they want. They can afford media campaigns to mislead the American people.

I remember early in my time here in the Senate, back when I took the light rail, the Metro up to Takoma Park, the big clean coal campaign. You know, coal, massively damaging to the environment—but no, this clean coal media campaign to make something that is so damaging appears like a good option. So they have got the lawyers. They have got the media campaigns. They have the lobbyists.

When I arrived here 17 years ago, it was said there were two pharma lobbyists for every Member of Congress. That is a lot. It is said now there are three pharma lobbyists for every Member of Congress, three—three of them, pharma lobbyists—for each one of us. They have got the lawyers. They have got the media campaigns. They have got the lobbyists. Then they are rich enough to do big campaigns donations on the official side; and then, of course, they have got the dark money.

Oh, yeah. So the Court had this very interesting case called Citizens United. And in that case, they said: You know what, limits on individual donations can be capped because a candidate may experience corruption by knowing that a large amount of the money came from a few individuals with particular interests.

It makes sense. You win your campaign because it was financed—well, who knows—let's say the car industry. So you are going to be pretty favorable toward that car industry. Maybe it was financed by the clean energy community. So you are going to be more favorable to solar and wind.

Maybe it was financed by the fossil industries. You are going to be more sympathetic to keeping coal mines operating or massively subsidize the way they are now. So, yeah, the Court says, Yeah, we see your point. That is corrupting of good governments serving the people.

They said: But if the donation is made to the friend of the candidate, somehow that will erase all of the corrupted influence because somehow the candidate will never notice that this

massive amount of money got them elected because it was given to the friend of the candidate to run a parallel campaign rather than the candidate.

What a pile of bullshit that story is from the Supreme Court. Do you think any candidate who got massive funding from any of the big dark money groups doesn't know exactly where that money came from? And worse yet, it is almost universally used to slander the person that they don't want to win. And they put fancy names on it like "The Next Generation" or "Happiness For America" or something like that.

They hide who they are sometimes. Other times, they don't hide who they are because they want everyone to know that the crypto industry put \$40 million in a Ohio Senate race. They wanted everybody to know they did it. It sure made it a lot easier to get that crypto bill passed on the floor of the Senate earlier this year with people going, if I am up for election, I don't want to be having offended the crypto industry.

So the Supreme Court made a totally fallacious argument to justify dark money. It is called dark money because, unlike our donations, our normal donations to a candidate, they have to be disclosed, and the reason they have to be is disclosed is because we passed a law saying they have to be disclosed because we want to make sure there is transparency.

Back when McCain-Feingold was being debated, a lot of folks who opposed McCain-Feingold limits on donations say that is the wrong approach. What we need is to sunlight transparency. Well, that transparency is you make that donation, your recipient has to record your name, your address, your employment as part of registering that donation. I believe the line is \$200. But dark money, no such requirement.

Now, we tried to pass a transparency bill called the DISCLOSE Act led by the Senator from Rhode Island, SHELTON WHITEHOUSE. And it basically said what is good for the goose is good for the gander. Disclosure is good for ordinary Americans who can contribute a modest amount of money under a cap—a McCain-Feingold cap. And actually, it is a pretty high cap when it comes to people in my blue collar community—I mean, it is pretty high, but it is not millions. I think the cap is \$7,000 now; \$3,500 to primary, \$3,500 in a general. But who in a blue collar community like the one I live in has \$7,000 to give to a campaign?

So it is still pretty high, but it is not the \$40 million for sure that the crypto industry put into a Senate race in a single week because they didn't like the way that the incumbent Senator had led the Banking Committee and wanted certain things passed out of that Banking Committee that didn't get passed out.

Talk about corrupting the American process of representing the people. Boy, that is a whopper right there. But that is where we are with the powerful hav-

ing so much maldistribution of wealth that they can employ the lawyers, the lobbyists, the media campaigns.

They can proceed to give large regular donations and massive dark money donations. All of that means there is no such thing as an equal playing field in America. All of that means the government operates more for the powerful than for the people. And then we have an amplification of that disparity by an authoritarian government that isn't even trying to address the fundamentals for the people, not even trying to address healthcare, not even trying to address housing or education, could care less about good-paying jobs. And that is where we are at now with the amplified authoritarian government by and for the powerful.

(Mr. CURTIS assumed the Chair.)

Welcome back to the Presiding Officer who has returned for another shift.

So maybe I should start another chapter of the book. This chapter addresses the guardrails of democracy. And again, these chapters are taken from "How Democracies Die." Two professors wrote this book in 2018. They studied how democracies die all around the world, what are the warning signs of authoritarian power, how is it exercised, how does it grow, how is the effort for a democracy made to filter the candidates so you actually end up with someone head of the executive branch who has the qualities of character and the capabilities appropriate to the office, and how do you lose that as we have now? And hopefully how you repair it.

This chapter, Chapter 5: The Guardrails of Democracy.

For generations, Americans have retained great faith in their Constitution, as the centerpiece of a belief that the United States was a chosen nation, providentially guided, a beacon of hope and possibility to the world. Although this larger vision may be fading, trust in the Constitution remains high. A 1999 survey found that 85 percent of Americans believed the Constitution was the major reason "America had been successful during this past century." Indeed, our constitutional system of checks and balances was designed to prevent leaders from concentrating and abusing power, and for most of American history, it has succeeded. President Abraham Lincoln's concentration of power during the Civil War was reversed by the Supreme Court after the war ended. President Richard Nixon's illegal wiretapping, exposed after the 1972 Watergate break-in, triggered a high-profile congressional investigation and bipartisan pressure for a special prosecutor that eventually forced his resignation in the face of certain impeachment. In these and other instances, our political institutions served as crucial bulwarks against authoritarian tendencies.

But are constitutional safeguards, by themselves, enough to secure a democracy? We believe the answer is no. Even well-designed constitutions sometimes fail. Germany's 1919 Weimar constitution was designed by some of the country's greatest legal minds. Its long-standing and highly regarded Rechtsstaat ("rule of law") was considered by many as sufficient to prevent government abuse. But both the constitution and the Rechtsstaat collapsed rapidly in the face of Adolf Hitler's usurpation of power in 1933.

Or consider the experience of postcolonial Latin America. Many of the region's newly independent republics modeled themselves directly on the United States, adopting U.S.-style presidentialism, bicameral legislatures, supreme courts, and in some cases, electoral colleges and federal systems. Some wrote constitutions that were near-replicas of the U.S. Constitution. Yet almost all the region's embryonic republics plunged into civil war and dictatorship. For example, Argentina's 1853 constitution closely resembled ours: Two-thirds of its text was taken directly from the U.S. Constitution. But these constitutional arrangements did little to prevent fraudulent elections in the late nineteenth century, military coups in 1930 and 1943, and Peron's populist autocracy.

Likewise, the Philippines' 1935 constitution has been described as a "faithful copy of the U.S. Constitution." Drafted under U.S. colonial tutelage and approved by the U.S. Congress, the charter "provided a textbook example of liberal democracy," with a separation of powers, a bill of rights, and a two-term limit in the presidency. But President Ferdinand Marcos, who was loath to step down when his second term ended, dispensed with it rather easily after declaring martial law in 1972.

You know, I was thinking about folks who came to my townhalls this year. I had 36 townhalls, one in each county. I do it every year. I have done more than 600. That is a lot of opportunity for people to give feedback, but the feedback I got this year included people asking the question: Will Trump try to serve a third term? He has talked about it. He has joked about it. And for the first few months of this year, I was somewhat dismissive that our democracy could ever be so fragile.

And I still feel it is an enormous stretch, but folks have pointed out that the Constitution doesn't ban a person from serving a third term.

No. It bans a person from running for a third term, not serving a third term. We had a vacancy when Dianne Feinstein passed away. She sat right next to me, here at this desk. And the very capable woman who was appointed by the Governor of California to serve in Feinstein's seat—well, she didn't live in California, is my understanding. But the rule was that she had to live in California to run, and she wasn't running, she was appointed, and so that distinction actually has some basis in actions that have occurred.

So now maybe I have you all a little more worried that there is something to the possibility, because it has been pointed out that the President might run for Vice President. If the President steps down, they are now serving a third term—not a likely scenario that I think anyone would support. It still seems an enormous stretch. But so much else that seemed an enormous stretch is happening right now.

But then people posed a different question in my townhalls. They said: We have seen the President evoke emergency powers or just grab authorities that the law doesn't give the President. So what is to prevent the President from invoking emergency powers, saying there is a crisis, and delaying the next election, maybe arguing that

the voting machines are not yet properly free of some virus that has infected them or arguing that the vote can't go forward because the President has put out an edict about vote-by-mail?

And States are still using vote-by-mail.

Again, I think it is an enormous stretch and unlikely, but I will say that we damn well better be on our guard because we didn't expect to have a President who would attack due process and ignore it, and we have him. We didn't expect to have a President who would blackmail law firms, and we have him. We didn't expect to have a President who would use licenses and merger power to try to control what networks put on TV, but we have him. We didn't expect to have a President who would weaponize the Justice Department to go after a list of his public enemies that he has identified as his public enemies. We didn't expect to have a President who would try to get the court decisions to enable him to deploy troops whenever he wants against public dissent in the United States of America, and yet we have him.

So I say to you: Ring the alarm bells because all of those things are worthy of ringing them loud and hard, but in addition, don't assume that even though all of those bridges have been crossed, that somehow, the President won't cross the next bridge. Be aware and worried about the possibility of the use of an emergency in order to expand authoritarian power. Be aware and concerned about a manufactured crisis to expand authoritarian power.

That is the position we are in now in the United States of America—authoritarianism in complete control of the Nation, with a rubberstamp Congress, a Court that is delivering more and more power to the Executive, and an Executive who has a well-planned strategy—thanks to Project 2025—to turn our country from a government by and for the people into a government by and for the richest and most powerful people in the land.

Turning back to the book, it continues. So, yes, I am still awake.

So they asked the question:

But are constitutional safeguards, by themselves, enough to secure a democracy?

They said:

We believe the answer is no. Even well-designed constitutions sometimes fail.

And they lay out how the Weimar constitution—well-designed—lapsed rapidly in the face of Adolph Hitler's power grab in 1933.

Then they continue:

Or consider the experience of postcolonial Latin America. Many of the region's newly independent republics modeled themselves directly on the United States, adopting U.S.-style presidentialism, bicameral legislatures, supreme courts, and in some cases, electoral colleges and federal systems. Some wrote constitutions that were near-replicas of the U.S. Constitution. Yet almost all the region's embryonic republics plunged into civil war and dictatorship. For example, Argentina's 1853 constitution closely resembled

ours: Two-thirds of its text was taken directly from the U.S. Constitution. But these constitutional arrangements did little to prevent fraudulent elections in the late nineteenth century, military coups in 1930 and 1943, and Peron's populist autocracy.

The Philippines constitution—"a faithful copy of the U.S. Constitution," but it was dispensed with rather easily after declaring—he dispensed with it rather easily after declaring martial law in 1972.

If constitutional rules were enough, then figures such as Peron, Marcos, or Brazil's Getulio Vargas—all of whom took office under U.S.-style constitutions that, on paper, contained an impressive array of checks and balances—would have been one- or two-term presidents rather than notorious autocrats.

Even well-designed constitutions cannot, by themselves, guarantee democracy. For one, constitutions are always incomplete. Like any set of rules, they have countless gaps and ambiguities. No operating manual, no matter how detailed, can anticipate all possible contingencies or prescribe how to behave under all possible circumstances.

Constitutional rules are also always subject to competing interpretations. What, exactly, does "advice and consent" entail when it comes to the U.S. Senate's role in appointing Supreme Court justices? What sort of threshold for impeachment does the phrase "crimes and misdemeanors" establish? Americans have debated these and other constitutional questions for centuries. If constitutional powers are open to multiple readings, they can be used in ways that their creators didn't anticipate.

These words for "advice and consent" were not laid out clearly. We had a responsibility—the idea was that we had to agree to consent to a nomination, but how was that to be done? So really the early practices that were adopted became the precedents and guided us until we changed those practices.

We had a major change this year. Except when done by unanimous consent, nominations have been done by a single vote on each person. So then you can't put a bad nominee in with a batch of good ones and somehow get them approved.

But this year, this body engaged in what is known as the nuclear option and proceeded to change the rule in order to do large groups of nominees in a single vote. So is that still advice and consent? Well, not if you believe that it applied to each individual because each individual isn't being voted on. But there is ambiguity, as these authors say. There is uncertainty. And each thing depends upon kind of the good faith and the principle involved, and if that good faith isn't there, if that kind of matrix of social understandings that affirm the rule is missing, then the words themselves, well, won't carry the same value in preserving our freedom, our checks and balances.

Returning to the script here of the book:

Finally, the written words of a constitution may be followed to the letter in ways that undermine the spirit of the law. One of the most disruptive forms of labor protests is a "work to rule" campaign, in which workers do exactly what is asked of them in their contracts or job descriptions but nothing

more. In other words, they follow the written rules to the letter. Almost invariably, the workplace ceases to function.

Because of the gaps and ambiguities inherent in all legal systems, we cannot rely on constitutions alone to safeguard democracy against would-be authoritarians. "God has never endowed any statesman or philosopher, or any body of them," wrote former U.S. president Benjamin Harrison, "with wisdom enough to frame a system of government that everybody could go off and leave."

That includes our own political system. The U.S. Constitution is, by most accounts, a brilliant document. But the original Constitution—only four pages long—can be interpreted in many different, and even contradictory, ways. We have, for example, few constitutional safeguards against filling nominally independent agencies (such as the FBI) with loyalists. According to constitutional scholars Aziz Huq and Tom Ginsburg, only the "thin tissue of convention" prevents American presidents from capturing the referees and deploying them against opponents.

This book was written in 2018. I haven't met these authors, but I would like to now because at that time, they didn't anticipate that what they were seeing and worried about in 2018 would come back in such full force and would begin with the very start of the administration that they would fire all the inspectors general, which is exactly what they are warning about here. "Capturing the referees." Who are the referees? Well, one set of referees are inspectors general who don't answer to the head of an Agency, are supposed to provide us with oversight of what is going on in that Agency.

In a way, they are more accountable to Congress than they are to the President. But the Executive fired them. And for the most part, the court has shrugged its shoulders and said: Oh well. Go ahead.

Huq and Ginsburg recently warned that "the constitutional and legal safeguards of [American] democracy . . . would prove to be fairly easy to manipulate in the face of a truly antidemocratic leader."

If the constitution written in Philadelphia in 1787 is not what secured American democracy for so long, then what did? Many factors mattered, including our nation's immense wealth, a large middle class, and a vibrant civil society. But we believe much of the answer also lies in the development of strong democratic norms. All successful democracies rely on informal rules that, though not found in the constitution or any laws, are widely known and respected. In the case of American democracy, this has been vital.

I was thinking about how the norms have changed from time to time in America. Just to provide a couple of examples, the early Senate wanted to get in and get its work done so that people could go back to their farms, plant their crops, harvest their crops. There was no time to be fooling around. Jefferson laid out a manual for the operation of the Senate, and he talked about how comments needed to be direct and not superfluous and on point, so that everybody could get their thoughts into the conversation and then you could vote.

You could go onto the next topic.

And a second convention was that the Presiding Officer—by the Constitution, the Vice President of the United

States—sat right up there in the dais. Well, we don't have a Vice President sitting in the dais tonight, but the understanding was the Vice President had the responsibility, under the Constitution, to make the Senate operate, much as the way when I was Speaker of the Oregon House, it was my job to be at the dais and keep things moving and make them operate and solve problems when they came up.

Thomas Jefferson played that role when he was Vice President, and he wrote a manual about how we should behave here.

But that idea that things should be succinct and to the point started to face a serious assault by the pressures of the 1830s. You had in the South the tobacco, cotton, agricultural economy. You had in the North a manufacturing economy. And those two economies thought different things would help them succeed. And one of the issues that became highly controversial was tariffs. Why tariffs in the 1830s? Well, because the North wanted to protect its manufacturing base.

Stretch out this cord a little more so I am tethered at a slightly longer distance. It turns out, if you give a really long speech, maybe it is a good idea to move around quite a bit during that period.

So in the 1830s, you have this tension, and the North wants these tariffs to protect its manufacturing economy. The South is concerned about retaliatory tariffs against its tobacco and its cotton. So the South called these tariffs the "Tariffs of Abominations." That is a pretty fierce phrase that shows how deeply they were concerned about this legislation.

And Calhoun, who had been Vice President and then left that to run and come back to this body as a U.S. Senator, was really the spear-header of the philosophy that you could have States that could nullify a Federal law if they didn't like it.

Now, this idea wasn't completely a kooky idea. We were, in the beginning, an assembly of States, and there were alternative visions of whether we were primarily a group of States working together or were we one Nation.

And under the idea of nullification, States were retaining far more power, and the Federal laws were suggestions, and they could nullify them if they wanted.

Now, this came to a test over tariffs because, ultimately, Calhoun organized and encouraged South Carolina to write a bill that nullified tariff law.

Wow. OK. So Jackson, who was President—well, Jackson was a slave owner, I think born in Virginia but representing Tennessee or coming from Tennessee for most of his career. He said: Hell no, you can't nullify laws, South Carolina.

And he came to Congress, and he got a declaration of war against South Carolina. And South Carolina backed down, and they undid their nullification law, and that was the end of nullification.

So here is a southern economy, based on tobacco and cotton and slave labor. And how are they going to try to stop the laws that they really don't want? And they hit upon a strategy of continuously raising new motions on the law. And every time there was a new motion, well, under the Senate rules, each person could speak to it twice. So by doing motion after motion—maybe a motion returning to committee, maybe a motion to adjourn, maybe a motion to do this amendment or to do that amendment—well, it enabled continuous talking about the bill.

And this is the root of the word "filibuster," because whereas the social contract had been that the Jefferson vision of speaking succinctly and to the main point so everybody could get their thoughts in and then you could vote, it was replaced by a new convention of speaking slowly, at length, on motion after motion, to basically make it impossible to get to a final vote.

So the rules on the page for the Senate were the same, but the conventions around them changed dramatically. And the advocates for this talk-a-bill-to-death strategy were considered pirates.

Pirates, you envision them operating outside of the law, boarding the ship, creating chaos and dysfunction. And the word "filibuster" means piracy. It is a word essentially translated from Dutch, "freebooter"—freebooter, filibusters. I think it was the kind of Caribbean slang version of freebooter or pirate. And so the pirates became the norm.

And we are still haunted and challenged by that vision of bills being talked to death, of not being able to get to a final vote on bills. And that means, in a fast-changing world, the Senate can't function very quickly. It means that large, powerful interests that have lobbyists and lawyers and can fund massive amounts of dark money in elections and lots of regular donations, collectively, they can get the minority to block a bill from ever being completed by never providing the 60 votes needed to complete the bill. The bill will be continuously considered and never resolved.

So that is the challenge that still is one we are struggling with here in this system.

So as they were noting:

[T]he "thin tissue of convention" prevents American presidents from capturing the referees and deploying them against opponents. Likewise, the Constitution is virtually silent on the president's authority to act unilaterally, via decrees or executive orders, and it does not define the limits of executive power during crises. Thus, Huq and Ginsburg recently warned that "the constitutional and legal safeguards of [American] democracy . . . would prove to be fairly easy to manipulate in the face of a truly antidemocratic leader."

And that is where we are at right now, and that is why I am ringing the alarm bells. It is why 7 million people turned out for the No Kings rally on Saturday. Let's ring the bells inside

this building, and let's ring them outside this building because our Constitution is under the greatest threat since the Civil War. And it is our job as elected leaders, in partnership with the groundswell of engaged American citizenry, to save it. That is our responsibility: to save our country from the authoritarian takeover we are in at this moment.

If the Constitution written . . . in 1787 is not what secured American democracy—

As I noted, I read this paragraph before—what did?

Well, the middle class was helpful. Vibrant civil society was helpful, and then norms.

All successful democracies rely on informal rules that, though not found in the constitution or any laws, are widely known and respected. In the case of American democracy, this has been vital.

As in all facets of society, ranging from family life to the operation of businesses and universities, unwritten rules loom large. . . . To understand how they work, think of the example of a pickup basketball game. Street basketball is not governed by rules set up by the NBA, [the] NCAA, or any other league. And there are no referees to enforce such rules. Only shared understandings about what is, and what is not, acceptable—

Only shared understandings about what is, and what is not, acceptable prevent such games from descending into chaos. The unwritten rules of a half-court game of pickup basketball are familiar to anyone who has played it. Here are some of the basics:

Scoring is by ones, not by twos as in regular basketball . . . the winning team must win by two points.

The team that makes a basket keeps the ball ("make it, take it"). The scoring team takes the ball to the top of the key and, to ensure that the defending team is ready, "checks" it by passing it to the nearest opposing player.

The player who starts with the ball cannot shoot; he or she must pass it in.

Players call their own fouls but with restraint; only egregious fouls are legitimate ("no blood, no foul"). But when fouls are called, the calls must be respected.

Democracy, of course, is not street basketball. Democracies do have written rules (constitutions) and referees (the courts). But these work best, and survive longest, in countries where written constitutions are reinforced by their own unwritten rules of the game. These rules or norms serve as the soft guardrails of democracy, preventing day-to-day political competition from devolving into a no-holds-barred conflict.

Norms are more than personal dispositions. They do not simply rely on political leaders' good character, but rather are shared codes of conduct that become common knowledge within a particular community or society—accepted, respected, and enforced by its members. Because they are unwritten, they are often hard to see, especially when they're functioning well. This can fool us into thinking they are unnecessary. But nothing could be further from the truth. Like oxygen or clean water, a norm's importance is quickly revealed by its absence. When norms are strong, violations trigger expressions of disapproval, ranging from head-shaking and ridicule to public criticism and outright ostracism. And politicians who violate them can expect to pay a price.

Unwritten rules are everywhere in American politics, ranging from the operations of

the Senate and the Electoral College to the format of presidential press conferences. But two norms stand out as fundamental to a functioning democracy: mutual toleration and institutional forbearance.

And the chapter goes on to talk about these two key norms of mutual tolerance and institutional forbearance and notes that, essentially, when we become two parties treating each other like enemies, we have wandered way outside that framework that makes democracy function.

I was struck by a chart that I saw years ago that described what the political spectrums look like back in the 1970s. Since I was first here in 1976, it was like if this is the bell curve for the Democrats and bell curve for the Republicans. They crossed over a tremendous amount. But that is not the way our country functions now. Now, those two curves are essentially far apart. There is this massive chasm between the Democratic range of views and Republican range of views.

This chasm is partly the result of cable television. Cable television meant that things were not broadcast over the air, and somewhere along the line, I believe during the Reagan administration, we lost the fairness doctrine, which basically said you can't use your broadcast news in a partisan fashion.

Well, that is gone. And each cable news world has its own audience. So if you go to a city in my State and in most States, it is not very likely they are watching FOX News, to be simple, to be plain. It is more likely they are watching CNN or MSNBC. If you go to rural Oregon, the reverse is true. They are probably not watching CNN, MSNBC—more likely FOX News or some other competitor in that range of the spectrum.

And since there is no fairness doctrine and since viewership is increased when people's emotions are activated, these channels do a lot to be as basically fierce about the dysfunction of the other party as possible. And any best action is viewed in "our best intentions," "your worst." So the division is augmented by cable television and reinforced by social media. That is the chasm we face right now. And what the authors are saying is once we fall into this world where we are split in this fashion, well, democracy is in trouble.

I would say, I concur with that observation.

They go on about mutual tolerance in that respect, but then also about forbearance:

Forbearance means "patient self-control; restraint and tolerance," or "the action of restraining from exercising a legal right." For our purposes . . . [it] can be thought of as avoiding actions that, while respecting the letter of the law, obviously violates its spirit. Where norms of forbearance are strong, politicians do not use their institutional prerogatives to the hilt, even if technically legal to do so, for such action could imperil the existing system.

Well, these are the challenges that we face here and, more broadly, our en-

tire Nation faces as we have been split into teams.

One of the things that particularly strikes me is a survey that was done a few years ago that said, in the past, parents' biggest concern was their children would marry into a different religion. And now, parents' concern is their children will marry into a different political party. That is how fierce the separation has become between Democrats and Republicans in our country.

I am here tonight to ring the alarm bells, to say we are deep into authoritarian control in our Nation and that we have an obligation. For hundreds of years, our forefathers and foremothers fought and died to preserve this vision of freedom, to preserve this constitutional framework.

And in 9 simple months, more has been done to unravel, to crush it than we could ever have imagined. Take more than 3 more years of this, and the ability to escape this authoritarian framework, this style, is incredibly unlikely. That is why it is important to ring the alarm bells now, to weigh in now, to have the No Kings march now as we did this last weekend, to remind us all of the responsibilities we have to save the vision of our Constitution.

This isn't a "you can just kind of relax and maybe save it a couple of years from now." No, it will be too entrenched. That is the message. That is why we need to ring the alarm bells.

Between each chapter, I am looking at the different strategy in which Trump is waging war on our Constitution and is expanding his authoritarian power. We looked at his attack on the press. We looked at his attack on free speech. We looked at his attack on due process. We looked at his attack on law firms.

Well, now, we will look at the attack on universities. Trump and his team have tried to use the power of the State to reshape policies at universities by launching investigations of their practices and by freezing millions or billions in their Federal grants. Some of those universities include ones readily recognizable across the country—Brown University, Columbia University, Cornell, Duke, Harvard, Northwestern, Penn, Princeton, UCLA—dozens of other schools are under scrutiny.

Harvard is one of Trump's biggest targets, with roughly \$9 billion at stake. Let me read you this reporting about Trump's attacks on universities that was written just last month, September 5. The article is titled "Trump Has Targeted Universities Like Harvard, Cornell, Columbia. Why?" Written by Alan Blinder:

The Trump administration is exerting extraordinary influence over American universities by threatening to cut them off in funding and, in some cases, students.

President Trump and his allies have focused their attacks on elite universities, which they say are bastions of antisemitism and ideological indoctrination. A handful of schools—Brown, Columbia and the University of Pennsylvania—have made deals with

the White House. Some have agreed to pay millions of dollars to restore research funds and end federal investigations.

Wow, another case of the President's team extorting action by an institution, in this case, universities.

Harvard has fought back in court, even as it has negotiated with the White House, while others have exclusively pursued quiet talks with the government . . .

But as universities contend with Washington's demands, the long-term result could remake higher education across the country. Billions in funds for research have been frozen, while administration officials have also tried to prevent universities from enrolling international students.

So freeze their research funds and then attack the ability to enroll students who pay full tuition, two ways of attacking the ability of the university to make the books balance.

The higher education industry has acknowledged shortcomings and failures, but the university leaders have also warned that the federal government is trying to stamp out academic freedom, a cornerstone of the American education system.

Since taking power in January, the Trump administration has said it would end and limit federal money to a number of universities, including Brown, Columbia, Cornell, Duke, Harvard, Northwestern, Penn, Princeton and the University of California, Los Angeles.

Dozens of other schools are also under scrutiny, largely by the Department of Education's Office for Civil Rights, and are aware that some of their Federal funding is imperiled.

But much of the focus is on 10 schools that a Trump administration task force, which says it is devoted to rooting out antisemitism, identified for particular attention . . .

The University of Virginia also drew the ire of the administration, which demanded the resignation of the school's president to resolve a Justice Department inquiry to diversity, equity and inclusion.

Oh, my goodness, Trump's obsession with diversity, equity, and inclusion—he has an obsession with his fight for inequality of opportunity.

I was raised to believe that everyone should have a chance to thrive—everyone should—and that everyone has something to contribute. Well, everyone having something to contribute, that is diversity. People bring different life experiences, different cultural backgrounds, different ways of observing the world. And by sharing those, we make the society stronger. The strands are woven together. They result in more than the individuals by themselves. Diversity is a strength.

Equity. What is equity? It is carved above the Supreme Court: "Equal Justice Under Law." Why is it that Trump hates "Equal Justice Under the Law?" Equity.

Inclusion. Inclusion means an end to bigotry that locks out people because of the color of their skin or their family background or the country they come from. The end of bigotry in order to get people opportunity to thrive—positive thing, end of bigotry.

So here we have Trump turning the value of everyone having something to offer, every equal justice under the

law, and of ending bigotry into a negative. I don't buy it, not for a second, this attack on diversity, equity, and inclusion—an attack on equal justice, an attack on opportunity for all.

But there are all these schools getting rid of their programs dedicated to these important values of opportunity for all.

The Trump administration announced three significant deals in July.

First, Penn agreed to implement certain policies around transgender people in athletics and to apologize, in effect, for the trans athlete Lia Thomas's participation on its women's swim team several years ago. The agreement included no financial penalties.

Columbia, which faced accusations [it had] tolerated antisemitism on campus, later agreed to a suite of policy changes, as well as a \$200 million fine to the U.S. government. Brown University cut a similar deal, though its \$50 million payout was going to be directed toward state work force development organizations, not the federal government.

Brown and Columbia secured specific provisions intended to limit the Trump administration's involvement in academic matters.

The next section of this essay is titled, "What is happening with Harvard?"

The Trump administration's biggest target has been Harvard, the country's oldest and richest university. The university has roughly \$9 billion at stake in its fight with the federal government.

The dispute erupted after Harvard rejected Trump administration proposals, including one for the use of an outsider to audit "programs and departments that most fuel antisemitic harassment or reflect ideological capture." The government also wanted Harvard to curb the power of its faculty and report international students who commit misconduct.

The Trump administration wants a report on ideological capture? Well, how about it starts by doing a report on itself and its ideology of an authoritarian takeover that is destroying our Constitution? Now, that would be a report worth doing right there.

The Trump administration almost immediately began cutting off billions in funds. Officials have since said they would direct federal agencies to end all of their remaining contracts with the school. The government has also told the university not to expect grant money in the future.

Harvard sued the administration over the cuts. In September, a federal judge in Boston broadly ruled in Harvard's favor, though the administration immediately pledged to appeal. . . . It was not clear when, or whether, the federal money would flow again.

But the administration's onslaught goes beyond research funding. The university is confronting an array of investigations, some of which Harvard officials fear could become full-blown criminal inquiries in the coming months. Mr. Trump has also threatened Harvard's tax-exempt status.

So we saw the President use power over mergers and license to try to compel the networks as to what programming they could have, and here we are seeing using the power over the tax-exempt status to try to compel what the university does. So it is using these different powers of the administration, in effect, to extort concessions that interfere with the proper independent functioning of these organizations.

I don't want the Federal Government telling universities what they can teach. I don't want the Federal Government using research grants as a weapon against our universities or using the ability to allow students to—foreign students to attend—because of tuition or, in this case, threatening tax-exempt status.

[Recently] his administration has also tried repeatedly to bar the university from enrolling international students. A federal judge in Boston has blocked those efforts.

In June, Harvard and the White House began discussing the possibility of a settlement. Even as the talks unfolded, though, the administration kept hammering at Harvard with subpoenas, accusations of civil rights violations and a subsequent challenge to its accreditation.

Harvard has signaled that it might be willing to spend \$500 million to settle with the White House.

Well, it is working, right? Major institutions—proud, independent institutions—that know their role in terms of research that contributes to all fields in America and to the prosperity of America are feeling quite compelled that they can't endure this collective attack by the administration.

We here, in this Chamber, should be passing laws that say, "You can't do this," and protect academic freedom. Academic freedom is also about the students' freedom. But we are not, and that is a shame.

The administration has frequently claimed that the targeted schools harbor antisemitism.

It goes on to address that issue at some length.

Many conservatives say their views have been marginalized in lecture halls. . . . They have said they want universities to emphasize academic programs that will lead students to jobs that are essential to the economy.

In other words, our universities—our private universities—are going to be an extension of the philosophy of the government, and if that happens to sound appealing to you now because you broadly share Trump's perspectives, would you like it so much with a different President telling the universities what to do, including conservative universities, based on a more liberal set of ideas about the world? I would suspect not.

The situation gets even worse. On October 2, the New York Times reported the White House sent letters to universities, urging them to "pledge support for President Trump's political agenda to help ensure access to research funds."

To his political agenda? Can we not all agree that this is a massive abuse of government power?

Let me read you the reporting: "Trump Administration Asks Colleges to Sign 'Compact' to Get Funding Preference."

Demands sent to nine top schools included pledging to freeze tuition for five years and to commit to strict definitions of gender.

The White House on Wednesday sent letters to nine of the nation's top public and private universities, urging campus leaders

to pledge support for President Trump's political agenda to help ensure access to federal research funds.

Pledge support—let me repeat that—to Trump's political agenda to ensure access to Federal research funds.

The letters came attached to a 10-page "compact" that serves as a sort of priority statement for the administration's educational goals—the most comprehensive accounting to date of what Mr. Trump aims to achieve from an unparalleled, monthslong pressure campaign on academia.

The compact would require colleges to freeze tuition for five years, cap the enrollment of international students and commit to strict definitions of gender. Among other steps, universities would also be required to change the governance structures to prohibit anything that would "punish, belittle and even spark violence against conservative ideas."

Colleges that sign the agreement would receive "multiple positive benefits," according to a letter included with the compact signed by Education Secretary Linda McMahon; [and signed by] Vince Haley, the director of the White House Domestic Policy Council; and [by] May Mailman, the White House's senior adviser for special projects.

The Trump administration gave nine universities a set of terms to follow for better access to federal terms. At least one said it wanted to sign up, but some students wanted the college officials to say no.

Colleges that agree would get priority access to federal funds and looser restraints on overhead costs. Signed compacts would also serve as assurance to the government that schools are complying with civil rights laws. Federal civil rights investigations have been used to halt much of the research funding the administration has blocked so far this year.

So it is kind of completely captured by this notion that you don't get research funds unless you reshape your views and your actions to accentuate Trump's political agenda. Well, that is how far things have gone off track. The President wants to dictate how our universities teach and what they teach, and they want the universities to promote his political agenda.

The letters were sent to a number of these universities, and there are a number of comments.

"The University of Texas system is honored that our flagship—the University of Texas at Austin—has been named as one of only nine institutions in the U.S. selected by the Trump administration for potential funding advantages under its new Compact for Academic Excellence in Higher Education," Kevin P. Eltife, the chairman of the University of Texas Board of Regents, said in a statement on Thursday. "We enthusiastically look forward to engaging with university officials and reviewing the compact immediately."

The other eight schools declined to comment, did not immediately or said they were still studying the compact.

But the letters also prompted concern about the precedent of signing on to such agreements.

Well, they should be concerned, any time a government in a free society tells the universities what they can teach and that they have to promote the President's political agenda, that is a massive red line that has been crossed. I hope all nine say: Absolutely no.

But I will tell you we saw, with the previous threats, universities cut deals because, when millions and millions of funds are being held up by the government, that is an effective strategy of blackmail that forces university presidents to say: I have got a responsibility to keep this place functioning. We have a lot of folks who are involved in the research, and we can't send them all home. The interruption will damage the enormous amount of work that has already been done.

I mean, the pressures are intense. That is a terrible place universities are when the power of the U.S. Government is mobilized to oppress them.

On October 10, an article notes about MIT that they rejected a special funding offer from the Trump administration.

M.I.T. became the first university to reject an agreement that would trade support for the Trump administration's higher education agenda in exchange for favorable treatment.

The proposal, called the "Compact for Academic Excellence in Higher Education," was sent to nine universities and would require colleges to cap international student enrollment, freeze tuition for five years, adhere to definitions of gender and prohibit anything that would "belittle" conservative ideas.

In a letter on Friday to the Trump administration, M.I.T.'s president, Sally Kornbluth, wrote that the university has already freely met or exceeded many of the standards outlined in the proposal, but that she disagrees with other requirements it demands, including those that would restrict free expression.

"Fundamentally, the premise of the document is inconsistent with our core belief that scientific funding should be based on scientific merit alone," Dr. Kornbluth wrote.

A White House spokeswoman, Liz Huston, said in a statement that "any university that refuses this once-in-a-lifetime opportunity to transform higher education isn't serving its students or their parents—they're bowing to radical, left-wing bureaucrats.

"The best science can't thrive in institutions that have abandoned merit, free inquiry, and the pursuit of truth," she added. "President Trump encourages universities to join us in restoring academic excellence and common sense policies."

But the administration is not asking for a free inquiry and the pursuit of truth. They are asking the university to promote Trump's political agenda.

The idea of the compacts has been deeply unpopular among faculty members and free speech advocates, who view them as yet another political intrusion into the affairs of academia. They argue that the Trump administration is threatening the independence of American higher education by cutting hundreds of millions of dollars in research funding to force top universities to adopt its agenda.

Of course, that is exactly what is happening.

The compact has complicated negotiations between the Trump administration and individual schools, including Harvard, who worry it is a sign that even if they reach a deal with the administration, the government will come back and ask for more concessions.

Two of the universities that received this invitation to this compact were ones that had already reached deals

with the Trump administration, and so that is what is driving the concern that there is just going to be more.

Well, this is wrong. Our tax dollars are at work for research because research takes our Nation forward, makes it more prosperous, allows an opportunity for people to utilize to maximum effect those wonderful brain cells they have been granted and, in the course, find innovations, inventions, and valuable ideas that become valuable to an entire society.

Universities are supposed to serve all Americans, not just those who agree with the President. They are supposed to be places where ideas are robustly debated, not places where the things they present are dictated by the government.

If you want that, go to China. China has that. If you want to live in a country that controls what its universities teach and to have to adopt the government authoritarian line, go to China. That is where you will find that in abundance if that is what you love, if you love this idea of a government dictating what our universities teach.

I offer a sincere compliment to Princeton president Christopher Eisgruber, who has called out Trump's actions as "the greatest threat to American universities since the Red Scare of the 1950s." That is what I call standing up for academic freedom.

Now, under our program of it is 12 midnight somewhere, we have reached the last location of the official States of the United States where Hawaii has arrived—where midnight has arrived in the State of Hawaii.

So we had four time zones in the continental United States, another time zone in Alaska, and now we are in Hawaii, some 6 hours after midnight first arrived here on the east coast of the United States of America.

As midnight has arrived at each of our various time zones that affect the United States, I have been reading "Paul Revere's Ride" by Henry Wadsworth Longfellow because that poem was about ringing the alarm bell, that the British were attacking. In this case, it wasn't actually ringing the alarm bell; it was putting lanterns in the church belfry, and then folks could see these lanterns—specifically, the person was Paul Revere. When he saw the lantern, he rode through town after town alerting people to the attack by the British.

There is a parallel in a sense that right now, Americans are ringing the alarm bells about the authoritarian takeover of our country. There is nothing normal, there is nothing legal, there is nothing constitutional about this authoritarian takeover—quite the opposite. It is shredding our Constitution, demolishing our separation of powers, and destroying the checks and balances. That is the warning we all need to hear and respond to, just as the communities that Paul Revere rode through responded and went out to fight the British.

(Mr. BARRASSO assumed the Chair.)

LISTEN, my children, and you shall hear Of the midnight ride of Paul Revere.

On the eighteenth of April, in Seventy-five; Hardly a man is now alive Who remembers that famous day and year. He said to his friend, "If the British march By land or sea from the town to-night, Hang a lantern aloft in the belfry arch Of the North Church tower as a signal light,—

One, if by land, and two, if by sea; And I on the opposite shore will be, Ready to ride and spread the alarm Through every Middlesex village and farm, For the country folk to be up and to arm." Then he said, "Good night!" and with muffled oar

Silently rowed to the Charlestown shore, Just as the moon rose over the bay, Where swinging wide at her moorings lay The Somerset, British man-of-war; A phantom ship, with each mast and spar Across the moon like a prison bar, And a huge black hulk, that was magnified By its own reflection in the tide. Meanwhile, his friend, through alley and street,

Wanders and watches with eager ears, Till in the silence around him he hears The muster of men at the barrack door, The sound of arms, and the tramp of feet, And the measured tread of the grenadiers, Marching down to their boats on the shore. Then he climbed the tower of the Old North Church,

By the wooden stairs, with stealthy tread, To the belfry-chamber overhead, And startled the pigeons from their perch On the sombre rafters, that round him made

Masses and moving shapes of shade,— By the trembling ladder, steep and tall, To the highest window in the wall, Where he paused to listen and look down A moment on the roofs of the town, And the moonlight flowing over all. Beneath, in the churchyard, lay the dead, In their night-encampment on the hill, Wrapped in silence so deep and still That he could hear, like a sentinel's tread, The watchful night-wind, as it went Creeping along from tent to tent, And seeming to whisper, "All is well!" A moment only he feels the spell Of the place and the hour, and the secret dread

Of the lonely belfry and the dead; For suddenly all his thoughts are bent On a shadowy something far away, Where the river widens to meet the bay,— A line of black that bends and floats On the rising tide, like a bridge of boats. Meanwhile, impatient to mount and ride, Booted and spurred, with a heavy stride On the opposite shore walked Paul Revere. Now he patted his horse's side, Now gazed at the landscape far and near, Then, impetuous, stamped the earth, And turned and tightened his saddle-girth; But mostly he watched with eager search The belfry-tower of the Old North Church, As it rose above the graves on the hill, Lonely and spectral and sombre and still. And lo! as he looks, on the belfry's height A glimmer, and then a gleam of light! He springs to the saddle, the bridle he turns,

But lingers and gazes, till full on his sight A second lamp in the belfry burns! A hurry of hoofs in a village street, A shape in the moonlight, a bulk in the dark, And beneath, from the pebbles, in passing, a spark Struck out by a steed flying fearless and fleet:

That was all! And yet, through the gloom and the light,

The fate of a nation was riding that night;
And the spark struck out by that steed, in his flight,

Kindled the land into flame with its heat.
He has left the village and mounted the steep,

And beneath him, tranquil and broad and deep,

Is the Mystic, meeting the ocean tides;
And under the alders that skirt its edge,
Now soft on the sand, now loud on the ledge,

Is heard the tramp of his steed as he rides.
It was twelve by the village clock,
When he crossed the bridge into Medford town.

He heard the crowing of the cock,
And the barking of the farmer's dog,
And felt the damp of the river fog,
That rises after the sun goes down.

It was one by the village clock,
When he galloped into Lexington.
He saw the gilded weathercock
Swim in the moonlight as he passed,
And the meeting-house windows, blank and bare,

Gaze at him with a spectral glare,
As if they already stood aghast
At the bloody work they would look upon.
It was two by the village clock,
When he came to the bridge in Concord town.

He heard the bleating of the flock,
And the twitter of birds among the trees,
And felt the breath of the morning breeze
Blowing over the meadows brown.
And one was safe and asleep in his bed
Who at the bridge would be first to fall,
Who that day would be lying dead,
Pierced by a British musket-ball.

You know the rest. In the books you have read,
How the British Regulars fired and fled,—
How the farmers gave them ball for ball,
From behind each fence and farm-yard wall,

Chasing the red-coats down the lane,
Then crossing the fields to emerge again
Under the trees at the turn of the road,
And only pausing to fire and load.
So through the night rode Paul Revere;
And so through the night went his cry of alarm

To every Middlesex village and farm,—
A cry of defiance and not of fear,
A voice in the darkness, a knock at the door,

And a word that shall echo forevermore!
For, borne on the night-wind of the Past,
Through all our history, to the last,
In the hour of darkness and peril and need,
The people will waken and listen to hear
The hurrying hoof-beats of that steed,
And the midnight message of Paul Revere.

The midnight message of Paul Revere
to be alerted, to be warned that the
British are coming and that they are
an enormous threat to the Colonies.

I am here tonight—or should I say
this morning—to ring the alarm bells
that there is a full authoritarian assault
on our constitutional values, our
separation of powers, and a full assault
on our liberties. It is an assault absolutely
on due process, on free speech,
on free press, on free assembly. It is
the weaponization of the Department
of Justice to go after people on a political
enemies list the President has compiled.
It is the effort to mobilize
the military to go after peaceful protesters
and to create violent inter-
actions that would justify even more

authoritarian power. It is an attack on
universities. It is an attack on law
firms.

Now we turn to the use of violence.
An authoritarian President,
emboldened by a rubberstamp Congress,
emboldened by a deferential Supreme
Court, sent military troops
against American citizens who were
peacefully protesting. This is un-American.
It is a fundamental violation of
the purpose of our military.

The military exists to defend us from
foreign powers, not to be a tool in a
President's hand to attack people who
disagree with his point of view. That
happens in countries that don't have a
President; that happens in countries
that have a King.

Under our Constitution, we don't
have a King here in America. Our
whole Constitution is that we are not
governed by and for a King but governed
by and for the people. And we
certainly don't believe that the man at
the top or the woman at the top of the
executive branch should be using the
military against their own citizens.

By law, federalizing the National
Guard is quite limited. It can only be
done if it is done in partnership with
the Governor or if there is an invasion
or if there is a rebellion.

At the time the laws were written—
passed right here in this Chamber—
they well understood what these terms
meant: an invasion of military force on
our border, threatening to cross and attack
our Nation. That is an invasion. A
rebellion: a large, well-organized, well-
armed group trying to overturn the
Government of the United States of
America.

The last time we saw something that
might have qualified as a rebellion was
when President Trump organized a mob
to attack the Capitol to prevent the
votes from being counted from the
electoral college. They were large, they
were well-organized, they were somewhat
armed, and they were certainly
striving to overthrow the government
by preventing the counting of electoral
ballots.

But compare that to protesters
peacefully holding signs of concern
about the policies of this President or
the actions of one of his Agencies. Isn't
that freedom of speech? Isn't that
freedom of assembly? It goes to the core
of who we are as Americans. Government
doesn't tell us what to think. We get to
say what we want. We get to say it
when we want to.

Sure, there are some restrictions.
You don't yell "fire" in a crowded theater
and cause people to stampede. But,
essentially, it is the freedom to
express your views, and you can express
them in ways the government doesn't
like, in places the government doesn't
like. You can express them in satire
in ways the government doesn't like
because we are Americans and we
treasure our freedom.

Well, obviously, there is nothing
approaching an invasion or a rebellion
in the city of Portland. Senator WYDEN

and I were outside of ICE a couple of
weekends ago. I saw three women holding
a sign that had a flower on it—
nothing particularly threatening.

But there have been lots of other protesters
at other moments—protesting, though,
with joy and whimsy: a group called
Paws for Peace who were getting together
with puppies and dogs. I don't think
a bunch of folks holding their beloved
dogs constitutes a well-organized,
well-armed group trying to overthrow
the government. Then there is a group
called Pastries and Pajamas. They are
handing out pastries while dressed in
pajamas, encouraging people to be engaged
in peaceful protesting. They may disagree
with the administration, but making their
voice heard is as American as apple pie—or,
in this case, apple pastry.

But Trump decided he wanted to create
a riot in Portland. Why does he want to
provoke a riot? Because if he can incite
violence, he feels he can justify putting
the military into our cities, getting the
courts to say: That is OK.

Being able to use the military against
your own citizens—that is a powerful tool
to use in an authoritarian, but it is an
extraordinary risk to our Republic,
an extraordinary risk to government by
and for the people, and not just in
Portland but in L.A. or in DC or in
Chicago.

What the instructions appear to be to
his Federal agents is to provoke violence
by attacking peaceful protesters.

The Oregonian, the major newspaper
of our State, did a report in which they
said their staff witnessed the Federal
agents attacking peaceful protesters.
What really struck me about this is
that normally, a newspaper story is
detached. It is like: A protester said
that Federal agents came out and attacked
someone who was doing nothing but
peacefully standing there. Well, someone
said this or someone alleged this.
But in this case, the newspaper article
was "Our staff witnessed Federal
agents attacking a peaceful protester." No,
it was not simply reporting what
someone said; it was what the reporters
themselves witnessed.

Let me read you this reporting from
the Oregonian about how Federal agents
attacked peaceful protesters in Oregon
from October 3. It is titled "Federal
officer blasts chemical spray into vocal
but nonviolent Portland protester,
video shows," by Jonathan Bach.

A federal police officer walked up to a
19-year-old protester and blasted chemical
spray directly in her face at Thursday
night's protest outside the U.S. Immigration
and Customs Enforcement building in
Portland.

The protester, who gave only her first
name, Leilani, had been in front of the
ICE building when federal agents with
shields ordered protesters to move away
from the entrance to let a car exit the
garage.

She complied but was hurling curse
words and insults at the two officers in
front of her when a third agent wearing
a gas mask approached her. Within 10
seconds, the officer

directed a canister at the 19-year-old's face and doused her with chemical spray.

Now, this video is just shocking. I haven't seen anybody watch this video who doesn't take a great gasp when they see this agent pull up the pepper spray straight into this big cone into her face.

Shouldn't that disturb every one of us in this Chamber, to see a peaceful protester attacked in that fashion by Federal agents?

You know, I believe that it is important for all of our Federal agents to have unique identifiers on their uniform. It is fine if it is a number; it doesn't have to be a name. But what we know from around the world is that when you have unidentified agents have no identifier, they feel quite comfortable doing things like walking up and spraying pepper spray directly in the protester's face because there is no accountability for their attack to the protesters because no one knows who they are. This is especially amplified when they wear masks.

If there is a symbol of fascism that maybe is above all others, it is the unmarked, masked Federal agent grabbing people, throwing them into unmarked vans, and whisking them away to who-knows-where.

So we had a vote in this Chamber saying that each Federal agent should have a unique identifier—well, in part to discourage them from doing outrageous attacks on protesters or other outrageous acts and partly to identify them if they did do something that was outrageous so there is some accountability.

Accountability is part of the trust relationship in government by and for the people. If you live in a land with an authoritarian King, you don't want accountability. The King doesn't want anyone to allege anything about anyone. But when the government is by and for the people, accountability matters. But it didn't exist in this case.

Within 10 seconds, the officer directed a canister at the 19-year-old's face and doused her with chemical spray.

The interaction illustrates how federal law enforcement officers use aggressive tactics against protesters who yell and needle officers but don't appear to present clear physical threats. That was the case even before Thursday's protest, when fights broke out between protesters and counterprotesters, leading to three arrests by Portland police.

A reporter from *The Oregonian*/*OregonLive* witnessed the immediate aftermath of the chemical blast, when protesters acting as on-site medics rendered aid to the 19-year-old and another protester who was also hit with chemical spray. A nearby Portland Police Bureau officer then called for paramedics.

The Department of Homeland Security did not immediately respond to a request for comment Friday on its tactics.

The *Oregonian*/*OregonLive*—
That is their online name—

has witnessed other uses of force by federal police against nonviolent protesters outside the South Portland building. To be sure, not all protesters at the ICE building since June have been peaceful. Federal and local police have arrested dozens of people at the build-

ing on allegations of assaulting officers and destroying government property, many of them at the outset of the protests in early summer.

Mayor Keith Wilson called for an investigation after the newsroom published video in September of Homeland Security officers seen repeatedly shoving, spraying and hitting protesters.

So, as this article points out, if you go back several months, there was some back-and-forth between folks who were protesting and the Federal agents, and the police took care of it. They were arrested.

I am not just sure exactly what is meant by destroying government property. It may have been graffiti. Maybe it was something else. But not that I have heard that there was any significant property destroyed. But that was months ago, and it was handled by local police. That is a normal—not great. I prefer all protesting to be absolutely nonviolent.

But what we have seen in the time that Trump has been sending these additional agents—that has been a time when virtually no one has been arrested because nobody has been acting out. They have been not playing the game Trump wants to play. They have not been taking the bait. They have been protesting with joy and with whimsy. It is very hard to argue that there is anything the local police can't handle when there aren't even any arrests because people are handing out pastries and bringing their puppy dogs down.

Then there is a report by Oregon Public Broadcasting. Oregon Public Broadcasting has been down covering demonstrations. They said that Federal agents asked the protesters to move back several blocks and the protesters did. There was no conflict between the protesters and the agents. Protesters were asked to move back, and they followed instructions.

Behind this line of Federal agents were videographers, professional videographers. What are they doing there? What is their role? They were waiting to take pictures when the Federal agents created a fake riot.

So after moving people back several blocks with absolutely no conflict, the officers got in a line across the street. The videographers are behind them, and then, on command, the officers throw down the flash-bangs, which erupt and sound like gunfire and lights flashing from them, they fire the pepper balls, and they release the teargas canisters, so there is smoke, and there is the sound of gunfire. The videographers are hungrily taping it all so they can get this fake riot and present it as if there was something real—a riot—going on.

I really don't know of any other time the government has deliberately faked a riot, but they did on this occasion. This is like the "Wag the Dog" movie, where an entire war is faked—only in this case, it was just a riot. I say "just a riot"—a riot trying to create the appearance of violence so they can con-

vince a judge to let them federalize Oregon's National Guard or move in the National Guard from elsewhere, to mislead the courts and to mislead the American people. It is governing by gaslighting.

This is the first time I know of in our history that a President staged a fake riot. It should never happen. Whose idea was this? I know; why don't we have a congressional hearing about it? Would any of my Republican colleagues get to the bottom of our government trying to fake a riot in order to increase their authoritarian power? Because I will partner with you in a microsecond to hold such a hearing.

True-blooded patriots should be terrified the government is faking scenes to try to provide evidence to the courts or to the American people that something is going on that simply isn't going on.

I think we have a poster here taken at KOIN 6 News. You see there was a woman—this woman—and she was talking to two officers, and they had asked her to get out of the way, and she had—all well and good.

And then the third officer walks up and just sprays her straight in the face. Just, wow, I mean, if you saw it on the video, you would go: Oh, my goodness, unbelievable.

I saw an interview of that woman later, and she said that it was extremely scary because she couldn't breathe.

She falls to the ground. She said: I didn't know if I was going to be able to draw the next breath—or some expression like that about what it is like to have that just shot directly into your eyes, directly into your lungs.

That type of deliberate provocation, wow, that is the Federal Government out of control—an authoritarian Federal Government trying to create reactions and violence in order to justify even more authoritarian power.

And Portlanders are not taking the bait.

Here is another example from Chicago. We have this pastor—this is cut in half; few seconds before, a few seconds after—a pastor in the traditional motion of praying, standing outside of a building by himself. He is obviously in a religious posture. He is wearing religious garb. There is no obvious resistance to any type of command. And he is shot—pow—right in the head. I believe that is a pepper ball shot, but I am not 100 percent sure. He reports that he was shot twice in the head and five times on the body.

Federal agents attacking a praying pastor, posing no threat, in a posture of prayer—shot by Federal agents up on top of the building. Maybe if they had an identifier on their uniform, they wouldn't be so callous in attacking a peaceful protester.

It is an extraordinarily dangerous moment—an authoritarian President proceeding to attack free speech, attack free press, weaponizing the Department of Justice, and use it against those who disagree with him, and then

seeking the court's permission to send the military into our cities to attack people who are peacefully protesting.

And this reporting from Time magazine about the military-style ICE raid on a Chicago apartment building, during which ICE agents zip-tied the children:

"Military-Style" ICE Raid On Chicago Apartment Building Shows Escalation in Trump's Crackdown.

Time magazine, Rebecca Schneid, October 4:

At around 1 a.m. on Tuesday morning, armed federal agents rappelled from helicopters onto the roof of a five-story residential apartment in the South Shore of Chicago. The agents worked their way through the building, kicking down doors and throwing flash bang grenades, rounding up adults and screaming children alike, detaining them in zip-ties and arresting dozens, according to witnesses and local reporting.

[The raid] has also drawn outrage throughout Chicago and the state of Illinois, with rights groups and lawmakers claiming it represents a dramatic escalation in tactics used by federal authorities in the pursuit of Trump's aggressive immigration crackdown.

Illinois Gov. J.B. Pritzker accused the federal agents of separating children from their parents, zip-tying their hands, and detaining them in "dark vans" for hours. Videos of the raid show flash-bang grenades erupting on the street, followed by residents of the building—children among them—being led to a parking lot across the street. Photos of the aftermath show toys and shoes littering the apartment hallways that were left in the chaos as people were pulled from their beds by the operation that included FBI and Homeland Security agents.

Pritzker condemned the raid and said that he would work with local law enforcement to hold the agents accountable.

Well, that raid was designed to be a provocation to the community to try to generate a riot and use the violence to justify more authoritarian control. But in the process, it demonstrated inappropriate and disproportional military assault on Americans in their apartment buildings, in their homes.

ICE's tactics in the city were also under the spotlight on Friday, when Chicago Alderperson Jessie Fuentes was handcuffed by federal immigration agents at a Chicago medical center after questioning agents about their warrant to arrest at the medical center.

Chicago's Mayor Johnson called ICE's tactics "abusive."

You don't win the hearts and minds of the people by turning the military on them. But if you want to be an authoritarian leader and you want to use the military, and our Founders were very, very concerned about that.

The attacks were so violent that a judge stepped in. And CNN had this report, by Laura Sharman and Carol Alvarado:

A judge in Illinois has temporarily blocked federal agents from using certain types of force and crowd-control measures against protesters, after video of a pastor being repeatedly shot by pepper balls during a demonstration outside at an ICE facility near Chicago drew widespread outcry.

The lawsuit alleges federal agents have shot, gassed, and detained individuals who have been protesting outside the ICE Deten-

tion Facility in Broadview for the last few weeks, preventing them from "exercising their First Amendment rights." The suit also claims the tactics infringed journalists' right to cover the protests.

The 14-day order took effect Thursday and applies to all DHS agents, including those with ICE and US Customs and Border Protection, in the district which encompasses Chicago and the Broadview ICE processing facility.

The judge also laid out specific protections for journalists covering the protests, blocking federal agents from arresting members of the press unless there is "probable cause to believe that the individual has committed a crime."

Reverend David Black of Chicago's First Presbyterian Church "stood in the street offering prayers" and urging ICE officers to repent, when he was repeatedly struck in the face by masked agents standing on top of the ICE facility, according to the lawsuit and video taken during the protest.

Black was "visibly attired in clerical garb" when "ICE snipers fired," the lawsuit said. "Moments later he was doused with chemical spray that ICE agents directed at his face."

Video obtained by CNN shows the pastor near the building with his arms outstretched when a cloud of smoke erupts from an explosion by his head, and he drops to the ground. Other protesters rushed to his aid and surrounded him. Another video shared with CNN shows masked agents pushing Black as he walks back and is then pepper sprayed in the face from close range.

Black told CNN's Erin's Burnett a large group of federal officers then "rushed out of the gate and began to shove us," describing their behavior as "indiscriminate" and "vicious."

The pastor insisted he and other protesters received "no warning" and claimed he could hear the agents laughing as they fired shots from the roof, calling it "deeply disturbing."

Yes, a man of God praying in front of a building, attacked by masked ICE agents. This is the picture of Trump's tyranny against the American people.

Unbelievably, Speaker MIKE JOHNSON doesn't seem to be too bothered by these violent attacks. He said:

I've not seen them cross the line yet.

We have seen images out of Chicago with Federal agents shooting faith leaders with pepper balls, the reporter said.

Where is the limit for you on what is acceptable conduct by Federal law enforcement and when is it incumbent on Congress to amend oversight on Federal law enforcement?

"I've not seen them cross the line yet," Johnson replied, saying there were some committees with jurisdiction over Federal law enforcement. "It has not risen to that level."

Well, where is the line, Speaker JOHNSON? Was the line crossed when the President abandoned due process and threw students out of the country for alleged comments on policy in the Middle East? Was the line crossed when the President proceeded to use the licenses and the power over mergers to tell broadcast media what they can put on the air?

Was the line crossed when a person was stopped on the street who had legal residence in the United States and sent to a prison in El Salvador where the only way out is a coffin? Was

that crossing the line with no due process? Was the line crossed when the President used the power over research grants and rules over foreign students who pay healthy tuitions in order to try to force the universities to become agents of the State and teach what the President wants them to teach? Was that crossing the line?

I ask Speaker JOHNSON if there is no line crossed when the President develops an enemies list and proceeds to turn the full power of the Justice Department to try to put that person into jail—is that not a line crossed? It is certainly not equal justice under law.

So many lines have been crossed, so many times. Attacking peaceful protesters, conducting a fake riot in an effort to deceive the court or deceive the American people that there was a riot when there was none.

The district judge in Oregon who adjudicated the order by Trump to federalize the Oregon National Guard said there is nothing close to rebellion. There is nothing close to an invasion. So the standard is not met. The standard in the law that allows you to federalize the National Guard.

So then Trump said: I am going to send the Federalized force from California and Texas to Oregon. They have already been federalized.

The same judge said: Same standard applies. Nothing close to rebellion. Nothing close to invasion. The standard has not been set.

So she put on a temporary restraining order on both efforts. This is a fundamental issue in the United States of America—that the military not being used against American citizens.

There is a standard in the law.

So, Supreme Court, wake up. Do your job in the framework of the Constitution and the laws of this land. Quit inventing new ways to create an authoritarian state.

Why am I so concerned that our Supreme Court has gone so far off track?

Well, last year, they found invisible ink in our Constitution. That is one reason to be concerned.

Maybe you can find it too. Why don't you take a look? Maybe you can show it to me. Maybe the Founders really put an extra clause in there that, you know, only appears when you warm it with a hot air dryer—though hot air dryers did not exist when the Constitution was written.

They had a case, Trump v. United States of America. The case stemmed from the first Trump administration. And in that case, the question was: Is the President above the law? Is the President immune from any potential criminal prosecution for actions in office?

And I thought, well, absolutely not. Our Founders were terrified that the President would be a King. Kings are above the law.

Kings are the law, but Presidents are not the law. And, yes, of course, they are accountable. There is nothing in article II, the section of the Constitution that addresses the executive

branch, that says: Well, the President, in order to make sure he doesn't have to worry too much, is immune from any prosecution for any crimes he might commit while acting on behalf of the government or acting in an official government act.

Yes, try to find that clause in the Constitution. Yes, I am pretty confident, not there. In fact, the Founders were the exact opposite. So those originalists on the Supreme Court, they are as bogus as a \$3 bill. They know how terrified the Founders were about the possibility of a President exercising authoritarian power. That is why they provided checks and balances.

While Congress writes the laws, Congress decides what programs are funded and how much they are funded. Congress decides if a person is suitable to an appointment at a high level in the executive branch. That is the separation of powers.

And I don't know if you might be able to find for me the early quotes that were in the introduction material, but I might read those again because they seem to be very relevant in this case.

But here we have the question going to the originalists on the Supreme Court. Of course they are going to vote 9 to 0, both the Justices who have been appointed by blue Presidents and Justices appointed by red Presidents. It won't matter because it is just so absolutely clear, and there is no clause in the Constitution that says the President is above the law.

But this Court, they decided to make the President above the law with their ruling. Not in the Constitution. They just decided to invent a standard, and their justification was: Oh, it is a stressful job, and we don't want the President to worry about whether they are committing a crime. So, essentially, they said: You are free. Commit any crime you want as long as you give a governmental justification. And then, with pardon power, everyone else in the executive branch is above the law too.

So there we have it. The Supreme Court has managed to completely unravel the accountability that the Founders were so determined to provide.

If they wanted the President to be immune from prosecution, they could have put that in the Constitution. If anyone else along the line had said: Hey, that is such a great idea. They could have proposed an amendment to the Constitution, and we could have voted on that.

Well, you know, if you have people of high character that you have enormous trust in, you might say: Well, that won't be too much damage. But what if the person is not of high character? What if the person is an authoritarian who already is demonstrating massive determination to break the law left and right?

So there it is. The Supreme Court proceeded to say that the President is

above the law. And now the President is acting like he is above the law. The Supreme Court has said he is, can't get in trouble for anything he does. People who work for him can't get in trouble as long as they stay on his good side because he can pardon them.

So we are in big trouble. But now a new case will go to the Supreme Court, and they might decide it this week by the shadow docket. And that case will be based on this question of whether the President, having failed to establish that there is either a rebellion or an invasion, can the President, nevertheless, federalize the National Guard against the wishes of the Governor?

I am afraid the Court will say, yes, even though the law clearly sets a standard, and the standard was not met. They will say: Well, yes, but the President says the standard was met, so therefore it is met.

Under that type of situation, you have swept all the standards out of the way. If you are saying, I don't know, in a construction code that you are supposed to have stairs that are a certain width, and the stairs are not that width, but the contractor says, "Yes, they are," is the Court supposed to go, "Well, the contractor said they are," even though it is not there? "Oh, gosh, they look twice as steep as allowed, but the contractor says they are the right measurements, so no big deal."

Well, it is a big deal, especially when it comes to deploying the military against American citizens who are protesting peacefully. That is a very big deal, indeed.

So I invite all 100 Senators here, 99 Senators, to stand with me, or 100 Senators to stand together to say: We will not accept attacks on due process. We will not accept attacks on freedom of speech. We will not accept attacks on freedom of the press.

I am quite confident that if a President said to FOX News: We are going to block your merger request and maybe suspend your license unless you put up the programming we want, there would be a whole lot of Senators down here—my colleagues across the aisle—saying: That is outrageous. But shouldn't they be equally outraged regardless of whether that broadcast network is on the left or right? Aren't we standing for a principle here in the Senate of the United States of America?

We have seen 10 months of this President making our country sicker and poorer, 10 months of personal corruption, selling access to himself through his crypto enterprises. I went out to protest on the street when he held a dinner for what I believe the final tally was, 230 people. He held a contest. He said the more money you give me over the next couple of months by buying my cryptocurrency, the better chance you have of being invited to a special dinner of 230 people at my golf club.

Well, so people around the world said: This is our chance to go see the President by buying enough of his cryptocurrency. These dollars going

into his pocket, we get access to him. The President, selling access to 230 people, no vetting, just straight-out corrupt sale of access.

You know, we had a vote here in the Chamber on all of us being banned from engaging in this type of corruption. I believe every Democrat voted yes, ban all of us from this type of crypto corruption. But virtually every single colleague across the aisle said: We want crypto corruption to continue to be allowed and voted against the bill or against the amendment.

That is a sad commentary on the Senate of the United States of America.

Ten months of slashing healthcare for families to fund tax giveaways for billionaires, 10 months of cutting nutrition for children to fund tax giveaways for billionaires. A runup of \$30 trillion additional in national debt over the next 30 years to fund tax giveaways for billionaires. It is a "families lose, billionaires win" vision, and it is not a good vision for our Republic. In fact, it is not a vision that comes from a republic; it is a vision that comes from an authoritarian government that said this is what they want and an acquiescent Congress that proceeded to provide it.

If we were actually a republic pursuing government by and for the people, then we would be doing the opposite. We would be passing legislation for families to thrive, not slashing their healthcare and their nutrition benefits. And we certainly would be asking the affluent to pay their fair share, rather than giving them trillions of dollars in additional tax breaks.

The big ugly betrayal of a bill has a lot in common with the President's authoritarian actions in this Nation. The authoritarian actions are an attack on due process, on free speech and free press and weaponization of the Department of Justice and certainly the effort to send the military in against peaceful protestors.

But if that effort involves, essentially, a government by and for the billionaires, then you see the connection to the big ugly betrayal of a bill because the policy agenda passed here was also all about billionaires win and families lose.

We should be 100 strong here in a vision for freedom, saying hell no to authoritarian oppression.

I have a letter here published in the Washington Post by Paul Bardack and Patrick Nichols, cofounders of the State and Local Human Rights Center. October 2, 2025.

President Donald Trump, while speaking to our nation's generals and admirals on Tuesday, noted his desire to use dangerous cities "as training grounds for our military." The Oct. 1 editorial "U.S. cities aren't meant to be military training grounds" argued against such an approach. So, too, would the founders of our nation.

When the U.S. Constitution was ratified in 1787, urban crime was already a well-known issue. As early as the 1750s, New York was already regarded as the most crime-ridden city

in the colonies, and a contemporary observer noted that, at the time the founders convened in Philadelphia, “the jails were full.”

Nonetheless, the Constitution’s framers rejected a federal police in their conception of our republic. Rather, except in the most exigent circumstances, states and localities were to police their own populace. As Alexander Hamilton wrote in *Federalist* No. 17 in 1789: “There is one transcendent advantage belonging to the province of the State governments . . . I mean the ordinary administration of criminal and civil justice.”

Certainly, the Constitution gives Congress the power of “calling forth the Militia” (what we today refer to as the National Guard). Title 10 of the U.S. Code allows the president to bring the Guard into federal service when the nation is invaded, in danger of invasion or during a rebellion. And the Insurrection Act of 1807 grants the president the power to deploy troops domestically to suppress an insurrection, domestic violence or conspiracy that obstructs law enforcement.

But the president’s and Congress’s power to do so are not open-ended. Both Title 10 and the Insurrection Act set a high bar for federalizing the guard; engaging in routine law enforcement is illegal and unacceptable. And to further drive home the point, the *Posse Comitatus* Act of 1878 prohibits the use of federal military personnel to enforce domestic policies.

(Mr. HAGERTY assumed the Chair.)

For nearly 240 years, in times of peace and war, presidents and Congresses have honored the vision of our nation’s founders. Trump should reverse course and do the same.

The writers are cofounders of the State and Local Human Rights Center.

This brings us to Chapter 7, titled “The Unraveling.” As I was commenting on the Founders’ grave concern about the use of the military, I quoted Hamilton, but I also wanted to quote James Madison at the Constitutional Convention. He warned that “A standing military force, with an overgrown Executive will not long be safe companions to liberty. The means of defense against foreign danger have been always the instruments of tyranny at home.”

In other words, an Executive who is ambitious is highly tempted to use the army, a standing army, against the citizens of the country and thus tyranny, “instruments of tyranny at home.”

We are trying to understand why the line has been so clear that you have to meet a high bar of a rebellion or an insurrection or invasion in order to use the American military domestically. That should explain it. That vibe of concern about it, instead being used by an authoritarian to basically engage in tyranny, not the protection of rights, but the abolition and crushing of rights of the American people.

This is Chapter 7:

On the afternoon of Saturday, February 13, 2016, a San Antonio newspaper reported that Supreme Court Justice Antonin Scalia died in his sleep while on a hunting trip in Texas. Social media erupted. Within minutes, a former Republican staffer and founder of the conservative legal publication *The Federalist* tweeted, “If Scalia has actually passed away, the Senate must refuse to confirm any justices in 2016 and leave the nomi-

nation to the next president.” Shortly afterward, the communications director for Republican [Senator LEE] tweeted, “What is less than zero? The chances of Obama successfully appointing a Supreme Court Justice to replace Scalia.” By early evening, Senate Majority Leader MITCH MCCONNELL issued a statement sending his condolences to the Scalia family but also declaring, “This vacancy should not be filled until we have a new president.”

On March 16, 2016, President Barack Obama nominated appellate judge Merrick Garland to fill Scalia’s seat. No one doubted that Garland was a qualified candidate, and by all accounts he was an ideological moderate. But for the first time in American history, the U.S. Senate refused to even consider an elected president’s nominee for the Supreme Court. As we have seen, the Senate has always used forbearance in exercising its advice and consent in the selection of Supreme Court justices: Since 1866, every time a president has moved to fill a Supreme Court vacancy prior to the election of his successor, he had been allowed to do so.

So this was the first time. This is the first time a U.S. Supreme Court vacant seat has been stolen from one President and delivered to the next.

But the world had changed by 2016. Now, in a radical departure from historical precedent Senate Republicans denied the president’s authority to nominate new justice. It was an extraordinary instance of norm breaking. Within a year, a Republican was in the White House and Senate Republicans got their wish: a conservative justice nominee, Neil Gorsuch, whom they quickly approved. The GOP had trampled on a basic democratic norm—in effect, stealing a Supreme Court seat—and gotten away with it.

This particular passage brings back memories for me because the last time that I stood on this floor and talked through the night was the night before Gorsuch was confirmed. And I said, if we proceed in this fashion, it is an injury to the Constitution for which there is no remedy because, if Democrats in the future do exactly the same thing, then they will be establishing the norm of each partisan party proceeding to block any Supreme Court’s appointment by President of the other party.

That is not our responsibility; that is not our charge. Our charge is to decide if a person is suited. And for the first time in U.S. history, this Chamber said there will be no debate and no vote on the nominee that President Obama had put forward. We were not proceeding to exercise our appropriate constitutional responsibility to weigh in on whether the nominee was indeed appropriate.

I remember one conservative Senator from Utah said, if only Obama would nominate Merrick Garland, then we could confirm him because that would be a reasonable nominee. Then Obama did nominate Merrick Garland, and yet, even that moderate was rejected for the possibility of being considered.

Now, it is not the case that the Senate has routinely confirmed nominees to the Supreme Court of the United States of America. In fact, quite the opposite. They have rejected quite a good share of the nominees over a couple hundred years. But they always debated, and they always voted.

Returning to the chapter at hand:

The traditions underpinning America’s democratic institutions are unraveling, opening up a disconcerting gap between how our political system works and long-standing expectations about how it ought to work. As our soft guardrails have weakened, we have grown increasingly vulnerable to antidemocratic leaders.

Donald Trump, a serial norm breaker, is widely (and correctly) criticized for assaulting America’s democratic norms. But the problem did not begin with Trump. The process of norm erosion started decades ago—long before Trump descended an escalator to announce his presidential candidacy.

In a 1978 congressional race in northwestern Georgia, a young Newt Gingrich made his third bid for office in a district outside Atlanta. After two previous failed runs as a self-identified liberal Republican, he finally won—this time as a conservative, capturing a district that hadn’t been in Republican hands in 130 years. Gingrich’s bespectacled academic look (he had been a history professor at a local university), his chirpy speech, and his thick mop of hair and bushy sideburns belied a ruthlessness that would help transform American politics.

In June of his 1978 campaign, Gingrich had met with a group of College Republicans at an Atlanta Airport Holiday Inn, wooing them with a blunter, more cutthroat version of politics than they were accustomed to. He found a hungry audience. Gingrich warned the young Republicans to stop using “Boy Scout” words, which would be great around the campfire, but are lousy in politics. He continued:

You’re fighting a war. It is a war for power . . . This party does not need another generation of cautious, prudent, careful, bland, irrelevant, quasi-leaders . . . What we really need are people who are willing to stand up in a slug-fest . . . What’s the primary purpose of a political leader? . . . To build a majority.

When Gingrich arrived in Washington in 1979, his vision of politics as warfare was at odds with that of Republican leadership. House Minority Leader Bob Michel, an amiable figure who carpooled home to Illinois for congressional recesses with his Democratic colleague Dan Rostenkowski, was committed to abiding by established norms of civility and bipartisan cooperation. Gingrich rejected this approach as too “soft.” Winning a Republican majority, Gingrich believed, would require playing a harder form of politics.

Backed by a small but growing group of loyalists, Gingrich launched an insurgency aimed at instilling a more combative approach in the party. Taking advantage of a new media technology, C-SPAN, Gingrich “used adjectives like rocks,” deliberately employing over-the-top rhetoric. He described Congress as “corrupt” and “sick.” He questioned his Democratic rivals’ patriotism. He compared them to Mussolini and accused them of trying to “destroy our country.” According to former Georgia state Democratic Party leader Steve Anthony, “the things that came out of Gingrich’s mouth . . . we had never [heard] that before from either side. Gingrich went so far over the top with the shock factor rendered the opposition frozen for a few years.”

Through a new political action committee, GOPAC, Gingrich and his allies worked to spread these tactics across the party. GOPAC produced more than two thousand training audiotapes, distributed each month to get the recruits of Gingrich’s “Republican Revolution” on the same rhetorical page. Gingrich’s former press secretary Tony Blankley compared this tactic of audiotape

distribution to one used by Ayatollah Khomeini on his route to power in Iran. In the early 1990s, Gingrich and his team distributed memos to Republican candidates instructing them to use certain negative words to describe Democrats, including pathetic, sick, bizarre, betray, antFLAG, antifamily, and traitors. It was the beginning of a seismic shift in American politics.

Even as Gingrich ascended the Republican leadership structure—becoming minority whip in 1989 and Speaker of the House in 1995—he refused to abandon his hard-line rhetoric. And rather than repelling the party, he pulled it to him. By the time he became Speaker, Gingrich was a role model to a new generations of Republican legislators, many of them elected in the 1994 landslide that gave the GOP its first House majority in forty years. The Senate was likewise transformed by the arrival of “Gingrich Senators,” whose ideology, aversion to compromise, and willingness to obstruct legislation helped speed the end of the body’s traditional “folkways.”

Well, this kind of brings us up to the current time that I am well too aware of. I don’t really want to read through all the details of this particular period. Let me just make a few observations about it.

I was told that when I came to DC as a Senator, I would see very different Senate from the one I witnessed as an intern—an enormous difference between 1976 and the Senate I witnessed working for Congress in the 1980s and coming back here in 2009 to take office. A huge piece of that was certainly the deep animosity between the parties and the determination of the minority really running both ways to paralyze the majority.

The Gingrich strategy was, Don’t try to get a few amendments into the bills that the other side has. It just makes them look good because they are getting stuff done, and it doesn’t create a case that shows they should be out of power and that you should be in power. So, instead, obstruct, obstruct, obstruct. Then make the case that they didn’t do the job well; therefore, elect us.

This was powerfully successful. The leader of the Senate said: Gingrich gives obstruction a good name.

But here in the Senate, the opportunity to obstruct is so much larger than in the House. We have nominations that take up a significant amount of time. So, by drawing out those votes, you can eat up a lot of time. In fact, that strategy employed by Democrats led to a nuclear option a couple weeks ago, in which, for the first time, we were doing blocks of nominees in a single vote. It had been done previously but only with unanimous consent; whereby, every Senator had looked at the list and said that none of them were objectionable. Now that list would include fully objectionable individuals who, by their quality of character or by experience, are totally unsuited to the posts to which they have been nominated, but they are just going to be floated in.

To me, it is a terrible abdication of the advice and consent clause of the Constitution and is, therefore, one

more check and balance that has been profoundly eroded, but it was triggered by all-out obstruction—slowing down the process—by the Democratic minority just as the Republican minority had done in previous Senates.

In addition, policy bills require 60 votes in the Senate to close debate. Now, this is an artifice that stems from a transition that began in the 1830s. That transition was southern Democrats giving up on the ability to have States nullify bills they didn’t like. They decided that the only way that was left for them was to stop bills from ever getting passed in the first place and, therefore, talk them to death, keep giving speeches on the bills, and then make a new motion. “I would like to refer the bill to committee” or to adjourn or to do this amendment or that amendment—each motion allowing two more speeches for each Senator under the original rule for the Senate; thereby, enabling the talking to go on infinitely and wrapping that ability to talk infinitely in the First Amendment, making it a glorious feature of the U.S. Senate.

It is a complete reversal of Jefferson’s guidance in the early Senate, which was embodied in his book of conduct for the Senate: to speak directly; to engage in no superfluous talk and proceed, therefore, to get to the nut of the question; to hear everyone; to make a decision and move on.

This was the opposite. This was glorified obstruction. This term that came to describe this ability to do endless speeches and glorify obstruction was the word “piracy,” utilizing the Dutch word “vrijbuitter,” which in Caribbean slang was “filibustero.” Thus, the pirates have taken over the Senate. So here we are with obstruction being routine by the minority of the majority to make the case they can’t govern, get out of the way.

Of course, it is reinforced emphatically by the different cable television channels that proceed to say: Our time, our side, our viewpoint is glorious and righteous, and their viewpoint is misguided and/or evil. Each side says that, which drives the two parties further apart, with social media proceeding to launch in on top of all of that, kind of cementing the differences.

If that is not enough, then money in campaigns used for slander attacks by dark money groups sometimes reveals who they are—and often don’t—but almost all of the money goes to slander attacks, more than half. What did I see? I saw that 70 or 80 percent is factually incorrect. It is just making up attacks on people and putting it out there because it works. When people hear horrific accusations against someone, it does, in fact, make them less likely to vote for that person because they don’t have the time and effort or the ability to figure out what is true and what is not true. So lies work. Negative advertisements work.

If you have been on the receiving end of such ads—and probably just about

everyone here has—that also hardens the opposition between the parties.

So there we are, caught in this cycle of obstruction. As I mentioned many hours ago, this strategy was really symbolized to me by a memo that I received in, I believe, April of 2009, written by Frank Luntz, a consultant who helped the Republican Party refine its pitch.

It said, in essence, whatever Democrats propose to improve healthcare, we will attack it and call it a government takeover. He went on to elaborate. They had done focus groups, and in these focus groups, they had proposed different phrases, and the one that got the biggest negative response was “government takeover.” So, regardless of whether a policy had any element of a government takeover, that was the term that was going to be used.

I came down to the floor here, in one of my first speeches, and said: This is scary. This is inappropriate. Have we really come to the point wherein the goal of, basically, nearly half the Senators is simply to obstruct and to misrepresent a policy because they don’t want anything to be improved? They don’t want the healthcare system to be improved? They just want to make sure that nothing good is done so they can kick out the majority party, and they can become the majority party.

The answer in the end, basically, in the 17 years I have been here, is that that is, yes, pretty much the answer; that for both sides, their top goal is to get back in the majority so they can do good things; but when they are in the majority, they are obstructed by the minority and the cycle continues and the frustrations continue. And the ineffectiveness of the Senate in addressing a rapidly changing world—well, that proceeds to feed cynicism about whether our model of government is up to the task.

So fixing this system to work better is a step in the direction of addressing better policies in this rapidly evolving economy and new technologies, and by so doing, affirming to folks that our system works; that we shouldn’t desire or seek out an authoritarian strategy for the future. Yet here we are, with that authoritarian strategy in full gear being deeply embraced—deeply embraced, certainly, by the President but also by the leadership tied to the President’s party.

That part I would so like to see changed. Let’s find a way to take ourselves out of this cycle of paralysis and animosity and actually say: So what are the ways that we can make the healthcare system work better? Let’s get it done regardless of who is in the majority. That would be a huge improvement that America would like to see.

Well, I am going to fast-forward to the next section, but I think I have summed up the challenges that have been raised but not all of them. One of the pieces is the spread of this use of

the filibuster into every crevice of our congressional operations.

Before 1965, this process of talking bills to death was basically done on the final passage of policy bills. It wasn't done on amendments; it wasn't done on motions to proceed to bills; it wasn't done on nominations, not because it couldn't be done but because the norms of the Senate were that you should not use this obstruction except on policy bills of great consequence that you passionately oppose, and, essentially, the bills that were the target of filibusters were civil rights bills.

Southern Democrats, who were determined to block civil rights from being restored—my party until my party changed. The Republican Party was founded as an anti-slavery party. So it was more supportive of ensuring civil rights for all Americans, but southern Democrats wanted to block the ability of southern Black Americans from being able to register to vote. So the filibuster was used mostly on civil rights issues, including issues regarding lynching and registration and voting and so forth.

After 1965, it was hard to say: Well, hey, this lost some of its racist taint. Barack Obama called it the Jim Crow relic because that is what it was used mostly for, was the oppression of civil rights, but it lost some of its taint after 1965. It started to be used gradually and more rapidly until you basically couldn't sneeze here without facing a new version of the filibuster.

Now, the old version was you talked a bill to death with new motions, new speeches, and never allowing it to get to a final vote, but then that changed dramatically when we had a battle in 1917 over arming commercial ships. That battle was because Woodrow Wilson wanted to arm them, but a small group of Senators said: You know, if you arm commercial ships, that means we are going to be using arms against German submarines or German ships that are threatening ours, which means we will be in war. There has been no declaration of war, so this is an overstep of Presidential power, and we should not do this.

That view was held passionately by a few but was the clear minority position. It is a small group that felt so strongly about it, but they used the filibuster up to the transition of government in 1917. That transition then occurred in March, not in January as it does now.

La Follette of Wyoming was leading the opposition, and he wanted so badly to speak in the final moments up to 12 noon when the government was going to change over because of the transition between Presidencies. He got so frustrated that he took one of these brass urns that are relics themselves—they are basically spittoons for people to spit their tobacco into back when tobacco was allowed to be chewed here on the floor of the Senate. He took one of those urns, and he threw it across the well of the Senate. That is how

frustrated he was. The well of the Senate is this space in front of me right now that curves around and has tables in it. It is hard to imagine somebody grabbing one of those spittoons and tossing it across the well in frustration, but that is how much he wanted to give the final speech to kill this bill.

But Wilson, President Wilson, immediately and effectively vilified what La Follette was doing. He referred to a small band of men—and had some nice, fancy language in it—obstructing the entire will of the Nation as embodied in this great institution and how this institution could not go forward to address the issues that it was facing unless it restored its ability, which led immediately, upon reconstitution the next couple of days, to a new rule that said you could close debate if a supermajority of the Senate calls for it to be closed. So no longer could a small band of willful men bring this great Senate to a standstill.

That ability—or that requirement to close debate then led to: Well, OK, Great. If we get a group of—well, once we had 100 Senators, 41 Senators—initially, it was a smaller group. You needed two-thirds of the Senate in order to close debate, so you basically needed 34 Senators who would agree to obstruct in order to keep the debate going, and that changed later on to a lower number.

But the point is that you now had this rule that tempted people to hold out the ability to close debate until they got their way, so it added to kind of a level of paralysis. It provided a solution to a small group, but it provided a temptation to a larger group to obstruct the ability of the Senate to go forward. Then when that same power was taken up by the parties, it became quite a tool for the minority to wield against the majority.

But, again, until 1965, it was basically rarely used on anything except civil rights, but then it started to be used on amendments and motions to proceed. Because it was designed to be used rarely, it was therefore designed to take up a lot of time. You have to file a petition to close debate at the desk. You have to wait an intervening day in order to vote. After you vote to close debate, you still have to allow another 100 hours of debate. That was later lowered to 30 hours of debate. But when this is done routinely, it just absolutely eats up the Senate's time, and the Senate can't function.

So this chapter, "The Unraveling," is kind of saying how we got into this big mess of mutual assured obstruction of the minority against the majority and the challenge that we have to get out of that cycle of deliberate obstruction if we are going to be able to meet the challenge of addressing the issues in a fast-changing society.

Let's talk about another big challenge, and that is the weaponization of the Justice Department. When Donald Trump was campaigning for President in 2023, he told his followers:

I am your retribution.

Retribution is exactly what we have seen since he returned to the White House. One recent example has been the indictment of Trump's former National Security Advisor John Bolton.

Bolton wrote in his memoir that Trump is "stunningly uninformed" and easily manipulated by foreign leaders—well, not something that sure made Trump happy, to have John Bolton say that.

After working for Trump, Bolton said:

I don't think he is fit for office. I don't think he has the competence to carry out the job.

Bolton was just one of the many Trump critics who is now in Trump's crosshairs.

New York Magazine published a piece in April about these fears titled "Trump Threatens to Imprison Critics—and Bondi Might Do It." It is written by Elie Honig, April 11 of this year.

Donald Trump's presidential payback tour rages on, and now it's personal. It's one thing to target multibillion-dollar law firms, universities, and media outlets for organizational retribution; those efforts, aimed at stifling and punishing any criticism or dissent, are reprehensible in their own right. But now Trump is going after individual private citizens, using the might of the executive branch to potentially throw his detractors in prison.

In a pair of official proclamations—rendered no less unhinged by the use of official fonts and White House letterhead—Trump identifies two targets who worked in the federal government during his first tenure and dared to speak out publicly against him. First: Chris Krebs, who led the Cybersecurity and Infrastructure Security Agency from 2018 to 2020 and made headlines when he publicly contradicted Trump's false claim that the 2020 presidential election was stolen. For this act of heretical truth-telling, Trump labels Krebs "a significant bad-faith actor"—whatever the hell that means—who poses grave "risks" to the American public.

And then there's Miles Taylor, a former Department of Homeland Security official who publicly criticized the president in an anonymous book and various media appearances. Taylor, like Krebs, purportedly poses "risks" to the United States, is a "bad-faith actor" (though apparently not a significant one like Krebs), and "stoked dissension" with his public commentary.

Are you scared? Don't you fear the "risks" posed by these two monsters?

True to the form he has displayed when going after disfavored law firms, Trump hits below the belt. The president ordered security clearances stripped not only from Krebs and Taylor but also from everyone who works with them (Krebs at a private cybersecurity firm, Taylor at the University of Pennsylvania). He's punishing his targets—plus their employers and colleagues, First Amendment freedom of association be darned.

Those comments are not mine. I am just reading the text here.

It gets worse. In a separate set of orders, Trump directed the attorney general to open criminal investigations of Krebs and Taylor. Notably absent from the orders is any plausible notion that either might have committed a federal crime. This hardly needs to be said, but it's not a federal crime to be a "bad-faith actor," [it is not a federal crime]

to “stoke dissension,” or even to be a “wise guy,” as Trump called Krebs from the Oval Office.

The next move is Pam Bondi’s—and we know how this will go.

Any reasonable, ethical attorney general would follow the bedrock principle that a prosecutor must have “predication”—

A “fancy word”—“fancy word” in quotes—

some kernel of fact on which to believe a crime might have been committed—[in order] to open a criminal investigation. The bar is low, but it serves the vital purpose of preventing precisely the baseless retributive inquests that Trump has now ordered up. In observance of this foundational precept, even Bill Barr—the subject of sharp criticism in my first book, *Hatchet Man*—generally ignored Trump’s public pleas for the arrests of Barack Obama, Joe Biden, and others. Like the exhausted parent of an unruly toddler, Barr would mostly sit back and let the tantrum pass.

Don’t count on Bondi taking the same course of passive resistance to the president. She has already shown her true colors, and they’re whatever shade Trump pleases. . . . [D]espite the distinct possibility of criminality by top administration officials around the Signal scandal, the AG refused even to investigate. Instead, she decreed—after zero inquiry, with zero evidence—that information about military attack plans was somehow not classified, and that nobody had acted recklessly. Case closed; no inquiry needed.

Even if the DoJ investigates but concludes it cannot bring a criminal charge, the threat to Krebs and Taylor is real. Any criminal inquiry takes an enormous toll on its subject; subpoenas fly, friends and colleagues get pulled into the grand jury, phones get seized and searched, legal costs mount, professional reputations suffer, personal ties fray. Ask anyone who has been investigated by the Justice Department but not indicted. They’ll tell you it’s a nightmare.

Trump has long made a habit of threatening his opponents with criminal prosecution through social-media posts and spontaneous outbursts from the lectern. Until now, it was mostly bluster, a public form of scream therapy for the capricious commander-in-chief. But now it’s in writing, from the president to the attorney general, who typically jumps to attention to serve whatever suits the boss, prosecutorial standards be darned. Trump’s dark fantasies are coming to life.

Most of us haven’t heard of these individuals: Miles Taylor, a Homeland Security official who criticized the President in a book; Krebs, who led the Cybersecurity Agency for 2 years and simply contradicted Trump’s false claim that the Presidential election was stolen. Are those people to go after? They are not influential in the broader sense of being widely read, well known. But taking and launching a criminal investigation out on them when you have no evidence of a crime? You are just going on a—well, on a witch hunt. Ah, the term that Trump loves to use so much when there is actual evidence, but now, here, there is no evidence. He is just going to make those folks miserable—miserable—and maybe break the bank for them because they will have to spend all their money—might have to spend all their money, their resources, their sayings, on lawyers.

That is a pretty brutal use of the power of the Federal Government, and

it not only hurts those it is directed against directly, it sends a message to everyone else—a message which says: You mess with me, you criticize me, you might be the next person that I tell the Attorney General to launch an aggressive criminal investigation against even if I have no evidence you have done anything wrong.

That was in April. In September, the New York Times published a piece titled “Trump Demands That Bondi Move ‘Now’ to Prosecute Foes”—September 20, so basically a month ago.

He said—or, really, I guess the term is “demanded” that his Attorney General move quickly to prosecute figures he considers his enemies—the latest blow to the Justice Department’s tradition of independence.

“We can’t delay any longer, it’s killing our reputation and credibility,” Mr. Trump wrote in a social media post addressed to “Pam,” meaning Attorney General Pam Bondi. “They impeached me twice, and indicted me (5 times!), OVER NOTHING. JUSTICE MUST BE SERVED. NOW!!!”

Mr. Trump named James B. Comey, the former FBI director; Senator ADAM B. SCHIFF, Democrat of California; and Letitia James, the New York attorney general, saying he was reading about how they were “all guilty as hell, but nothing is going to be done.”

Asked later by reporters about his message for Ms. Bondi, Mr. Trump said, “They have to act. They have to act fast.”

Even for a president who has shattered the traditional norms of maintaining distance from the Justice Department, Mr. Trump’s unabashedly public and explicit orders to Ms. Bondi were an extraordinary breach of prosecutorial protocols that reach back to the days following the Watergate scandal.

His demands came a day after he ousted the federal prosecutor who failed to charge two of the adversaries he most reviles, Ms. James and Mr. Comey, showing how far Mr. Trump has gone in exerting personal control over the Justice Department and breaching the longstanding norm about keeping politics at a distance from law enforcement.

It goes back to those words above the Supreme Court: “Equal Justice Under Law.” You are not targeted because the government doesn’t like what you say. You are not targeted because you insult the President. No. No. You are targeted because there is evidence that you did something wrong, and like anyone else who did something wrong, you are investigated, but not because you are on the President’s enemies list.

That is the weaponization of the Justice Department that is so concerning. It is a feature of the authoritarian state: Use the power of government to go after individuals, causing them to flee the country, causing them to reverse their statements, causing them to spend vast sums on attorneys fighting the allegations, maybe destroy their career.

And this little bit that we read about, how in one instance the Federal Government took the security clearances not just away from the two men but the people they worked with—well, nobody is going to hire you if you are going to kind of create a problem for the entire group to have their security clearances.

So it is a collective punishment: other innocent people brought into the

attack strategy, all aimed at suppressing dissent, all aimed at undermining opponents and encouraging people not to say what they think.

I used to say one of the great things about America is that you can stand up and criticize the most powerful man in the country—as long as you have your facts straight—and you get to do it because we have free speech. You get to express what you believe. You aren’t in a country where you get disappeared or where you get targeted. But now I can’t say that because we are in a country where you do get targeted because the President is targeting people because of what they say about him or because they have played a role in the past.

This is fabulously out of sync with freedom in our country—freedom of speech, freedom to air your views—which makes for a much healthier country, to have honesty in what we are observing so that people can act according to the insights that are produced.

In a different social media post later on Saturday—

I am returning to the text here—

Mr. Trump defended Ms. Bondi, saying she was doing a “GREAT job,” but that she needed a “tough prosecutor” in the Eastern District of Virginia, where Erik S. Siebert, was abruptly forced from his post atop the U.S. attorney’s office on Friday. Mr. Trump said he would nominate Lindsey Halligan, a special assistant to the president who was on his personal legal team, to fill the role.

Ms. Halligan, who spent much of her career as an insurance lawyer, has never been a prosecutor.

Mr. Siebert’s exit deepened troubling questions that have arisen in recent months about the politicization of the Justice Department’s supposedly self-governing satellite offices.

But it also raised a blunter and more immediate issue: Which of the nation’s U.S. attorneys might be next?

Beyond their efforts to push out Mr. Siebert, whose inquiries into Ms. James and Mr. Comey effectively fizzled out, administration officials have also ramped up pressure against Kelly O. Hayes, the U.S. attorney in Maryland, according to three people familiar with the matter.

Ms. Hayes, a career prosecutor who has spent more than a decade in that office, is leading inquiries into two other vocal critics of Mr. Trump: Mr. SCHIFF, who has been accused of mortgage fraud by Mr. Trump’s allies; and John R. Bolton, Mr. Trump’s former national security adviser, who is facing scrutiny over allegations of mishandling classified information.

Recently, Ms. Hayes told associates that she was under no illusions of the pressure she would face if she refused to bring a case she believed to be unsupported by evidence, as Mr. Siebert did, according to people with knowledge of those conversations. And while she signed off last month on asking for a warrant to search Mr. Bolton’s home in Bethesda, Md., she has indicated that she would not bring charges against Mr. SCHIFF unless her team discovered evidence to support them.

Mr. Trump’s campaign against U.S. attorneys, who oversee offices in 93 federal districts across the country, is an extension,

even an escalation, of the early purge that his top political appointees carried out at the Justice Department headquarters and the FBI against those who worked on the criminal cases brought against him before he returned to power.

In other words, you investigated me because there was evidence of a crime. I am coming after you now—retribution. And in other cases, it is you disagreed with me and said the 2020 election was, in fact, valid. I am coming after you and your officemates on top of that.

This is a dictator. This is not a President. This is a dictator. This is a tyrant, a man who is proceeding to wipe out due process, to attack free speech, to attack freedom of the press, to weaponize the Justice Department, to seek to send the military in to attack peaceful protesters and have that military available in the future to suppress dissent—a man who, in the weaponization of the Justice Department, is operating on the mode of “anyone who played a key role in the government when they investigated me, I will go after them; anyone who disagrees with what I say, I will go after them. Everyone beware of what you say.”

President Trump, why don't you pick on me? I am criticizing you all through the night.

It is important to understand that when you criticize the President, you are at risk of being targeted. That is tyranny. That is not freedom. And together, Democrats and Republicans should respond and say this is 100 percent unacceptable. Democrats and Republicans together should take the case to the President and say: You know about how you are stealing the power of the purse? Not going to happen anymore.

We have proposed a clause that would be in any continuing resolution that would say whatever has been agreed to in a bipartisan fashion can only be undone in a bipartisan fashion. So if something is adopted in a standard appropriations bill that has a 60-vote requirement, it would take 60 votes to undo it. We proposed that because that way we are honoring the deal struck between the two parties. That is basically to stop the strategies of the President stealing the power of the purse and canceling programs after the fact.

That is a reasonable request: to honor the constitutional power invested in Congress. And I will keep raising that question, keep inviting my colleagues across the aisle: Let's join together, Democrats and Republicans together, to save our Republic.

This is not the vision of the Nation that I think any single Member of this body believed in when they were elected, a vision in which the rights of Americans are compromised, where freedom of speech is no longer existent because you can be criminally prosecuted on a whim by the President when there is no evidence of a crime.

Continuing with this article:

But his latest demand for the prosecution of his foes also underscores how his desire for retribution against those who pursued him after his first term remains as intense as ever, and how he appears to feel less constrained by political and legal norms in imposing payback.

Given that these prosecutors' offices are where federal cases are filed on a day-to-day basis, the move strikes at the nuts-and-bolts foundations of the criminal justice system. It seems intended both to create a frictionless path for prosecutions of those who have run afoul of Mr. Trump, and perhaps to provide the White House with a tool it could use to set aside or slow cases it would like to see disappear.

White House interference in the work of U.S. attorneys was once considered such a taboo that former Attorney General Alberto R. Gonzales, who served under President George W. Bush, resigned in scandal after the Justice Department fired nine U.S. attorneys in 2006 for what were perceived to be political reasons.

But Trump's reaction to Mr. Siebert's ouster could not have been more different.

Several people, including Ms. Bondi and Todd Blanche, the deputy attorney general and the president's former defense lawyer, lobbied hard to keep Mr. Siebert in place, arguing that he had been an efficient and cooperative partner on immigration and crime enforcement in Washington's southern suburbs.

But Mr. Trump responded to repeated entreaties by saying, “I don't care,” according to a person with knowledge of the matter. His position seemed to be that he had been warned several times during his first term about firing U.S. attorneys, given that it could have put him in jeopardy, and he ended up being investigated after leaving office anyhow, the person said.

Well, this article goes on to provide additional detail, but it says, nearer its end:

Since returning to office, Mr. Trump and his allies have often sought to justify their attacks on U.S. attorneys by claiming that the justice system under President Joseph R. Biden Jr. had been weaponized against his predecessor.

Still, there is no evidence that federal law enforcement officials in the Biden administration were strong-armed into bringing or dropping prosecutions for what were overtly political reasons. Nor were there any high-profile resignations by U.S. attorneys under Mr. Biden that were similar to Mr. Siebert's resignation on Friday.

(Mrs. MOODY assumed the Chair.)

So the attorneys followed the facts—what they are supposed to do—without encouragement or influence from the President, under Biden, and now they are being instructed—as opposed to no influence and no instruction, they are being instructed who to go after.

So much has gone on that it is hard to track it. In these various categories, we have talked about that even in the weaponization of the Justice Department, some of the cases are against individuals that the President has on his enemies list; others are after career employees who aren't doing exactly what the President wants to pursue those criminal investigations against people on the target list.

Then we have more going on. The Department of Justice fired attorneys and other staff who were involved in the

January 6 investigations and prosecutions.

So we have the criminal prosecutions of people on Trump's enemies list, we have the firing of attorneys in the prosecutor's office, and now we have the firing of attorneys and staff who were involved in the January 6 investigations.

More than a dozen FBI agents were fired because during 2020, they had kneeled with protestors in the wake of George Floyd's murder, and Trump publicly called for investigations into other political enemies, as we have seen.

The Comey indictment has received a particularly significant amount of attention. The Brennan Center provided some input on this:

The power of the prosecutor is tremendous, impacting the life and liberty of those whose conduct brings them within the criminal justice system. Prosecutors decide who gets charged and what crimes they get charged with. They make influential recommendations about sentencing. That's why it's essential for prosecution to stay independent of politics. Justice demands that prosecutors make decisions based solely on the facts and the law, and without fear or favor. No one can be above the law or unfairly subjected to it.

New federal prosecutors learn about former attorney general and Supreme Court justice Robert Jackson's views, which, although stated in 1940, resonate powerfully today:

[The prosecutor's] discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimations. . . . The prosecutor can order arrests, present cases to the grand jury in secret session, and on the basis of his one-sided presentation of the facts, can cause the citizen to be indicted and held for trial. . . . While the prosecutor at his best is one of the most beneficent forces in our society, when he acts from malice or other base motives, he is one of the worst.

There were echoes of Jackson's warning last week when the Justice Department indicted one of the president's political opponents. Lindsey Halligan, President Trump's former personal lawyer and newly installed U.S. attorney in the Eastern District of Virginia, went to the grand jury, apparently alone, to indict former FBI Director James Comey for allegedly lying to Congress and obstructing a congressional investigation.

Trump turned to Halligan after her predecessor—Erik Siebert, an experienced career prosecutor whom Trump himself had tapped to lead the office—declined to prosecute Comey due to insufficient evidence.

So a seasoned prosecutor, a career prosecutor whom Trump himself had tapped to lead the office, said there was insufficient evidence to prosecute Comey and declined to do so.

But there is credible reporting that prosecutors in the office had serious concerns about the case. That prompted Trump to put out a Truth Social post that read [more] like a text message to Attorney General Pam Bondi than something you would expect to see from the president on social media.

Pam: I have reviewed our 30 statements and posts saying, that, essentially, “same old stories last time, all talk, no action. Nothing is being done. What about Comey? What about Adam “Shifty” Schiff, [what about] Letitia??? They are all guilty as hell. Nothing is going to be done. Then we almost

put in a Democrat supported U.S. Attorney, in Virginia, with a really bad Republican past. A WOKE RINO, who was never going to do his job. That's why two of the worst Dem[ocrat] Senators PUSHED him so hard. He even lied to media and said he quit, and that we had no case. No, I fired him, and there is a GREAT CASE, and many lawyers, and legal pundits, say so. Lindsay Halligan is a really good lawyer, and likes you, a lot. We can't delay any longer, it's killing our reputation and credibility. They impeached me twice, and indicted me (5 times!), OVER NOTHING. JUSTICE MUST BE SERVED, NOW!!! President DJT.

This level of Presidential interference and prosecutorial decision making contradicts everything our country has done in the post-Watergate era to protect against corruption of the justice system.

So fired FBI agents, directing the Attorney General publicly to go after folks that he doesn't like, going after attorneys who don't prosecute in a fashion—there is a lot. A lot. Article after article.

This one I actually make an additional element I wasn't so familiar with.

In late September, President Trump signed an executive order purporting to designate "Antifa" as a "domestic terrorist organization." A few days later, he issued National Security Presidential Memorandum 7 (NSPM-7) on Countering Domestic Terrorism and Organized Political Violence. This analysis evaluates the claims made in these documents and their potential damaging effects, drawing on the Brennan Center's decade of work on the government's framework for responding to terrorism, both foreign and domestic.

Both the order and the memo are ungrounded in fact and law. Acting on them would violate free speech rights, potentially threatening any person or group holding any one of a broad array of disfavored views with investigation and prosecution.

So this is another weapon—another aspect of the weaponization of the Justice Department. If you think that there is a philosophy you don't like—and in this case, antifa is more philosophy than organization. Calling it a domestic terrorist organization puts individuals and their free speech at great risk.

The memo from the Brennan Center goes on to note all the details about how this doesn't stand up to take any—to being basically used to suppress domestic dissent, free speech, by labeling a domestic group a terrorist organization.

Building on its framing of the threat from anti-fascism as a wide-ranging conspiracy and domestic terrorism, NSPM directs government agencies to go after "all participants in these criminal and terroristic conspiracies—including the organized structures, networks, entities, organizations, funding sources, and predicate actions behind them.

The memorandum directs Joint Terrorism Task Forces (JTTFs) to "coordinate and supervise a comprehensive national strategy to investigate, prosecute, and disrupt entities and individuals engaged in acts of political violence and intimidation designed to suppress lawful political activity or obstruct the rule of law."

Of course, whenever there is criminal activity, hell yes, enforce the law, but

if you are putting a major label on a group because of their viewpoints, that is something entirely different. So that certainly deserves close examination as another facet.

This one—a little more complicated and not feeling like the total framework is completed as to how this is intended to be used or acted on and how it will affect those who might have anti-fascist views, but it certainly appears like it is a strategy to take folks you disagree with and label them a terrorist threat when there could be absolutely no such threat at all.

Finally, let me read a message from the organization Justice Connection, a group of former career employees from the Department of Justice who left DOJ either voluntarily or involuntarily because of actions in the Trump administration. "Urgent Message from Recent DOJ Alumni Decrying Attacks on Justice Department." It is a two-page letter.

Madam President, I ask unanimous consent that the Justice Connection letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Justice Connection, Oct. 6, 2025]

URGENT MESSAGE FROM RECENT DOJ ALUMNI
DECRYING ATTACKS ON JUSTICE DEPARTMENT

We are 292 former career employees who proudly served our country at the Department of Justice. From prosecutors, special agents, and intelligence analysts to immigration judges, grant managers, civil rights attorneys and more, we all carried out our duties faithfully, regardless of who occupied the White House. Until we no longer could.

Each of us left the Department, either voluntarily or involuntarily, because of actions taken by this administration.

Our fidelity to the Constitution and our dedication to our country did not end when our jobs did. Now that we've left the Department, we believe it's our duty to sound the alarm about this administration's degradation of DOJ's vital work, and its assault on the public servants who do it.

It is incumbent on all of us to fight for the Justice Department before it's too late.

DOJ's mission is to "uphold the rule of law, to keep our country safe, and to protect civil rights." It's failing on all three fronts:

The Justice Department cannot uphold the rule of law when it carries out the President's retribution campaign and protects his allies; violates court orders and evades due process requirements; directs attorneys to violate their ethical responsibilities; and fires its employees without notice or cause in violation of civil service laws.

It also cannot keep our country safe when it ousts FBI employees, prosecutors, national security experts, and ATF officials; shuts offices that prevent community violence and dismantle drug trafficking operations; purges the attorneys who enforce laws that protect the environment; and shifts highly trained special agents away from counterintelligence and counterterrorism.

And it cannot protect civil rights when it drives out 75% of attorneys from the Civil Rights Division and refuses to enforce the nation's civil rights laws as Congress intended, using them instead as a cudgel against marginalized groups.

The administration is taking a sledgehammer to other longstanding work the De-

partment has done to protect communities and the rule of law, too. Its plans to eliminate the Tax Division which saves the country billions of dollars by pursuing tax evaders, will leave us poorer. Gutting the Public Integrity Section and FBI public corruption squads has paved the way for government graft. Cancelling hundreds of millions of dollars in grants has left at-risk communities less protected and crime victims less supported. The list could go on.

As for its treatment of its employees, the current leadership's behavior has been appalling. This administration's lies about the "deep state" and exaggerations about government inefficiency have eroded the respect our country once held for public servants. And demonizing, firing, demoting, involuntarily transferring, and directing employees to violate their ethical duties has already caused an exodus of over 5,000 of us—draining the Department of priceless institutional knowledge and expertise, and impairing its historical success in recruiting top talent. We may feel the effects of this for generations.

The Justice Department's backbone has always been its career workforce, and those who were part of it are best positioned to explain why the current leaders' actions are catastrophic for the nation.

We call on these leaders to reverse course—to remember the oath we all took to uphold the Constitution—and adhere to the legal guardrails and institutional norms on which our justice system relies.

We call on our fellow alumni to join us in sounding the alarm, and in mobilizing to support our colleagues still there. They deserve respect and gratitude, neither of which they're getting from this administration.

We call on Congress to exercise its oversight responsibilities far more vigorously. Members in both chambers and on both sides of the aisle must provide a meaningful check on the abuses we're witnessing.

And we call on all Americans—whose safety, prosperity, and rights depend on a strong DOJ to speak out against its destruction.

Our democracy is only as strong as the rule of law, and the rule of law can't survive without the principal institution that enforces it.

Mr. MERKLEY. Urgent message:

We are 292 former career employees who proudly served our country at the Department of Justice. From prosecutors, special agents, and intelligence analysts to immigration judges, grant managers, civil rights attorneys, and more, we all carried out our duties faithfully, regardless of who occupied the White House. Until we no longer could.

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DOJ's mission is to "uphold the rule of law, to keep our country safe, and to protect civil rights." It's failing on all three fronts.

Madam President, I see a colleague has arrived on the floor, and I am happy to interrupt the reading of this letter. But because of your own background, I suspect you might possibly have some questions related to some of these miscarriages of justice.

I see my colleague from Minnesota is on the floor, and I would welcome a question if she has one.

Ms. KLOBUCHAR. Will the Senator from Oregon yield?

I have one question, and it is about just the Justice Department. We just got the shocking news yesterday—every single day, something happens—that once again, the President is treating the Justice Department as his own personal law firm. He has now asked for—and this might have been while the Senator from Oregon was speaking—the President has now requested \$230 million back from the taxpayers of this country, off of their backs, to line his own pockets—or he says now to give to a charity of his choice. And to me, this is just another example of how he keeps considering the Justice Department as it should be—not as the people's lawyer but as his own lawyers. In fact, he has installed his own lawyers there.

He has done everything from deciding to pardon George Santos and pardon his friends to prosecute his so-called enemies, including firing career prosecutors to allow him to install a White House aide to go after his enemies.

And so one of my obsessions with having watched this from the Judiciary Committee is just how that can be justice. And I think it does tie in with everything else that is happening.

You know, he is focusing on getting \$230 million that he doesn't deserve back into his pocket, instead of helping the American people get healthcare. He is focused on helping his pals and his friends and going after his enemies, instead of doing the work for the American people that he was elected to do.

So I would just like to have my colleague from Oregon answer a question about how he sees this Justice Department fraud and what is happening over there as related to how the President isn't doing anything for regular people and, instead, he is helping his pals.

Mr. MERKLEY. Well, I thank so much my colleague and friend from Minnesota and the expertise you bring on the Justice Department. As a lawyer, you have the background, and you serve on the committee that has this jurisdiction. And I, as a nonlawyer, can tell you, I am just absolutely shocked and stunned. I have thought that the norms that we have in America are norms that make a great deal of sense because they have a value associated with them, and that value is the fair administration of justice without prejudice, the fair administration without targeting political enemies.

I think, oh, I read about the targeting of political enemies that happened in some country far away, where a president who didn't share the values that we have here in the United States of America went after their political enemies by falsely pursuing them in a criminal sense. But then I realized, no, that is happening right here in the United States of America.

And you made reference to a situation that I believe I may have heard about—I may have this wrong—in which the President is actually suing

the government and then instructing his Department of Justice to settle the suit, thereby transferring money into the President's pocket and out of the government.

I mean, are you kidding me?

A President of the United States: I will file a suit against the government, and then I will tell the Justice Department to pay it off and put that money in my pocket.

I mean, I was stunned by reading that new version. There is no limit to the self-serving.

I must say, in that case, it is money, but when the President has an enemies list and when the President instructs Pam Bondi, the Attorney General, to go and find something on that person in order to make their life miserable, this is absolutely horrific because it is not just about targeting that person, which is bad enough, it is about suppressing dissent or enforcing loyalty—suppressing dissent by anyone else and saying to everybody else: You better do exactly what I say. I can issue a pardon if you do what I say. And, it is illegal, but I can issue a subpoena and prosecute you if you violate it—well, if you fail to do exactly what I want.

Ms. KLOBUCHAR. And will the Senator from Oregon yield for a question?

Mr. MERKLEY. I would love to yield for another question.

Ms. KLOBUCHAR. So when you look at how this all started, I think about all of these people who have stood up—and you are standing up today. I think about career prosecutors in the Justice Department who have basically said: No, I am not going to do the bidding of the President, whether I was appointed during a Republican Presidency or a Democratic Presidency, whether I personally vote Republican or vote Democrat. I have a job to do, and that is to follow the laws of the United States.

And I think the real first indication of this, where people realize just how off the cliff this was going, was when, in fact, there was pressure put on career prosecutors in New York to dismiss these charges that had been the result of a long investigation involving Mayor Eric Adams.

And what I remember from that time was that Danielle Sasso, who was a very, very well-respected, conservative prosecutor, someone that came up through the Federalist Society, who had clerked for conservative Justices, she decided to resign rather than do their bidding, because she felt that it wasn't consistent with the law, that it was against the law.

And then, another career prosecutor named Hagan Scotten, who was a decorated veteran, who had clerked for then-Judge Kavanaugh and Justice Roberts, he said when asked to file a motion in that case: You may find a fool or a coward to file that motion, but it won't be me.

And those words always echo in my mind.

I say to the Senator from Oregon as he stands up today, of these people

through these last months, whether it is standing to march with their kids on their hips, whether it is to stand up, as so many of us have done in this Chamber to fight for healthcare, whether it is people who, like the statistician at the Labor Department, simply doing her job, willing to stand up and give the facts of what the job numbers were—and then the President didn't like it and had her fired, which I always thought was ironic when it is about job numbers, and then you lose another job.

But, in any case, he just fired her.

Or going after Governors at the Federal Reserve or deciding which States he is going to take funding from—in my home State of Minnesota, as I know you have experienced in Oregon, he cut a bunch of energy projects. And I looked at the list, and I thought: Wait a minute. These are all great projects. So many of them were major, major projects with private companies to provide energy in neighboring States like North Dakota and South Dakota.

I kind of looked at the list and saw all the funding, because the company was based in Minnesota, but all the funding was for the surrounding red States. And I just thought: Oops, I guess they didn't mean to put this on the list.

All of that combines, as you look at what is happening with the Justice Department, right now, with a President that has basically decided that there are no norms. And so the only norm left is this body, because the House has decided they are not coming back right now. They are waiting for these Epstein files that they hope will just go away, but it appears they will never go away. They won't even seat a newly-elected Member of Congress from Arizona because they are so afraid of these Epstein files.

So while that is going on and they basically decided to just stay home and hang out and not come to work every day, this is the functioning Chamber, as close as it can come, that is supposed to be dealing with the matters before the country. And the matter before the country right now is what is happening with our healthcare system on November 1. These premiums are going to be doubling in so many States.

You look at some of the States that actually Donald Trump won, like Florida, with millions and millions of people on these plans. You look at Texas. And 75 percent of the people on these plans live in States that Donald Trump won.

So while all that is going on, the President goes to his go-to, and his go-to is messing around with the justice system. He literally pardoned someone, as in George Santos, who claimed to be, what—a world-class volleyball player, producer of the Spiderman movie, and was actually simply a fraudster that the entire Republican leadership of the House of Representatives booted out of the House of Representatives?

The President says: Oh, I am going to bring this guy back, too, because every single day, it is that strong-arm technique. He doesn't care if it leads to more violence, doesn't care if it violates the oath of these lawyers in the Justice Department, doesn't care if people get fired.

What does matter? What does appear to matter is making news that day. What does appear to matter is dominating the news that day—not our country, not the rule of law.

But the one thing I can say, and I ask this of my friend, the Senator from Oregon, because the President seems to think this: But does, in fact, Trump trump the Constitution? Isn't it a fact that our laws and our Constitution, which has withstood—withstood—wars, withstood the Great Depression, withstood Watergate, withstood all these things—why? Because people stood up as the Senator from Oregon is doing today.

Judges stood up, as we are seeing across the country.

There are Trump-appointed judges that have made decisions time and time again, contrary to this administration, because it is against the rule of law. We saw that in a tariff case with those tariffs that are burdening the small businesses in our State. We saw a Trump-appointed judge, a Reagan-appointed judge, and an Obama-appointed judge that stood together and said the tariffs are illegal.

So this is happening, judges are standing up. Our constituents are standing up, as we saw over this last weekend—millions and millions of people standing up, in what was the biggest peaceful protest in the history of this country.

And, yes, Congress needs to stand up, and that is what the Senator from Oregon is doing today—standing up and saying: This is not normal. This is not normal to have a Justice Department that is doing what they are doing. So I do ask the Senator from Oregon, despite him not being a lawyer, to talk about the fact that Donald Trump cannot trump the Constitution of the United States.

Mr. MERKLEY. I thank so much the question my colleague from Minnesota has laid out—in fact, at least eight or so topics that I am going to enjoy addressing. But your final point, does Trump trump the Constitution? Do we have Kings, if you will, in the United States of America?

And the answer is, under the Constitution, obviously not.

And I so appreciate the name of Saturday's demonstration—7 million people demonstrating at some 2,700 sites across America, saying, "no Kings," and many versions of the most creative possible statistics laid out, pictures laid out in that process.

But you are absolutely right—your question. There are no Kings under our Constitution. But the President, in all of these things that I have laid out through the course of the night—the

attack on the rule of law, the continuous effort to suppress free speech and free press, the attack on due process, attack on the law firms, attack on the universities, the use of violence, and the weaponizing of the DOJ—all of it is the way a King acts.

So, in fact, we are in the middle of an authoritarian takeover. It is not down the street. It is not around the corner. It is here right now.

And speaking of being here right now, I see my minority leader is on the floor, from New York, and I will welcome a question if he has one.

Mr. SCHUMER. Well, first, thank you. And I do have a question for you. I want to commend you for your fortitude and your strength on a subject that is so important to the future of this country—not only for our generation but for our grandchildren. We need a democracy.

And my question is this: In many authoritarian regimes there are many characteristics, and we see a lot of this happening in Hungary, in fact, with Orban. Orban has had his friends take over the media. Orban has used the prosecutorial authorities as a weapon, as Trump has turned our whole Justice Department into an attack dog to go after his enemies and help his friends.

And we see this in so many other countries. Now there are many people in the United States that say it can't happen here, and our roots of democracy are stronger and deeper, certainly, than Hungary's, but the danger is real.

And could my friend—and I respect what he has done all night. Could my friend just elaborate on the question: It is different here, but why can we not be complacent when we have seen what happens in other countries like Hungary, like Turkey, and, of course, in even more severe dictatorships?

When people say it won't happen here, why should we—even though we are different, why should Americans from every political corner—Democrat, Republican, liberal, conservative—be fighting this authoritarian rise in this country, led by Donald Trump, who, as you said, wants to be King?

Mr. MERKLEY. I so appreciate the question from the minority leader from New York. One of the things that I certainly felt was: This can't happen here. Our institutions are too old. We have 200 years of practice. We have features that have helped reinforce our constitutional framework. We have a solid middle class. We have a good education system. We have deep traditions in the House and Senate. We have norms that reinforce our constitutional understandings.

Yet it turns out that my confidence that authoritarianism cannot take hold in America is wrong.

One of the things I have done over the course of the night is that I read multiple chapters and commentary from two professors who looked at countries all the world, including Hungary—

Mr. SCHUMER. Right.

Mr. MERKLEY.—and they said: Here is how it happened. They said: We used to think about the end of a democracy as being something done with men with guns.

Mr. SCHUMER. Right.

Mr. MERKLEY. They burned down the Presidential palace. They shot the President. Maybe they killed his family. They tore up the Constitution, and they said: Here is the new deal.

But now that rarely happens in comparison to the new version in which democracies are put into the grave, and that new version is by elected individuals who start to erode the separation of powers.

If you think about it that way, you just really need three things to become an authoritarian state. You need a Congress that says "Our role is to just back up and do what the President says"—a rubberstamp Congress. In large part, we have that right now. I can't tell you how many times colleagues have said: I can't take that position because it would upset the President even though I am not happy about the situation.

So there is that. Then you need a court that confirms or conveys more power to the President, and we have seen court decision after court decision that has conveyed more power, like Trump vs. United States, saying the President is above the law.

You combine the President being above the law, as long as it is shielded by an active government, and pardon power, and now the whole executive branch feels, well, we are all above the law.

Then the President comes into office and just starts ignoring one law after another. I think a real early one that got a lot of attention was the firing of inspectors general. And, of course, the law says you have to fire them for cause, and the law says you have to give 30 days' notice, but the President did neither. In the end, he didn't really get the courts to say: You can't do that.

Then Trump says, you know what, I am just going to start establishing tariffs around the world.

Well, tariffs are not a power delegated to the President. The very first bill the U.S. Senate ever worked on was a tariff bill. They spent 3 weeks assigning a tariff to different things—a keg of nails, a barrel of molasses, and so on and so forth.

So this collective factor brings us to the third element that creates the authoritarian state, which is a President who wants to defy the law, create a space in which the laws do not apply. So suddenly the checks and balances are gone.

And it is not the authoritarianism that we need to fear a year from now; it is here at this very moment.

Mr. SCHUMER. Right.

Mr. MERKLEY. So this is why we should all—if we had any doubts a year ago, we should all now be going: Oh my God. We are not immune from the same

strategy that has been pursued with the same authoritarian playbook in country after country after country.

Mr. SCHUMER. I thank my colleague for that really right-on-the-money exposition on this.

I would like to ask one more question related to the first. Supine Congress. Our Republican colleagues seem to just do whatever Trump wants, and we hear lots of mumbling and grumbling: We don't like it. But I hear from some of them saying to me: It wouldn't make a difference if I spoke up.

Does my colleague from Oregon agree with them that it wouldn't make a difference? If Republicans—whether it is the leadership in the House or Senate or a large number or even a decent number of Members—spoke up against the kind of authoritarian direction that Trump is taking, does my colleague think it wouldn't make a difference, as they say, or does he think it would?

Mr. MERKLEY. Well, I believe it would make an astounding difference because when I come to the floor or any of my Democratic colleagues come to the floor and say: Look at this attack on due process. This is just wrong. Look at this effort to tell universities what to teach. This is just wrong. Look at the attack on law firms. They have been essentially blackmailed into \$1 billion of free legal help for groups that Trump wants. That is wrong. Look at the effort to ship people out of this country because of what they say on foreign policy.

Those are violations of free speech and due process, and we say it is just wrong, but in essence, we are speaking within a communication bubble that exists around our urban communities, and there is a different communication bubble that exists around our rural communities.

We have driven into this situation through cable news, where people in my State who live in cities watch one version of the world on cable, and they see a different version if they are in rural areas watching a different cable, and that is reinforced by social media.

So when a colleague across the aisle speaks up, now a whole new audience is hearing about what is going on in our country, and it has the act of integrity because it is not coming from across the aisle. It can't be dismissed as a partisan comment. It is clearly a comment of principle.

So when you have both a comment that is absolutely principled and a comment that reaches into a different media sphere, now you start to have an enormous impact, and others will have courage to follow.

Because I have heard from my colleagues about some of these pieces that they are worried about but are not speaking up on—one person steps forward, maybe takes the hit from some of the rightwing commentators, and maybe actually gains some respect from others who say: No, that is for sure the truth.

Mr. SCHUMER. I thank my colleague. I do.

I thank my colleague from Minnesota for her excellent back-and-forth with the Senator from Oregon.

Thank you for doing this.

I yield the floor.

Mr. MERKLEY. Thank you very much to my colleague from New York for those two questions.

One of the questions that my colleague from Minnesota asked about was mentioning \$230 million in compensation that Trump is trying to get out of the government. So I found the story about that and wanted to fill folks in on what that is.

President Trump is demanding that the Justice Department pay him about \$230 million—

That is a lot of money. For folks in my neighborhood, \$1 million seems like an unfathomable sum, and here, we are talking about \$230 million, a quarter of a billion dollars—

in compensation for the federal investigations into him, according to people familiar with the matter,—

This is an article by Devlin Barrett and Tyler Pager on October 21, 2025, so hot off the press, if you will—

who added that any settlement might ultimately be approved by senior department officials who defended him or those in his orbit.

So you have the President suing his own government, and he has the Justice Department in which there are people who were on his defense team now working who would be the ones to ultimately approve a settlement.

This article goes on to say:

The situation has no parallel in American history, as Mr. Trump, a presidential candidate, was pursued by Federal law enforcement and eventually won the election, taking over the very government that must now review his claims. It is also the starkest example yet of potential ethical conflicts created by installing the president's former lawyers atop the Justice Department.

Lawyers get to play both sides. They were on his team that brought the lawsuits, and now they are on the team for the Justice Department that would agree to pay him.

Well, obviously that is an unacceptable conflict of interest, and in any ordinary world, you expect anyone associated with this case to say: Absolutely not. My integrity will be profoundly compromised if I come anywhere near this.

But that type of integrity and that type of clarity about the importance of avoiding conflicts of interest so that fairness is embodied—I mean, I don't think there is a fair way for this to be adjudicated by his own administration: suing the government and then asking them to pay you by people who work for him. Is there any way to resolve that conflict of interest? I can't imagine it. The only way I can imagine it is to say that this issue will be addressed in the next administration by people in the Department of Justice who did not ever work in the past or in the present for Mr. Trump.

[He] submitted complaints through an administrative claim process that often is the precursor to lawsuits.

But, essentially, that is the issue with the President suing his own government and then asking the folks who work for him to settle it and hand him \$230 million. Wow. Can you imagine if President Biden had sued the Department of Justice and asked them to settle the case and give him \$200 million? I mean, there would be—every single Senator across the aisle would be down here saying: Are you kidding me? That is the clearest ethical compromise ever created in the history of our country. How can that possibly be done? It cannot be done. We must pass a bill. We must condemn this conflict. It is a rip-off of the American people for \$230 million. No way, no how.

Well, that is exactly what we should hear regardless of which aisle you sit by. Whether you sit to the left of the center aisle or to the right of the center aisle, that is exactly the outrage over gross corruption.

This isn't the only—this is not, by the way, the worst corruption. It may be—no, it is not the worst. The worst was the President asking people, after he was in office, to buy his crypto coin and say he was doing a contest and the roughly 230 people who bought the most of his coins over a set period, those folks would get a special dinner at his golf club—special access to him. So over a period of several weeks, a competition was held, the winners were announced, and then the dinner was held. And President Trump profited, personally, fabulously from that corrupt activity.

Essentially, there are two types of crypto coins—or more than that, but one of them is called a stablecoin. In a stablecoin, you are essentially saying: I will give you a dollar, and you give me a dollar stablecoin, dollar denominated, and I can use that cryptocurrency in ways I can't use an actual dollar. Meanwhile, you get to keep the dollar I gave you to buy the crypto coin. You get to invest it.

So if, for example, someone buys a million dollars of those coins and holds them for a year, well, then the President's company gets the interest on that million dollars however they invest it. There are restrictions—or at least there are supposed to be restrictions—on how you invest it to make sure that it maintains its value, so, essentially, it is probably invested in very safe bonds. But still, hey, 4 percent on a million dollars—well, let's see. Ten percent would be 100,000, so we are talking about \$40,000—\$40,000. Well, what if you buy a billion dollars now of those coins? Now we are talking about the President and his company getting not \$40,000 but \$40 million.

I mean, it is a direct sale of access to the President for money in his pocket or his company's pocket. And that is simply outrageous.

But then there is another coin that is kind of a token. What can you do with

this token? The answer is not much. You are just giving your dollars to buy the token, and the President or his company keeps that money forever. So that is even a more direct, instead of just getting the interest off the money that he holds until the coins are redeemed. In this case, he is keeping the money forever, selling you a useless token. He keeps the money. It is basically like saying: Hand over your wallet, and I will take cash out of it. Thank you very much.

It is as close to a straight bribe as anything you can imagine.

We had a vote here on the Senate floor saying that none of us in the Congress or in the high levels of the government would be allowed to participate in this type of a system where a new Senator can come in here and, oh, he or she will offer a new coin, and somebody will say: Yes, I will take 10,000 of those. It is like handing you \$10,000. It is a bribe.

And, unfortunately, for reasons I don't understand, my colleagues across the aisle voted it down. They want to let this crypto corruption continue.

Is there something wrong with the bill that needs to be adjusted? I am all ears. I am looking for a partner across the aisle to say this type of corruption is wrong, and I will join in partnership. Let's write the bill together. Let's go over the old bill together and fix it if it needs fixing. Let's find allies on both sides of the party.

But so far, not a word from any of my colleagues, saying they want to actually address this crypto corruption that is much more corrupt an issue.

My colleague from Minnesota had a list of other issues that I wrote down somewhere. Let me see if I can find the piece of paper I wrote them on. She had so many good ideas for me to address. Maybe I will find it, maybe I won't. Given that I am not finding it right away—here it is.

She asked about the \$230 million scheme. I have now shared the answer to that.

She also noted that isn't it insane to be firing people at random, like the head of the Bureau of Labor Statistics because the President didn't like the employment numbers?

Yes. Yes, it is crazy and damaging because now nobody trusts the new numbers. Are the new numbers accurate? They are afraid to put out probably the right numbers because if they look bad, they are going to get fired. Or maybe they will bend the assumptions a little bit here and there and add them up to get an extra half percent or percent of employment, mislead us about where the economy is headed.

So, yes, it is deeply damaging. So many people depend on the many statistics compiled by the Bureau of Labor to understand what is happening in our economy and whether to make investments.

My colleague from Minnesota also mentioned the canceling of energy projects across the country. Those en-

ergy projects—I think it was \$8 billion in energy projects all across Democratic States—this is another form of corrupt activity by the President. A President is supposed to be President of the entire Nation, not the President of the Republican Party; and, therefore, striving to have success built in every part of the country, regardless of whether they are blue or red Senators or blue or red Members of Congress. But the canceled energy projects were targeted at blue States.

Here is the thing. Those projects produce energy, in general, at a lower cost than fossils. By doing so, by producing electricity that often is in the realm of 2 cents per kilowatt hour, it lowers the cost of electricity. But what do we see actually happening across the country? We see the utility costs going up.

So canceling these projects is driving up the cost of electricity for people in State after State after State. This is why we often refer to the fact that in his first 10 months, Trump has made the Nation sicker and poorer—sicker because of his attack on healthcare and some of the not-so-helpful evaluations coming out of the Health and Human Services office but also poorer because he is driving up costs. He wants folks to use expensive, dirty energy rather than cheaper, cleaner energy that derives primarily from solar powers and wind. Sure there is some geothermal in there, maybe hydro in there, but the new energy is primarily in the realm of solar and wind, both of them hovering around that 2 to 3 cents per kilowatt hour. I am pretty sure nobody here pays a bill at a utility company as low as 2 or 3 cents.

If lower cost energy could be generated—I think the retail rate in my utility that serves my house is still around 12 or 14 cents. I would love them to buy 2-cent energy and lower the cost to me and everyone else. But the President killed these projects, often midstride, putting people out of employment, putting investments at risk, putting our planet at risk.

If he wants to continue to use carbon energy—carbon energy, very simply, heats up the atmosphere, a nice little warm blanket around the globe. We see it in so many different ways in my home State.

Not only is the fossil energy more expensive and dirtier in terms of breathing the air, it is also overheating the planet with carbon dioxide and leaked methane. Methane can be many multiples more powerful trapping heat than carbon dioxide. Both of these fossil fuel products—one from combustion and one primarily from leakage of methane—provide significant damage.

We see the stronger storms that come down like the one in Texas. You can't track any one storm and say it was, specifically, about climate when there are a lot more storms with a lot more energy that have a lot more energy in the atmosphere because the atmosphere is a lot warmer. And so, in

general, the number and ferocity of the storms is tied to our burning of fossil fuels. Here is a President canceling \$8 billion of clean, low-cost energy projects in order to force people to keep using more and more carbon, higher cost, higher polluting, and planet-damaging fossil fuels.

I am particularly struck that this is happening at a time that in the information revolution, you have big, big new demands on electricity. You have data centers and counties like them because they are big, expensive, and they provide property taxes. But they consume enormous amounts of energy. In so doing, that means the local utility has to go buy more energy on the grid, which is more expensive than the energy you already have driving up the cost for everybody served by the utility.

Some States started to say: No, if you build a data center or you do crypto mining or you do AI processing, you need to pay the fair cost of your activities and pay a higher rate for that electricity than the homeowners so the homeowners don't get shaken down to subsidize these activities.

Another point that my colleague from Minnesota made was the impact on small business of what is going on. Yesterday, I had folks from small businesses who were touring Capitol Hill, holding meetings from Oregon. There were lots of folks from all corners of the country coming in to say: We are troubled. We have a couple of major problems.

One of those major problems they listed is the tariffs because how can you plan for the future when tariffs go up and down? How do you know what country to buy your products or won't buy your products? How can you make a decision to build a factory under the circumstances?

Sure, if there is a high tariff put on your competitor, if you happen to have a factory for a while, you can make a lot more to meet domestic demands, and maybe that comes out all right. If it is permanent, you want to build a factory—no, those decisions are not happening when the tariffs are fluctuating.

What the President is doing is taking power not delegated to the President. There is no law that gives the President the power to adjust tariffs. It is being adjudicated. The courts are slow—in fact, I think very slow when you think of the fact he has been doing tariffs on his own with no authority to do it for a very long time now in his Presidency.

The second thing small businesses said was the Republican bill that doubles the price of insurance on the exchange is absolutely horrific for small businesses because, in general, small businesses buy their insurance on the healthcare exchange. They aren't large enough to strike their own independent deal and get good rates, so they buy on the exchange. Without the same level of tax credits, their costs will, like

other Americans, be roughly doubled, a projected 114-percent increase. That is more than doubled.

This is the phrase: “Main Street is pain street” because Main Street small businesses can no longer afford to buy insurance because of the bill that my colleagues across the aisle passed, a bill that Trump called the Big Beautiful Bill, but many of us called it the “Big Ugly Betrayal” because it hurt families by helping billionaires; doubling the cost of insurance on the exchange, on average, to give tax breaks to billionaires; attacking Social Security, which in combination with the changes to the exchange will put 15 million people out of insurance. That is a lot of pain.

And we know just how damaging it is when people go out without insurance because we have been there before. We know they don’t go to the doctor when they get sick. They don’t go to the doctor until they get really sick, and then they go to the emergency room. And by then, a modest illness can become a major illness. A small tumor can become a life-threatening tumor or a tumor that may be an untreatable, metastasized cancer that is a death sentence.

And then we have the fact that without insurance, they can’t pay the bill. So there is less revenue for the clinic and less revenue for the hospital. And so now, the clinic and the hospital are going to have to cut back their programs, which affects the availability of healthcare for everyone in the community. Maybe it is the maternity ward that goes because those are very expensive. And that means that instead of going to the hospital in your town in rural Oregon, maybe you have to drive 70 miles to get to another hospital.

Do you want to do that if your baby is coming in January or February, and you might be in the middle of icy roads or snow drifts? No, I don’t think so.

Do you want to have to drive 70 miles to get your prenatal exams and your prenatal classes that teach it a little bit about what to be prepared for? No.

That is a real loss of quality healthcare to lose programs out of clinics and lose programs out of hospitals.

The invitation is open to fix this. We have laid down a bill, a continuing resolution, that fixes it. I invite my colleagues to come and join us and vote for the bill or at least have your leadership come and sit down and negotiate over this bill.

(Mr. TUBERVILLE assumed the Chair.)

Maybe you have insights. Maybe we can find adjustments and do the right thing for America and fix this healthcare mess. I don’t think that it is good policy to have created this mess. I certainly don’t think it is good politics to have created this mess. So we will help you out of that hole. Let’s fix this for the American people. Let’s do the best and what is right for the American people.

Certainly, one of the groups that will be very happy for us to address this is

made up of businesses, the small businesses on Main Street. When those small businesses come in and say, “Main Street is now Pain Street because of the tariffs and because of the attack on healthcare,” you have got a whole lot of stalwart community members who are speaking truth to power. They are coming to us and saying: Here is the situation. Here is what I will have to pay. Here is how it is so much more.

One of the entrepreneurs yesterday, a businessowner, said that he had four employees, I believe, whom he talked to—at least three of them—and they all basically said they weren’t going to buy insurance, not at this double the rate. They were going to take the risk, the gamble, that they would not get sick. Maybe they will be lucky. Like any other gamble, maybe the dice will roll in their favor. Maybe, next year, they will buy insurance, and maybe that will be the year that they need healthcare, and they will have insurance to pay for it.

But we know that, when there is a whole group of folks who do not have insurance, a bunch of them are going to get sick. Then they are going to be really sick by the time they go to the doctor. Then they are going to be getting treated in the places with the most expensive care. Then they are not going to be able to pay the bills, so the revenues will suffer. Then, there we are, back in the situation where the clinics and hospitals are cutting their programs, which is affecting the availability of good healthcare everywhere in the community.

I think those are the bulk points that my colleague asked questions about from Minnesota, so I am going to return now to reading this urgent message from recent Department of Justice alumni who are decrying the attacks on the Justice Department. Since it has been a while since I actually was in the middle of reading this letter, I think I will start from the top again in order to make it coherent.

We are 292 former career employees who proudly served our country at the Department of Justice. From prosecutors, special agents, and intelligence analysts to immigration judges, grant managers, civil rights attorneys and more, we all carried out our duties faithfully, regardless of who occupied the White House. Until we no longer could.

Each of us left the Department, either voluntarily or involuntarily, because of actions taken by this administration.

Our fidelity to the Constitution and our dedication to our country did not end when our jobs did. Now that we’ve left the Department, we believe it’s our duty to sound the alarm about this administration’s degradation of the [Department of Justice’s] vital work, and its assault on the public servants who do it.

It is incumbent on all of us to fight for the Justice Department before it’s too late.

Just as I have come to the floor after ringing the alarm bells of authoritarian control taking over America, here are these employees from the Department of Justice who, in this letter, are saying they are ringing the alarm

bells before it is too late. Let’s find out what they have to say.

The next paragraph goes:

DOJ’s mission is to “uphold the rule of law, to keep our country safe, and to protect civil rights.” It’s failing on all three fronts:

The Justice Department cannot uphold the rule of law when it carries out the President’s retribution campaign and protects his allies; violates court orders and evades due process requirements; directs attorneys to violate their ethical responsibilities; and fires its employees without notice or cause in violation of civil service laws.

It also cannot keep our country safe when it ousts FBI employees, prosecutors, national security experts, and ATF officials; shuts offices that prevent community violence and dismantle[s] drug trafficking operations; purges the attorneys who enforce laws that protect the environment; and shifts highly trained special agents away from counterintelligence and counterterrorism.

Oh, I see. Thank you for the note.

I see that my colleague from New Jersey is on the floor, and I would welcome a question if he has one.

Mr. BOOKER. I appreciate it. I appreciate my colleague pausing for a question.

I just want to first say, as I present my question to him, how grateful I am for his stamina and for his strength but, more importantly, for his insightful truths that he has been telling now for well over 14 hours.

In many ways, we see a tradition in this body of being a deliberative body, but it seems now, more and more, that deliberation is giving way to what the Founders never imagined, which is that of simply conceding to anything that the President of the United States wants. We were born to check and balance the Presidency. We are the article I branch of government.

As my colleague rings the alarm bell, it is clear to me that the alarm bell he is ringing is not a partisan alarm bell; it is not left or right. It is right or wrong. It is about asserting the article I branch of the Constitution’s strength, its purpose, its constitutional intent. That is to provide oversight. That is to provide advice and consent. That is to provide the checks and balance that we need.

For hours now, what I have been seeing is that my colleague JEFF MERKLEY has, time and time again, been laying plain facts that would not play no matter what party a person is from. The President is encroaching again and again and again on the constitutional prerogatives of the article I branch of government, and the result of this is that people are hurting.

I really want to get my colleague’s response to this. The fact is, right now, you have a President not going through Congress, not working with Congress but undermining congressional intent by gutting and cutting programs; by gutting and cutting Agencies; by gutting and cutting bipartisan-approved resources for our States in ways that threaten and undermine the well-being of Americans.

We see him approve a tariff policy, not one that has gone through this

body—in fact, I would say not one that people in this body would even agree on that is hurting American farmers, that is driving them to their knees. They want trade, not aid. As a result of that tariff policy, it is not only hurting the bedrock people who put food on the table for Americans and people throughout this world, but it is hurting consumers by driving up grocery prices.

What my colleague continues to point out is how these violations of our constitutional norms and traditions—the insult and injury done to our Constitution—have real-life impacts on the lives of Americans. It is making us poorer, and it is making us sicker in our lack of access to healthcare. We are seeing a time now when, if we do not ring the alarm bells, more and more Americans will be hurt by a President who is acting more like an authoritarian leader than a democratically elected Executive in the article II branch.

This is not a left or a right moment. It is a right or a wrong moment. This is a moral moment in America.

I love what Martin Luther King said. He said: The problem today is not the vitriolic words and violent actions of the bad people. It is the appalling silence and inaction of the good people.

This is the time that my colleague, in doing this extraordinary step here for more than 14 hours—all through the night—is standing up and saying: Look, democracy has never been a spectator sport. If you love this country—if you love with deep devotion the ideals of patriotism more than a party—now is the time for all good people to stand up and call it out.

So I want to know this from my colleague: With the urgency that we have in this moment with Americans seeing their energy costs go up; with Americans seeing their grocery costs going up; with Americans now seeing the reality of their healthcare costs going up by thousands and thousands of dollars for marginalized people; for folks who are struggling to provide for their children; for children with disabilities struggling to get the resources they need; with parents not knowing how they are going to meet the rent and pay for medical expenses or how they are going to be able to pay for the basic needs of their families, this is a time that if you believe in the cherished principles of our Nation, from patriotism to devotion to our national ideals, if you believe in the ideals of our Nation of love thy neighbor, and if you believe that we are one nation under God, this must be the time when more people stand up and speak out because the only thing necessary—the only thing necessary—for the triumph of tyranny is for a free people to remain silent.

So I ask my colleague right now because there are people saying: What does it matter that a Senator is standing up? I ask my colleague right now to maybe say directly to the American

people why you are taking this courageous stand tonight and what you hope they will take away because it is not about you or me; it is not about the 100 people here. We have seen this President back down before when the American people, in a chorus of conviction, stand up and say: No, no more.

As Frederick Douglass said, the limits of tyranny are prescribed by the people who face the oppression.

I ask my colleague: What is the message that you are trying to send with this courageous stand, with this incredible endurance, with this strong speech you are giving today?

Mr. MERKLEY. To my colleague from New Jersey, the message that is most important is that the tyranny has already arrived. It is not down the street. It is not around the corner. It will not be encountered in the path tomorrow. It is here at this very moment. That tyranny comes in two forms. It is so important to our country.

The first is the attack on freedom. Freedom is secured by due process. So, when an authoritarian President runs over due process, he threatens freedom for all of us. When an authoritarian President says, “I will dictate through research grant control what universities teach,” he is stealing the academic freedom of our independent universities and really gutting the vision—the vision. People go to universities to explore ideas and to learn not to receive propaganda written by a government. If you want that version of the world, that is not freedom; that is found in tyrannical governments. That is found in China, not here at our universities in the United States of America.

When he proceeds to say we are going to control law firms by suing them and taking away their security clearances and extorting them to put \$1 billion of free law into causes the President wants, that is a form of tyranny against the free enterprise of law firms to have the clients they want and serve the people they want.

I read an article sometime in the middle of the night that was about the profound impact on nonprofits that are out of favor with the President; therefore, they are not getting the legal help that they had in the past, and it affects their largely impoverished clients.

So there is damage that ripples through the universe from these attacks on freedom, and now is the moment when we have seen the fundamental separation of powers disappear.

Now, I thought of these robust branches of government—the executive, the Congress, the judiciary—each valiantly defending their role in order to preserve the checks and balances of this beautiful document we call our “We the people” Constitution.

But what happens if the Congress is controlled by a party that says: Our goal is to do what the President tells us. Suddenly that check and balance of the President is gone.

What if the Supreme Court says: We want to, regardless of what is written in the Constitution, hand more power to the President?

They say: Do you know what? We will make the President above the law—which they did in a law case last year.

Suddenly, you have the three elements that create tyranny in place of freedom or authoritarianism in place of a Republic. Those are a rubberstamp Congress, a deferential Court, and an aggressive authoritarian personality with a good plan. And he came in with a good plan called Project 2025, and the chief engineer on that Trumpian tyranny train is Russell Vought at OMB.

So every essential element of the authoritarian takeover of the United States is here right now.

Now, you mentioned a reverberation about how the President’s policies are making people sicker and poorer. Here is the connection: When you have an authoritarian government, it basically operates to the power of the billionaires. So we saw it at the inauguration. We saw the billionaires standing behind the President. We saw Elon Musk standing behind the President. We saw Jeff Bezos standing behind the President. We saw Mark Zuckerberg standing behind the President. And when you do that, you are OK pursuing legislation that hurts families, while helping billionaires. That is the theme of what we have seen.

Here is a picture of the billionaires lined up behind the President.

We call sometimes the bill—his major policy bill—the “Big Ugly Betrayal” because he campaigned on helping ordinary people, but then on Inauguration Day, there are no ordinary people behind him. There are no champions for healthcare, no champions for housing, no champions for education, no champions for good-paying jobs and investment in infrastructure. No, those who are already at the very top of the money pyramid in the United States of America are there.

So now you have the main bill, and the main bill, what does it do? Well, it savages healthcare to pay for tax breaks for billionaires. It savages child nutrition to pay for tax breaks for billionaires. So the authoritarian takeover of our government is also linked to this assault on the families.

As you said, groceries are going up. The President is employing tariffs that drive up the cost of groceries. If he was looking to help families, he wouldn’t choose to do tariffs that drive up the cost of groceries.

In fact, the President doesn’t even have authority under the law to do tariffs, to begin with, which he just took it because that is what authoritarians do until the courts stop him. And the courts, moving slowly, have not acted.

You mentioned healthcare costs going up. Well, I don’t know about what the new costs are in your State of New Jersey. In Oregon, the projection was a 68-percent increase in costs on

the exchange. But nationwide, it is 114 percent on average, meaning, in Oregon, as much as we are shocked by 68 percent inflation in healthcare policies, well, nationally, it is more than doubling. So think of all the people who will be unable to acquire insurance.

That is just a piece of the “Big Ugly Betrayal Bill” because then you get into the fact that they gutted Medicaid, the Oregon Health Plan. Seventy percent of the children in rural Oregon are on the Oregon Health Plan. Think of the devastation when 235,000 Oregonians are projected to lose healthcare. And what happens when they get sick and they don’t go to the hospital because they don’t have insurance? So then they get sicker. And when they do go to the hospitals, it is the emergency room, and maybe the modest health problem has become a major health problem. Maybe the diabetes that is easily controlled has become a foot amputation or an eye problem, an eyesight problem. Maybe the cancer has grown or spread around the body.

So not only is an illness more expensive to treat, but the odds of recovery are worse, and it is being treated in the most expensive part of a hospital, the emergency room. And then because of no insurance to pay for it, the hospital or clinic gets less revenues, and then they have to shut down programs or shut down completely, and then we have less healthcare for everyone in the community.

Then you mentioned utilities. I was just fielding a question from our colleague from Minnesota. She said: What about that \$8 billion attack on energy projects in blue States—energy projects that would produce renewable energy that, often, at utility scale, is 2 cents per kilowatt hour?

My bill in Oregon is fairly cheap compared to the Nation. I think it is 12 to 14 cents per kilowatt hour. I am guessing yours is a lot higher than that. So if that utility can buy energy at 2 cents per kilowatt hour, your bill is going to go down. But I am pretty sure your bill is going up because of the policies of this administration.

If this administration was worried about families, they wouldn’t have passed the “Big Ugly Betrayal,” which does so much damage to families in order to fund tax breaks for billionaires. They wouldn’t be using tariffs in this manner, wouldn’t be cutting low-cost utility projects that will lower the cost of energy.

And, thus, here we are, 10 months of making Americans sicker and poorer.

Mr. BOOKER. And of my colleague I would ask another question because you are making such a great point, and I really hope America hears this—that these policies, these constitutional principles that we are defending here, are not just arcane, idealistic things; they have a direct impact on our Nation.

My colleague is making it plain. This is what should be animating every-

body; it is that when you attack the healthcare of millions of Americans, it doesn’t mean you are curing disease, and they are not going to have a demand for healthcare. The demand is still going to be there. And if they are not getting their healthcare reimbursed, if they are not getting preventive care, if they are not getting regular checkups, they are going to put more demand on our hospitals, which are going to make our hospitals have longer wait times in the emergency rooms, that are going to have our hospitals have less reimbursed care, and our hospitals are going to strain and buckle under that, thus, driving up the costs for everyone. You make it plain, and people should hear this.

When the President lies to the American people and says he is about all-of-the-above energy costs, he is not. He is about advantaging certain energy over other energy, and it is actually the lower cost energy that he is attacking. Those projects are actually going to lower people’s bills.

So here he is raising the healthcare costs for everyone, hurting the hospitals that we all rely on, and driving up energy costs for everyone and giving an advantage to our competitors, like the Chinese, who are racing to energy projects in the renewable energy space.

But it is even more than that, as my colleague knows. When you have bone-headed attacks on our Constitution, as opposed to going through Congress, where there is deliberation and debate, you are actually raising costs in other ways too.

As my colleagues knows, Americans, right now, are seeing investments that we make that return for the taxpayer significant returns in science and research. We are a nation that has exploited industries, where the rest of the world is trying to catch up to us. We are the Nation that invented so many great things by funding research, basic research and technology.

So when you attack universities, where they are now reporting less postdoc programs, less Ph.D. programs, less research going on in America, you are ceding the pathway to human endeavor. You are closing it off.

As my colleague was saying, with attacks on universities, making them come and bend a knee, those universities are saying: No, I will not bow to you. You are not my King.

And then that King—want-to-be King—cuts funding to our greatest research institutions—not in America but the greatest research institutions on the planet Earth, which have spawned new innovations from quantum computing to fission and fusion, to robotics, to medical sciences. When you cut off the resources to those things, you are starving the goose that has been laying the golden egg for human endeavor, for industries, and more.

It has a cost when a President goes rogue and does what he wants to do. It has a cost not just to our liberty, when

you make universities, when you make businesses, when you make law firms bow before you or be punished by you.

It has a cost to our liberty, but it also has—as you were saying so plainly what most Americans are saying over and over again—it has a cost financially to American families who are right now struggling.

As you have said, time and time again, over these last dozen-plus hours, Americans are hurting. Americans are afraid. Americans are worried that they are going to get a diagnosis from a doctor that is going to drive them to bankruptcy.

Americans don’t know how they can take care of a sick child and pay the rent, and this is directly being attacked by a President who is doing things that are driving up their energy costs, that are driving up their medical costs, that are driving up their grocery costs, and who is failing to make the investments that keep America ahead of the competition we are seeing in places like China.

It is boneheaded. It is financially imprudent. It is hurting America, as well as our constitutional framework.

The genius of our Founders in this great experiment that is now 250 years old, which has put us at the top of all of humanity and innovation and human success, is now being jeopardized, after 250 years, by a President who is claiming authorities that the Constitution and our Framers never intended to be in the executive.

So God bless America. My colleague from Oregon is giving a master’s class today—a master’s class now for 14-plus hours, closing in on 15; a master’s class in helping people understand not just constitutional principles but how all of us are invested in this Constitution, how all of us are invested in making sure that nobody steps outside of those constitutional authorities because when it does, we have seen what has happened when McCarthyism arose; we have seen what has happened when demagoguery trumps common sense, common cause, common purposes, and a shared devotion to that flag.

So I ask my colleague right now, we haven’t even had a year of this President, and we have watched things happen where this body has not even called an oversight hearing when our very national security was in jeopardy.

When you have Americans at the highest level of our Defense Department using a commercial app with reporters on it to release classified information, we didn’t hold one oversight hearing.

When we took the extrajudicial step to blow up speed boats, there has been no oversight into that claimed attack on people who were allegedly smuggling drugs.

We are constantly not doing our job, which is not a partisan one. It is to hold this President in check, that no one operates without accountability and without transparency because power is corrupting.

When you let someone do what they want to do, when they want to do it, without a check or a balance, it is corrupting. We know that because we have the most corrupt President, dollar for dollar of any President we have ever seen, through his crypto schemes, from him exchanging his authorities for compensation that makes him a richer man.

Unchecked power leads to corruption. Our Founders knew it and designed this system thusly.

So I ask my colleague now, that sense of urgency of a President who has been in office nearly 10 months, if my colleagues in this body do not start standing up and doing their jobs, holding hearings on his tariff policies, holding hearings on his agricultural policy, holding hearings on his healthcare policies—and I say that generously because they are not policies; they are not thoughtful; they don't reflect the wisdom on both sides of the aisle; they are hurting people. If we continue to let this President proceed unchecked, if we continue to let him flaunt the rules of our Constitution, if we continue with open eyes to let him do things that he is doing right now by ripping apart the White House, not going through any of the process whatsoever that is literally contrary to the laws of the people's House—not Donald Trump's House, the people's House—if we continue to let him go in this way without checks or balances, I ask my colleague, what are the consequences that you fear might happen in the next 10 months with this President, who wants to be an autocrat and is in the White House?

Mr. MERKLEY. The consequences of the failure of oversight are enormous. This is not only checks and balances people often talk about. We talked about Congress having a responsibility to define which programs will be funded and how much and under what rules they will operate on, and the President has to execute those programs—therefore, separation of powers.

By holding on to that responsibility, we serve as a check on the effort for an authoritarian to be the force that decides which programs are funded and how much they are funded at and how many rules or what the rules would be they operate under.

We are seeing that transfer of power right now from the Congress to the President, because the President is deeply engaged in essentially the equivalent of a line-item veto by slow-walking funds, by freezing funds, by impounding funds, by slowly getting to the end of the year and then by filing a rescission request at the end of the year—watching them magically evaporate when the last day of the fiscal year comes—this fancy term called a pocket rescission. Absolutely all of these are part of a line-item veto strategy and the President just implementing the programs willy-nilly, the way he wants, as opposed to following instructions from Congress.

So in 9 months, we have seen not just an attack on the freedoms, we have seen not just an attack on the cost of living through utilities and through food and through healthcare going up and up and up, but we have also seen this fundamental collapse of oversight that you pointed to.

If this much damage to the checks and balances can be done from January to October, if this much damage is being done to costs that Americans experience from January to October, and if this much damage can be done to American freedoms from January to October, then that next 10 months that is amplified because the administration is in full gear now.

They are not diverting attention trying to get a Secretary of Defense confirmed. They are not diverting attention trying to get the head of the FBI confirmed—no. They are in full gear now with this set of instructions that flow from this plan, Project 2025, developed by our current Director of OMB, Russell Vought. And he is one capable individual who has a belief in the supremacy of the executive branch—he calls it a unitary executive—and that the President should make the decisions about what is funded and how it is funded, that the President should make the decisions about the rules for those programs.

That means the collective knowledge of these 100 Senators, bringing their diverse life experience, their diverse education, their diverse knowledge of different parts of the country—all of that diverse experience is tossed out. The diverse experience from our 400-plus Members of the House of Representatives is tossed out because, no, it is the President and his team saying that these programs with this amount of money under these rules. That is what the authoritarian rule is.

One way we can exercise a check on it is through oversight, is by holding those hearings to investigate—and doing it in full partnership with our Republican colleagues. I mean, that should be a collective goal of us all together who believe in the vision of the Constitution, of this check and balance.

Out of that information flows action items. When you oversee and see what is going on, then you get together and say: What is going wrong? Let's fix it.

But you can't get to the point of saying "Let's fix it" if you have your eyes covered up, your hands over your ears, your head in the ground, and are saying: I don't want to look at the administration. I know a lot of bad shit is going on over there, but, man, that is the President of my party, and if I dig into that, he is going to be very upset.

And we have seen how he is personally directing criminal investigations into people who have criticized him. There is concern by some of our colleagues—rightly so—that if they were the ones to speak up and say this is wrong, they will be next on the list, the enemies list.

When you think about the fact that on that enemies list is even our own fellow Senator—like, these are people who he was unhappy with because they said that the 2020 election wasn't stolen, and so now he is going after them. In one case, he lifted the security clearances not just for the person who spoke up and said that President Trump is wrong about the election being stolen, but he took the security clearance from all of his coworkers—so a collective punishment strategy.

This idea of weaponizing the Department of Justice, this intimidation of free speech, that really does affect people in this Chamber as well as outside this Chamber for fear of being targeted, and, indeed, one way they can be targeted is through their own folks back home.

So when one of our Senators said "This Big Beautiful Bill is a train wreck for healthcare, and I am not voting for it," within hours—within hours—that colleague had been threatened with a primary and announced "You can't threaten me with a primary because I won't run for election."

Everyone else looks at that and goes: That is the power that is being brought to bear to create a failure for there to be oversight, for there to be people speaking up, because I know that across the aisle, many people care about the vision of our Constitution and our responsibility to stay in that framework for our freedom, for our financial success far into the future, for the generations to come. I know they care about it, but right now, they are looking at a powerful Executive who can bring the world down on them.

I am hoping somehow we will have a few courageous folks to be at the front of the line and say: I will take the hit. I will stand up and say what everyone else is saying privately—that this is outrageous—an outrageous attack on freedom, an outrageous attack on the structure of our Constitution, an outrageous increase in the costs for ordinary families; that the vision of "families lose and billionaires win" is wrong for the people that I represent in my home State, regardless of it being blue or red; that the idea that healthcare is being slashed for tax breaks for billionaires is wrong, that nutrition programs are being cut for tax breaks for billionaires is wrong.

We need our colleagues to join us in this effort so it is not partisan—it is bipartisan—and we are standing up for the core principles on which our country was founded.

I thank so much my colleague from New Jersey.

I see my colleague has arrived, from Illinois.

Mr. DURBIN. Mr. President, through the Chair, I want to thank the Senator from Oregon for his leadership in bringing this issue before us.

We have something in common. Both of our States are facing militarization from the Federal level of government. Not only in Chicago—the President argues that the city is unsafe. I watched

this last Saturday as 100,000 people gathered for the No Kings rally and parade—a peaceful, nonviolent gathering of Americans expressing their constitutional feelings and right to express themselves in this Republic.

I know that you are facing the same threat in the State of Oregon, and recent court decisions seem to suggest that there is more time in the courtroom ahead.

I would just say to the Senator from Oregon, thank you for leading this conversation. There are so many aspects of this Presidency that you could address, and I would like you to address, if you will, this militarization issue.

We have carefully crafted in our existing laws prohibition against the use of military force for law enforcement. It makes sense on its face because these men and women—as good as they are—in the National Guard units around our country are not trained primarily in law enforcement. Theirs is a much different type of training.

Secondly, to overcome State and local sources of law enforcement is a major constitutional step, and yet this President has initiated it in my State of Illinois, in your State of Oregon, and in the State of California.

Would you address this aspect of your comments this morning.

Mr. MERKLEY. My colleague from Illinois, I so appreciate the question, and certainly you feel it very personally when the target of the President's militarization or the sending of the military into our States is your own State. And you see it with very clear eyes because you go and visit and witness, and you understand what is going on.

I know, in my State, I went down and I saw these three women protesting outside of the ICE building. They had a sign; I think it had a flower on it. And since that time, what has developed is a demonstration of joy and whimsy—joy and whimsy. What I mean by that is I mean the protesters understood that Trump was trying to start a fight and then a riot and then have that riot be a justification for federalizing the National Guard.

So we have many steps in this process. The first is, he said: I want to federalize the Oregon National Guard. And the Oregon attorney general appealed it, and the district judge proceeded to say: Wow. The administration's description of what is going on is untethered to the facts. This is not a rebellion. There is not an invasion. So, no, you can't federalize. That is a test in the law.

A very similar decision, I think, was reached by a district judge in Illinois. And then it went to the circuit court. In the circuit court in Illinois, my understanding is they backed up the district judge and said: Yep. No rebellion. No invasion. You can't federalize.

Well, in Oregon, the administration took another tack. They said: Well, OK. We can't federalize the Oregon troops, but we will send in troops from

Texas, National Guard troops from Texas and California that have already been federalized.

The district judge in Oregon said: I am sorry. Once you federalize, it is not as if you can just travel through the countryside and do whatever the hell you want. You have to have a rebellion or you have to have an invasion, and you have neither. So, no, you can't come.

But here is what really worries me about this. When you have an authoritarian President, they have a playbook, and that playbook was carefully crafted for this President under Project 2025. It involves so many pieces of stealing the power of the purse from Congress, overriding due process, attacking the power of universities and law firms, attacking the ability of the free press, including lawsuits against the Wall Street Journal and pressure created against our networks on what information they can air.

An additional part of this playbook is to be able to use the military to suppress domestic dissent. And to create the path for that, you want court decisions that say it is OK, and you want the military to get accustomed to being deployed so when you tell them to go suppress domestic dissent, they will do it.

So here we have the fact that the President was stopped, but there are now two more steps coming that I am really worried about. One is that, in California, in the Ninth Circuit, a panel of three judges said: You know—well, one of them said the district judge was just right; there is no rebellion; there is no invasion. But the other two said: Well, you know what, even though the district judge used the definition of "rebellion" that was considered at the time—basically, that there has to be a sizable group that is well-organized, that is weaponized, seeking to overturn the government—we think maybe you should apply a looser definition of "rebellion" and then, instead of looking at the facts on the ground at the time that the President wanted to federalize the troops, look back a few months when there were a few more arrests, and maybe that is a justification to say there is something like a rebellion. But, most importantly, you should give high deference to the President.

This is what terrifies me because I am afraid that the Supreme Court may issue a decision even soon on the shadow docket on the Seventh Circuit decision, and they will say: Yeah, it is a rebellion if the President says so.

And that is insane. That opens the door to using the military anywhere the President wants, anytime, against our citizens, violating the fears of our Founders, who didn't want a standing army to begin with because they felt that it threatened freedom, because they knew Chief Executives are tempted to use standing armies against their people. That is what Kings do, and that is what authoritarians do. So they were

terrified of having those standing armies.

And then we had the whole concept developed after the military was used in reconstruction that that is enough. Military needs to defend the Nation, not be used. So we have the Posse Comitatus law, and the Posse Comitatus law says you can't use the military for domestic action.

But there is an exception to it, the Insurgency Act—the Insurgency Act. And who knows what is going to happen with the interpretation of that act. So I really appreciate your bill—your bill—that says the military cannot be used for law enforcement because right now the courts could give the greenlight to the President to use troops and federalized National Guard in exactly that fashion, and we need to close that avenue down and do it fast because we have got an authoritarian President bent on being able to use the military against the people of the United States.

Mr. DURBIN. If the Senator from Oregon would yield for another question.

Do you recall, as I do, how many times Candidate Trump and President Trump spoke before rallies supporting his cause and railed about the murderers, terrorists, rapists, criminally insane, and sexual predators who are coming across the border and threatening us?

And his argument was it was that fear of criminal activity by them that warranted this Federal intervention in many States, including our own.

I just wanted to give one example that is timely and tells a story. First, let me say that fewer than 30 percent of the people who are being detained by ICE—fewer than 30 percent—have any criminal conviction whatsoever. These people may be here out of status. For example, they came in on a student visa and stayed when they should have left, or came in here on a tourist visa and stayed when they should have left.

But to brand these people that are being detained on the streets of Chicago, for example, as criminals—violent criminals, as the President described them—is totally unfair.

I tell the story of a church that I visited just a few days ago in Chicago—Christ Lutheran Church on Wilson Avenue in the Albany section, which is a largely Hispanic section of the city of Chicago.

The pastor of that church Tom Terrell told me that after his service, a few days before, it ended at noon. And as parishioners were leaving—they walk home in the neighborhood as they do every Sunday—ICE arrived in an unmarked truck and stopped this gathering of his parishioners and started questioning them and asking them for identification papers. This is becoming common in Chicago.

When others noticed it, they came to their front porches and out their front doors and started blowing whistles to let people know that ICE was in the neighborhood conducting this. ICE panicked, and as a result of it, threw down

a tear gas canister in front of these people who had just come out of church and got in their unmarked vehicle and left.

This kind of activity is far beyond protecting us from the most dangerous criminals who might have come across the border in times past. It is intimidation in an effort to have people so afraid that they will either not participate in the economy, that they will not be going to church, and many of them are afraid to send their kids to school.

Where is this leading and why? I will tell you I think you shared what you said, the Senator from Oregon, my feelings that this is not the end of it. It is not a temporary thing. It is a long-term commitment by the President to militarize neighborhoods, particularly those in blue States and cities like Chicago.

What is the purpose? Not just to spread fear but when the election comes, which is another few months away, of course, but when the election comes, to discourage people from voting in those neighborhoods, if not disqualify them.

Does that sound like an outlandish idea, the President who will refuse to accept the fact that he lost an election? It doesn't to me, and it becomes a reality every time I come home.

This President argues that there are dangers in the streets of Chicago. Two weeks ago, the streets were overrun by 53,000 people that didn't live in Chicago. It is called the Chicago Marathon, and they had 53,000 participants. This was a calm, peaceful, quiet, and great and happy day in the history of Chicago.

And for him to characterize this as a criminal city and one that needs military occupation is totally unfair, and it doesn't reflect the reality. This past Saturday, as I mentioned, over 100,000 gathered without violent incident, a reminder that cities like that that are being besmirched by the President are still solid places to live—with their challenges and problems, of course—but beyond that, it certainly doesn't merit the military presence the President is suggesting.

So I would ask the Senator from Oregon: Do you feel that there is a long-term plan to this militarization by the Presidency?

Mr. MERKLEY. Well, to my colleague from Illinois, the answer is absolutely yes. The President, as you mentioned, campaigned on the argument that there were violent criminals, and they were going to be sent home who were here without documentation.

What we have seen is a wholesale attack based on people's accent and the color of their skin. And in fact, if I understood a recent court decision, it has given some permission to continue targeting people because of their skin color or their accent.

And the idea that as we go around America—and we are mostly a few generations removed from being immigrants—more recent immigrants are

going to have accents, and we have worked toward a vision of being a race-neutral society; that people are now being allowed to be targeted by ICE because of their skin color, that just is, to me, a horrific embedment of discrimination.

And I think that the President intends to pursue this aggressively for every moment that he possibly can as long as he is in office and beyond, to the degree that he can help drive future administrations.

We saw it through his entire first administration. My first real involvement over immigration began when I read a speech by our then-Attorney General who said what we are going to do is separate the children from the parents and send the message that you don't want to come to America.

I said to my team: I am sure I didn't read that correctly. I am sure I didn't understand that correctly because no American administration—not a red administration, not a blue administration—would ever deliberately harm children in order to send some political message.

I remember my team said: Well, there is one way to find out. You can go down to the border. And I thought, you know, I have got this weekend free so I went down to the border. It is how I became the first Member of Congress to go into a warehouse on the border and see the children being taken away from their parents.

I will never forget this wire cage with about eight or nine kids in it, lined up by height because they were about to get a meal and had been told to line up by height.

And the youngest was just knee-high to a grasshopper, basically a tiny little guy—maybe 4 or 5. And I could see these kids looking through the wire screen trying to see if they could see their aunt or uncle or father or mother or sister in some other cage in this big warehouse.

And I walked outside and talked to the press about it and was just stunned. I think the Nation was stunned. And the President formally reversed that policy, a bit of time later, but he never reversed the drive to attack people based on their skin color.

Whom do we see he wants to allow a free pass into the United States? Basically, a wealthy White population from South Africa, and they are some of the most privileged population in the world. But the President says: Those are the folks.

And remember his comments from his first term. He said he really wanted people from those Scandinavian-style countries. So I do feel that he wants to pursue this aggressively throughout this administration, and we are going to see a lot more terrorized immigrants.

Mr. DURBIN. I thank the Senator from Oregon.

Mr. MERKLEY. Mr. President, I see my colleague from Washington State is here. I would welcome a question.

Ms. CANTWELL. Mr. President, I rise to ask the Senator from Oregon a question.

I appreciate my Northwest colleague being here to bring attention to these important issues, and I—so much has transpired in the last few weeks, and so I just appreciate the fact that you are trying to bring part of the awareness.

If we made a long list, there would be many, many things here in this list of authoritarianism that we do not like, and I appreciate you bringing specific attention, although I do find some musings that people find a bicycle protest somewhat threatening, which it is just not. You know, we are kind of famous for our bicycle events in the Northwest, so don't know why somebody finds that threatening when authoritarianism is really the threat.

But I have been so involved with my colleague Senator GRASSLEY in making a really important point, and that is the President is abusing his power on tariffs. When you think about the actions of proposing tariffs, this is exactly why people said, "We don't want kings to have this authority."

Why? Because it is such an important constitutional authority given to Congress. It is not something that we think that the President of the United States should have to usher in economic impact in this dramatic way.

And the IEEPA tariffs, the lower courts have already said, "Yes, we don't think that he has this authority." He has been abusing this authority. Now, he is going to try to say there are other emergency powers, and hopefully, the courts will continue to do their job.

But when I think about all of the things he has done, and lots of them are big issues, to me, this one—to basically wield an economic impact on the cost of affordability for Americans, for housing, for food, for transportation cost, a whole myriad of things—when it is only the authority of Congress to do this.

I think of how big this economic stick is that he is wielding. So all we have said here, collectively, a bipartisan group of Senators, is that you should—if you think these things are so great, you should come to the Congress. But the constitutional authority is that only Congress has this authority.

So I think it is a very dangerous precedent. I think, in a global economy with a lot of economic activity to be had, I don't think it is a good idea to have somebody in the office of the Presidency acting as if these tariff policies are their domain.

And clearly, the cost of this on goods and services—particularly those that are really, really hurting us, like I said, affordable housing and things of that nature—are really the impacts. And I don't know to what degree—sorry to say I didn't stay up with you and watch all night, so I don't know what degree you covered tariffs. But I don't know what you think about this

particular point in this debate of yours about the authoritarian power and how much its being abused on tariffs.

Mr. MERKLEY. I so appreciate the question from my colleague from Washington State, and I am heartened to hear of your work across the aisle with Senator GRASSLEY to try to address this question of tariffs.

Now, the very first bill ever considered by the U.S. Senate was a tariff bill. So you can imagine our Thirteen Colonies, the 26 Senators, gathered in a fairly small space, and going: No, no. I want the tariff on a jug of molasses to be this and on sugar to be that and so on and so forth.

Over the course of 3 weeks, they reached an agreement on a couple hundred products. And the one person who kept notes through this whole thing, a daily diary, got frustrated by it: Oh, well, now we are going back to the same product we considered 3 weeks earlier. In 3 weeks, they considered a lot.

But the point is, it was Congress that was deciding these tariffs. This wasn't an inherent power to the President, and there is no law that it has delegated power to the President to do tariffs. Tariffs are done by law. That means they are a bill that occurs here, and it is a bill that becomes the actual tariff when it is signed by a President.

But the President—we have never delegated that power, and I am not even sure, if we tried to, if the Court would say you could delegate it because the Court sometimes says: You have responsibilities as Congress that you can't delegate it. You cannot delegate the design of how much money goes to certain programs and whether or not they can be canceled. You cannot delegate that.

And so here we are with this enormously destructive tariff policy. Now, count me in if there is a slight tariff on goods that are low-wage, low-environmental, low labor standards countries—count me in to encourage a little more of the factories to be in the United States.

But for people to make investment decisions to put those factories in the United States, you have to have a stable tariff regime. You can't have the tariffs up one side and down the next. And so, no companies are making decisions about building factories right now. They may say: Well, for a few months because there is this big whopping tariff on Vietnam, maybe we should build a factory here, but wait, that tariff may change. And, oh, it did change on Vietnam.

(Mr. MULLIN assumed the Chair.)

And think about the chaos that comes in our foreign policy, because here we have wronged a country that we are trying to induce to be a significant manufacturing partner with us rather than products coming from China and to be a force in the region to counterbalance China somewhat, and we treat them in an arbitrary and capricious way. Well, there goes years

and years and years—decades, really—of rebuilding a relationship with them.

And with Brazil, the President just says: I don't like the fact that their strong-arm former President is being put in prison for trying to overthrow their democracy.

Really? OK. But you are going to put a tariff on them, a 50-percent tariff. Or last week, it was going to be a 100-percent tariff on China after China said they were going to control their minerals. It is chaos.

What I heard from small businesses yesterday—they said: We have two problems that are turning Main Street into "Pain Street." The first is the tariffs. They are affecting either the inputs for our products or how we sell our products or just the uncertainty that is causing people to buy less, and all of that is a problem.

They said the second problem is that most of them buy their insurance on the exchange, and because of the not so beautiful—what I like to call the big, ugly betrayal of a bill, the average cost of that is going to double costs in America.

This one owner said—I think I understood him to say he had four employees, and he talked to three of them. They each said: I am not going to buy insurance. I looked it up on the exchange. The price has doubled or something like that. I am not doing it. I am going to take the risk.

We know where that leads. That leads to people not going to the doctor when they need to go. It is small problems leading to big problems. It leads to big problems being treated in the emergency room—the most expensive place.

So I do think the tariffs are absolutely—we need to reclaim that power here in Congress and the rationality and the theory behind it—a theory that will help make America more prosperous but not this crazy, fluctuating, up-and-down that leaves everybody struggling to know what plant should they grow in their field, what product should they produce in their factory, should they produce more, should they warehouse them, or should they shut down. I mean, no one knows.

Ms. CANTWELL. Mr. President, if I could—the Senator from Oregon, if he had time for another question on this point.

You know that the Pacific Northwest has a big export economy. We have many ports. People may not know, but we probably export a significant amount of soybeans. And I don't know if the Senator is aware that this is a crisis now. These growers, particularly in the Midwest, are on their heels over this.

This is having huge economic impact, and it is a constitutional authority by Congress. And instead of our colleagues dealing with this authority and dealing with the fact that their own constituents are getting run over, they are still ignoring the fact that the President is abusing these powers.

So I don't know how much you are aware of this, but it is these kinds of activities that lose you shelf space, go to some other country, and then when you try to get it back, the country is already in business with somebody else. So this is affecting our growers across the United States. It is time for our colleagues to admit that this is an abuse of power and help us reign it back in.

And so, I so appreciate your efforts here to talk about authoritarianism, and I appreciate your comments on tariffs specifically, but this is—one side of it is the consumer impact, and the other side of it is the economic impact to growers who wonder why they send people here to vote and take care of their interests if you are going to have somebody at the White House who is just going to run over them. And I hope that we can continue to emphasize this.

And of course, obviously, on the healthcare costs, we put out a report last—well, now, I think 4 weeks ago—about the high cost of healthcare being implemented because of the lack of the ACA tax credits.

But, oh, by the way, guess what was in that report? That tariffs were also having an impact on the cost of healthcare. So it is impacting us on healthcare, the very underlying issue of why we are here and trying to get some relief for the American consumer, as now they start to see these bills and see the choices that they are going to have, but tariffs are affecting our economy in a very significant way, and it is time for our colleagues to say this is the authority.

They have a chance to sign on to our bill. They certainly could sign on. There are seven Democrats, seven Republicans. They certainly could sign on and say that they support that. I don't see anybody on the other side of them making a case that the President has this constitutional authority; it is more that they are just silent, and America needs to know that our economy is being hurt by tariffs, and it is an abuse of power by the White House. So thank you.

Mr. MERKLEY. I appreciate my colleague's question regarding particularly the soybeans. My understanding is that China was a major consumer of soybeans, and they have bought exactly zero beans—massive, massive amounts in the past. But now when you go from huge tonnage, ships and ships full of soybeans, and then you drop down to zero, wow—the overproduction of soybeans. The price drops on them. What do I do? How do I store them? They are going to go bad. Where else in the world can I find a market? Can I get China back when all this fuss ends?

Meanwhile, Brazil is stepping up in the soybean world to provide that supply and will. As it is so often, once you lose that relationship and that trust and the personal connections, it is very hard to get those customers back.

So I understand the distress for our farmers. They are just one example of

the capricious tariffs—the massive fluctuations are so devastating.

You mentioned in your question that there is also the issue of how tariffs can affect healthcare, and I have heard that tariffs are being placed on a lot of the ingredients that come in, including from China, to make our medicines, and therefore that drives up the cost of drugs as a factor. That is at least one connection. I suspect there are others—maybe the cost of wheelchairs or medical devices; I am not sure.

Washington is an extraordinary exporting State on the coast of the Pacific Rim, as is Oregon. We are about the same size. We have kind of a friendly competitive relationship between our two States. But we have the same issues. It means that we often work together to try to solve those issues for our region of the country. And I thank you so much for your leadership.

I see my colleague from Minnesota is on the floor, and I would welcome a question, if she has one.

Ms. SMITH. If the Senator from Oregon would yield for a question, I would appreciate that. I have a specific question, but I would like to just actually follow up on the interesting conversation you were having with Senator CANTWELL from Washington about soybeans, because I represent Minnesota, a very large soybean State, and I was just home in Minnesota last weekend. I heard a lot about what is happening with soybeans.

You are exactly right, Senator MERKLEY. We are having a bumper crop of soybeans. The beans are pretty much out of the field, and Minnesota farmers and producers are trying to figure out what to do with those beans.

Because of Trump's tariffs, the Chinese market for soybeans has been decimated. Trump tariffs have completely ruined that market. And as I think you said, Senator MERKLEY, these export markets for American agricultural products—it is not like an on-off switch; it is not like a pipe that you just open or close. These relationships in these export markets are incredibly important. So what is happening here is that American and Minnesota farmers are looking at this and they are seeing: OK, Trump tariffs have made U.S. soybeans basically non-competitive, and so China, our biggest export market, is turning to South America—in particular, turning to Argentina.

American soybean producers are literally wondering how they are going to pay the bills when their operating loans are coming due right now, and they are looking at the loans they are going to need to take out, the working capital loans they are going to need to take out this winter in order to buy fertilizer and seed and all they need to get crops in the ground for springtime.

It is so offensive to them that at the same time that they have lost this market in Argentina, the President, President Trump, is sending billions of dollars to Argentina.

So I think I have seen, Senator MERKLEY, that the amount of money that the President is sending to Argentina to bail out the Argentinian debt, to resolve this capital crisis in Argentina—there is one group that we know for sure is going to benefit from this bailout, and these are the friends of Donald Trump in the United States of America—the big fund managers, the big private equity firms that made huge investments in Argentinian debt, hoping that it was going to go up, and sure enough, it will because of what the current President is doing.

So helping big Wall Street fund managers, hurting American farmers—that is the story of what is happening with Donald Trump and his tariffs right now.

Senator MERKLEY, I was listening last night to what you were talking about, and you gave a really powerful quote or a paraphrase, perhaps, from the book “How Democracies Die,” and one of the things that you highlighted, I want to just quote here.

You said there has to be a fierce reaction in the year that the authoritarian starts to dismantle the Constitution.

Well, this is the year. And I was reflecting on this as I was thinking about what happened all across the country and what happened in my home State of Minnesota and I am sure in Oregon as well with these huge demonstrations that we saw all over the country. I am going to ask you to reflect a little bit more on what you said last night and what we have seen here with this reaction to the authoritarian activities of the President.

But I wanted to just share that what I saw in Minnesota was really remarkable. By all accounts, nearly, you know, maybe up to 100,000 people turned out just in Minneapolis, which is, you know, the biggest city in my State. Minneapolis and Saint Paul are roughly 2.5 million people all in. And we had 80 of these events all over the State.

What I saw—and I am wondering what you saw in the demonstrations in Oregon—what I saw was incredibly patriotic people showing up—people who love their country and want to keep it, people who understand that in this country, we swear allegiance not to a King but to our democratic values and to our Constitution. It was remarkable to me to see that love of country and that patriotism.

I also saw—and I would love to hear your response to my question and comments—I also saw a lot of people turn out at these big events who don't typically come to these, don't come to political demonstrations. It is just not their thing. But they felt compelled to do this, maybe because of what you were talking about, Senator MERKLEY, earlier, which is they understand there needs to be a fierce reaction in the year that an authoritarian starts to dismantle the Constitution, and they were there to demonstrate their allegiance to our Constitution.

So maybe I will pause there, Senator MERKLEY, and I would love to hear your thoughts on this.

Mr. MERKLEY. Well, I so appreciate the question from my colleague from Minnesota, and the commentary I was giving is more my distillment, my impression of the information in this book rather than a straight-out quote from it. But essentially, in the past, the death of democracy came at the hands of men with guns. Now it is coming through people who get elected, and after they get elected, they work to erase the separation of powers. They try to get a legislature that will be more of a rubberstamp and say: We will do what you say.

Well, suddenly the whole vision of Congress laying out the programs, an amount to be spent, and the policies is supplanted by Congress just saying: Well, what do you want us to do? OK, we will do that.

Then the Supreme Court hands over more power, and we have seen that happen here in the United States as well—certainly with the Trump v. United States, where the Supreme Court found invisible ink in our Constitution. I am pretty sure neither of us can go through here and find anywhere in article I and certainly not in article II, which addresses the Executive, that there is any sign that they want the President to be considered above the law, and yet that is what the Court said.

So to the broader question of how—once you are in this authoritarian takeover, what are your odds of stopping?

And, in general, the authoritarian works to entrench the authoritarian rule. So people get knocked down when they speak up, and other people are afraid to stand up and become more timid.

The press gets a little more careful after getting sued. The Wall Street Journal got sued for \$10 billion, maybe gets a little more careful about what it says in its newspaper.

The network, which is threatened with the possibility of losing its broadcast license, or the network that is threatened with the possibility of a merger opposition may say: OK. You know, we are going to change our programs. We are going to get rid of that program that Trump doesn't like or we are going to get rid of that comedian that insulted Trump.

And you start to see these effects pile up, and they grow over time.

So in that first year, if there is not a reaction from the people, then people assume two things: Oh, that sounded outrageous to me, but maybe it is not so bad. Maybe telling universities what to teach, having the government tell them that, isn't so bad. Maybe telling the broadcast news what to put on air isn't so bad and so forth. It is like maybe kicking people out of the country for exercising their free speech on college campuses isn't so bad.

If nobody is protesting, it is like, “Oh, well, maybe that is not so bad.”

and it makes it easier for the authoritarian power to get a deeper and deeper grip on the system and become the status quo. And that is why you need a protest in the first year to say: No, this is breaking the norms. This is breaking the law. This is violating the Constitution, and we are not going to take this assault crushing our freedoms. We are going to stand up and say: Hell no.

And then people go: Oh, I thought those things were pretty outrageous. And, look, there is somebody or some group or some force I can get behind to help know that I am not alone because, as a normal citizen, what power do I have? But if someone else is organizing and speaking out—and that is why this No Kings march was so important—7 million people, 2,700 locations. You had an incredible set of demonstrations in Minnesota. We had an incredible set of demonstrations in Oregon.

And I went to one in a very small town. It is kind of just a few stores and gas stations. And it is in a pretty conservative county. And, boy, 200 people were out on the road with their creative signs.

I was really struck, especially by talking to veterans who said: You know, I volunteered. I went to war overseas because my country asked me to do it. And it was framed as you have to defend this country and this set of freedoms that we cherish so much. And I will be damned if a President of the United States is going to take away what we fought and died for, a President who never bothered to put on a uniform. And those were powerful words that I appreciated from our veterans.

But that is why that first year is so important, that people know that this is not OK and that others are willing to organize and resist and push back.

And then the second piece of that is the next election because the goal of an authoritarian President is to make it more and more rigged, the elections. And if you want three examples: One right now is the President is trying to consolidate a voter registration list from States around the country, making it easier, potentially, to manipulate that list in the next election.

A second factor is Trump is trying to get States to gerrymander in order to produce—basically divide up blue districts by attaching little pieces of it to red districts so that the blue district disappears, and you get more Republican House Members and less fair representation of the diversity of America. So the gerrymandering.

And then he is complaining about vote by mail. You have vote by mail in Minnesota. We have vote by mail.

You have one of the highest turnout States. We sometimes say we are the highest turnout State, and then sometimes I look at stats, and go: I think Minnesota might have, you know, beat us out a little bit on one election or another.

But the point is that the integrity of vote by mail is so high because it can-

not be manipulated on election day. And we see that manipulation in so many forms on election day, where precincts are moved so people don't know where to go. False information is put out where to go. They are put where there is no parking if you don't want people to vote. The machines don't work. The staff doesn't show up. The lines are long. People are intimidated. They are told they can't pass out water to people standing in line, which just seems like a horror of a possibility, people passing a law saying you can't give people water who are standing in line wanting to vote.

And all of those factors really play a big role. That is why Trump wants us to vote on election day. More ability to manipulate the outcome of elections.

So those are two incredibly important things. And then I wanted to just say: What is going on with Argentina that we are sending them money, \$20 billion and maybe \$40 billion in order to help them with their debt, which is owned by a bunch of Trump's friends.

So they bought it for pennies on the dollar, and now they are going to become megarich. And where did we pass a bill saying you can send \$20 billion or \$40 billion to Argentina? What happened to America first? This is Argentina first.

This is the corruption of the President's friends first. What policy is that? I want to see that on a hat.

It is outrageous. You think about \$40 billion. That is approximately \$100 for every single person in our country contributing to bail out Trump's friends who bought up Argentinian debt.

No. Hell no.

I don't know what authority he is doing that under, but let's take it away. Let's get our Republican partners to join us and say that we should take it away.

Ms. SMITH. If the Senator would yield for one more question?

Mr. MERKLEY. I would be delighted. Yes, I will yield for a question.

Ms. SMITH. I want to just follow up on something that you talked about with the attempt by the Trump administration to consolidate and get some control over our voting process in this country. One of, I think, the strengths of our country is while we should have high national standards for free and fair elections, we have control over elections at the local level, and that gives our electoral system a lot of resilience.

I want to just thank our Secretary of State in Minnesota, Secretary of State Steve Simon, for refusing to provide to the Trump people our voting rolls and data about our voters as a way of protecting our local control over our ballots.

And I want to just follow up also with what the Senator from Oregon was talking about with the way that the President is ignoring the rule of law, ignoring the article I—you know, ignoring the powers of Congress, and, you know, I was thinking a lot about

what the preamble of our Constitution says.

I mean, the preamble of our Constitution says:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

That is the promise that we all make each other in this great democracy. And what I think we see happening—I wonder if the Senator would like to comment on this—what I think we see happening is that President Trump is trying to undermine that promise, and he is trying to exhaust us and distract us and make us feel like we actually don't have any power to have much of an impact on what he and Russell Vought and his administration do and that that will cause us to just give up and give in.

But, of course, Americans are stronger than that. Americans are more resilient than that. Americans care more about their democracy than perhaps Donald Trump believes or expects.

And one of the powerful things that I see happening, that I saw happening this weekend and I see happening all over this country, is Americans standing up and saying, basically, we know a bully when we see him. He is not as strong as we think that he is. And he is not as strong as he wants us to believe that he is, and we are going to stand up to it.

And that Senator MERKLEY gives me a sense of faith and a sense of hope as I see people put their faith in this democracy into action every single day in the ways that are meaningful for them personally.

Mr. MERKLEY. My colleague from Minnesota, I appreciate the question, but I particularly appreciate the recitation of the preamble, and I grabbed my pocket Constitution here that I have been bringing up various points through the night. And the line that I have highlighted here from some previous time was: "And secure the blessings of liberty."

Secure the blessings of liberty.

You know, psychologists may say there is a hierarchy of needs: You need food. You need water. You need shelter.

But we are Americans, and I can tell you liberty is at the top of this list. The idea that I can't say what I want, the idea that a private university can't teach what it wants, the idea that a private law firm can't provide its contributions to the legal help to the non-profits it wants to provide help to—it goes on and on about the compression of liberty.

People around the world have come here, dreaming of liberty. They have seen Lady Liberty with her torch held high, welcoming people from around the world, where you may be oppressed back home, but you come to this shore. And you can say what you want. You

can worship as you want. You can have your company operate within the law, making its own decisions, without government oppression.

And suddenly all of that is being challenged.

And so I do appreciate a lot your emphasis that this component, which may seem more abstract if you are a family struggling with healthcare and your children are hungry, but even for families that are dealing with the challenge of getting onto their feet with basic healthcare, they still have the DNA of American liberty throughout their body, knowing that they can—they may not have all the food they want, but they can say what they want. And they can criticize the President of the United States. And that President damn well better not put them on an enemies list and proceed to tell the Justice Department to go on some kind of a search to get them arrested or charged or tried or imprisoned.

And yet that is happening right now, an enemies list. Let's be blunt about it. The President has been transparent about it. Other things he may not be transparent about. But when it comes to an enemies list, he is transparent as hell. He lays it out to the press: These are the folks I am going after. He does his tweet to Pam Bondi: Why haven't you acted yet? Why haven't you done it yet?

I read one of those tweets sometime in the hours passed, and it is stunning that the President, clearly, feels he has full ability to weaponize the Justice Department as his personal revenge factory, and he is all in on it. And we have to stop him. Thank you.

And I notice that my colleague from Massachusetts has arrived, and I would welcome a question, if he has one.

Mr. MARKEY. Well, thank you, and thank you so much for raising all of these issues about the threat to our democracy. Authoritarianism is running rampant. Healthcare, education, our environment are all being threatened in violation of the U.S. Constitution.

And so I would ask if the Senator would yield for a question.

Mr. MERKLEY. I would be delighted to yield for a question.

Mr. MARKEY. Thank you. So Republicans are shutting down the government to cut Americans' healthcare. In fact, Donald Trump and the MAGA Republicans have been shutting down our government since day one. We are witnessing a Robin Hood in reverse as Republicans make deep healthcare cuts and steal from those most in need, all to pay tax breaks to CEO billionaires in our country.

And as a result of Trump's "Big Ugly Bill," over 320,000 Massachusetts residents could lose insurance coverage. That is almost 5 percent of the entire State. The Commonwealth could lose over \$2 billion in Medicaid funding, absolutely, with Massachusetts hospitals losing \$424 million each year, erasing 19,000 healthcare jobs in the State of Massachusetts alone.

After ripping healthcare away from hundreds of thousands of Massachusetts residents, MAGA Republicans are now willing to dramatically raise health insurance costs for even more families. If the premium tax credits from the American Rescue Plan expire at the end of this year, 337,000 additional Massachusetts residents will see their health insurance costs spike. In the process, our residents collectively will lose \$425 million in tax credits each and every year, averaging over \$1,300 per enrollee each year. Some can see their premiums surge over \$1,000 a month, leaving them an annual premium of more than \$25,000.

So this healthcare premium bomb is about to go off all across our country on kitchen tables—dramatic increases in the costs for healthcare for families. That is just unacceptable.

The price of groceries is up. The price of electricity is up. And now Trump and his MAGA Republicans want to jack up the cost of health insurance, forcing families from Boston to the Berkshires, from Portland, ME, to Portland, OR, to make difficult choices to make ends meet.

Right now, thanks to these tax credits, a couple in their thirties earning \$50,000 in the city of Boston with two children could pay just \$4 a month for their health insurance premiums. But soon, if Trump and MAGA Republicans decide to let these credits expire, that couple will receive a notice in the mail that they will have to pay \$176 a month, a 4,000-percent increase costing thousands of dollars more per year.

A 62-year-old couple living in Watertown that earns \$86,000 a year could pay \$1,700 more each month.

A 58-year-old living in the Berkshires making \$32,000 a year could see their premiums increase by 170 percent.

Last week, Democrats on the Small Business Committee, on which I serve as ranking member, released new data showing over 10 million small business owners and their employees rely on the Affordable Care Act's enhanced premium tax credits to afford health insurance.

Small businesses are the heartbeat of our economy. But Republicans are turning Main Street into "Pain Street." Republicans are making a Jenga tower of our healthcare system. They remove one block, access to Medicaid, and then another, health insurance tax credits. They already have put us into a healthcare crisis.

But they don't stop there. Republicans have cut or frozen over \$1.3 billion in grants to Massachusetts from the National Institutes of Health for lifesaving medical research and clinical trials. They are gutting our public health workforce by revoking temporary protective status for Haitians and Venezuelans and directing ICE to terrorize lawful immigrants who are disproportionately healthcare and human service workers.

We know these cuts will have even worse impacts on Black and Brown

communities. Right now, 60 percent of Black children rely on Medicaid for their healthcare. Sixty percent of Black children in our country rely upon Medicaid for their healthcare. If these cuts go through, millions could lose access to checkups, asthma treatments, and mental health care to keep families healthy and children in school. It would leave parents with impossible choices between medicine and meals. And restrictions on Medicaid don't just trim budgets, they cut into lives.

With each Jenga block Republicans remove from the tower, Americans' healthcare becomes more and more unstable. We know how Jenga ends. The tower collapses. That is where we are heading right now.

But Democrats are not going to let our healthcare system collapse. The Republicans want to loot the healthcare system of tens of billions of dollars and then hand it over in tax breaks to the Republican billionaires who are their supporters. Well, the Democrats are not going to drive the getaway car in the biggest healthcare financial heist in the history of our country. We are not going to do that. We are fighting to keep the premiums affordable.

Republicans call it a government shutdown because they don't want to admit what they and Trump are doing. It is a healthcare shutdown and Speaker JOHNSON has Republicans in a political witness protection program right now. They are scattered all over the country. We want them to come here so we can negotiate with them to solve this healthcare problem.

We can solve the government shutdown and end the healthcare crisis with one vote—one vote on the floor of the House and the Senate. It wouldn't take more than that. They just have to come here.

Right now, what we have is a President saying: Well, there is nothing to negotiate on the shutdown.

So, ultimately, that is going to be the challenge which this country is going to be facing because the Republicans are refusing to come to negotiate.

We are calling on Donald Trump and Republicans to reverse their cruel cuts, return the funding they looted from our healthcare system, and restore access to essential care for all Americans.

So I have a question for my colleague. As this ticking healthcare timebomb gets closer to exploding, how will it hurt Americans' wallets and our national economy?

Mr. MERKLEY. I so appreciate the question from my colleague, who certainly laid out a lot of ways that it is going to have a huge impact across the country and in your State of Massachusetts.

I was thinking about several of the points that you were making, which really are parallel for Oregon, but they are parallel for every State. In some

cases, the States that are most affected are not even States that are blue States. That is certainly true when we are talking about these tax credits, because 75 percent of the folks who access the tax credits on the exchange are in States that President Trump won.

We are not advocating to restore affordability to healthcare because it is an issue in our States, although it certainly is an issue. We are advocating because it is the right thing for every American that healthcare is a right. It is a foundation for a family to thrive.

When I think about the things that enable a family to do well, it is healthcare; it is a decent home, decent community; it is housing; it is education; the opportunity for good education; and it is a good-paying job that sets your family on its feet.

In healthcare—a fundamental foundation in my State—the projected loss of people because of the slashes to Medicaid is 235,000 people losing their insurance in my State, a projected increase that isn't as high as the rest of the country. And now that we are starting to get numbers directly from the exchange from insurers, maybe we find out it is as high. But the projection across the country was more than double, 114-percent, increase. Why is that? Because premiums go up and the tax credit comes down.

So a gap that is this big becomes a gap that was that big—114 percent. My State projected 68 percent. It might happen that it is less than 114, yes, if it is true.

But here is what I know about inflation and the fundamental item. People get pretty nervous when they have 5 percent inflation. They get really upset when they have 10 percent inflation. When they have 68 percent or 70 percent or 100 percent or more inflation, they are not going to buy the healthcare policies.

You mentioned that Main Street is "Pain Street." Maybe I heard you say that in the past. If so, thank you, because I have been using that phrase, and I will try to give you credit for it because it may well have been something I overheard you say.

I talked yesterday because we had folks representing small businesses visiting here on Capitol Hill. One of the individuals said there are two things that are causing us a lot of pain. I couldn't resist: Main Street turned to "Pain Street."

He said: One is tariffs, and the second is healthcare.

He said: So many of us small business owners don't have enough to negotiate with a Kaiser or Blue Cross. We have our folks, our employees, go to the exchange.

Well, he said he talked to three of his four employees, if I got the numbers right. And he said it doesn't sound like any of the three of them are going to buy health insurance. If it is as expensive as what it appears when I go online right now, with the premiums up and the tax credits down, then the gap

in the middle that I have to fill is too big for what I earn, and I am just going to take the gamble in various forms.

It sounded like that is what his staffer meant.

But he knew that any one of them might win that gamble. They might get through a year without a healthcare problem. But if there is a group of them, a few of them are going to have significant problems. They are not going to go to the doctor because they don't have health insurance. Then the problem is going to get worse, and when they do go, a small problem becomes a big problem. When they do go, they are in the emergency room, which is the most expensive place to provide healthcare.

And if preventive care disappears, which is such a big piece of what we tried to do in the exchange, either you could get insurance in which you are covered for preexisting conditions, insurance in which your children could stay on your policy to age 26; insurance where preventive actions are free because an ounce of prevention is worth a pound of cure; and tax credits make it affordable—if you eliminate that affordability factor, we are back where we were.

I tell you, that impact on rural Oregon is devastating because rural Oregon is less affluent than suburban Oregon. So there is a higher percentage of folks who are on Medicaid, our Oregon Health Plan. And when it comes to children, we are talking that 70 percent of the children in rural Oregon have the Oregon Health Plan.

What does knocking 235,000 people off do and what does it do to the revenue of the clinics and the hospitals that have to shut down projects?

Or, according to the Sheps Center, 300 hospitals across the country will probably be forced out of existence, and they won't even have a hospital, won't have any programs. Where are you going to go, 70 miles down the road to find your next hospital in rural America?

So it is a very big deal, indeed. I am so glad you raised it.

There is a tie-in to the authoritarian structure that I just want to emphasize. And that is, when you have an authoritarian who starts their year with a speech surrounded by—backed up by—billionaires, then does a bill that is about sabotaging programs for families to fund tax breaks for billionaires, well those two things are connected because an authoritarian doesn't feel the need to pursue government by and for the people. If you are pursuing government by and for billionaires, then sabotage the programs for people and fund the billionaires. They are the friends all around you, including friends who bought up Argentina's debt, which we are going to ship \$20 billion or \$40 billion off to.

Mr. MARKEY. Would the Senator yield for a question?

Mr. MERKLEY. I would be delighted to yield.

Mr. MARKEY. I want you to follow up a little bit on that University of North Carolina Sheps Center study. I requested them to do that study. It came back, and it was a blistering, scalding indictment of the Republicans' support for these dramatic cuts to our healthcare system.

And it concluded, as you said, that over 330 hospitals—rural hospitals—in our country, would close. That was 30 in Kentucky, 30 in Louisiana—disproportionately in rural America.

Could you talk about that, maybe a little bit more, especially in terms of your home State of Oregon but what that portends for the rest of the country in terms of the provision of healthcare services and then the flooding of the other hospitals' emergency rooms, the increase in the premiums for those who can afford health insurance—but the costs are just going to skyrocket—and elaborate, if you could, just a little bit more on that looming crisis?

Mr. MERKLEY. As I start to respond to your question, I want to repeat my main mission statement for being here through the night, and that is to ring the alarm bells of alarm at this authoritarian takeover and at this strategy of doing authoritarian bills in which families lose and billionaires win. Families lose their healthcare or their nutrition benefits or their Medicaid in order to fund tax breaks for billionaires.

But I am so glad you requested that study from the Sheps Center at the University of North Carolina. They are highly accredited, highly capable. It is a great place to go for this sort of information.

I think back to a couple of years ago when we had a hospital in Baker City, OR, and they announced, very suddenly, that they were having to shut down their maternal care unit. Now, it is quite a ways down the highway to the next hospital. So, depending on the roads you take, can you even get down those roads in the winter when there is ice or there is snow if you are having to go 40 or 70 miles depending on your undertaking?

Boy, it is the idea that, when you are trying to get prenatal care, you will have to go that far round trip; the idea that maybe it will be harder to get classes that you are supposed to take to help you prepare for being a good parent; the idea that, when you go into labor, you will only have limited time. So are you going to make it to the hospital?

Anyway, it is a big deal to this medium-sized town to lose their maternal unit. But why did they lose it? Well, it is inherently an expensive program.

So what happens when hospitals are looking at increasing costs and they have got significant personnel costs? They may now have increasing costs from the tariffs because the tariffs affect some of the drug prices and they are going: Well, we are not balancing. Where are we losing the most? So they cut a program like that or maybe they

cut their drug addiction program, and folks who have a drug addiction just have nowhere to go or maybe they cut their mental health program.

The point is sometimes they are so close to the line, they are like, "We cannot make it anymore. We have to consolidate into a single hospital further down the road, and we have to partner with someone else. We have got to shut the whole thing down."

So that is where, I think, the possibility of losing 300 or more hospitals comes in, particularly in rural Oregon. You have a whole bunch of rural America—you have a whole bunch of families who don't have insurance. They are going to the hospitals for care. They are going to get care, but then they can't pay the bills, and suddenly, the crunch is too big.

There are 235,000 people in Oregon who will lose health insurance through the Oregon Health Plan who can't pay their bills. Maybe an additional group, a significant group, loses the ability to get healthcare through the exchange. That is a lot of uncompensated care. Maybe that hospital just can't make it. That is what is happening. We have been losing hospitals in rural America for that reason. They are already at the edge.

This type of blow in the Republican bill was placed for January 2027. Now, that may seem like a long time from now, but that is basically 15 months from now that we are going to be seeing the implementation of this dramatic assault on healthcare. So that is why I say it seems legitimate to me that we can see that sort of damage to healthcare across the country, with hospitals in rural America shutting down.

I appreciate so much my colleague having joined us. I see my colleague from Connecticut. Let me see what the right thing to say here is.

I will yield for a question if he has one.

(Mr. SHEEHY assumed the Chair.)

Mr. MURPHY. Mr. President, I thank Senator MERKLEY.

Let me just say how much I appreciate, his colleagues appreciate, and many Americans appreciate the labor that he has put in to raising these alarm bells tonight, and I would appreciate the chance to ask the Senator a question.

Mr. MERKLEY. Yes, I will yield for a question.

Mr. MURPHY. I thank Senator MERKLEY.

In having done this before, I know that the language is important.

So the Senator and I have had a number of conversations over the past 6 months about the importance of being straight with people about what is happening in this country. I am sure that a lot of our Republican colleagues on this floor have looked at what the Senator has been doing overnight, have looked at some of the similar speeches that I and others have given on the floor, and think that we are engaged in

pretty remarkable hyperbole, right? This is the United States of America. Our democracy is going to survive forever. This is not authoritarianism. This is just a different version of democracy.

But I think it is important to talk for a moment—and this will be the foundation of my question—as to how you know when you have lost your democracy, how you know when you are on the wrong side of a transition to authoritarianism.

There are a lot of folks who will say: Well, listen. We are still going to have elections in a couple of weeks. We are probably still going to have elections in November of next year. Well, there are troops in Washington, DC, right now. They aren't inside the Capitol Building. We are still operating.

Well, many of Trump's critics have been taken off the air, like Jimmy Kimmel, temporarily, and Stephen Colbert, soon to be permanently. There are plenty of people who oppose the President's policies who are on television and who are talking openly about their disdain for his policies online. So I understand many of my colleagues who say: Well, this still looks like a democracy. It may be different than it was a few months ago, but it is not authoritarianism.

I guess what concerns me is that there is not going to be this day when democracy turns off, and there is not likely going to be a cancellation of elections—because President Trump is following a playbook, a playbook that many other would-be autocrats have used successfully to transform democracies into either autocracies or deeply illiberal democracies in which the opposition party never wins.

That is what happens in a place like Hungary or in a place like Türkiye. They still have elections, and there are still critics of the regimes. In fact, the opposition party can still win a mayoral race or a local election, but the rules are rigged such that the opposition party never has enough oxygen, never has enough support, never has enough ability to air their case that they ever win at the national level.

As you have articulated overnight in this heroic effort, you can see this very detailed plan to constrict the space in which the opposition—which is, from an organizational standpoint, the Democratic Party—has to operate. It is a plan that Donald Trump didn't create himself. It is a plan that has been midwived in other nations that he has copied.

It is, first and foremost, about punishing dissent, targeting individuals who have been critics, and using government power, whether that be the Department of Justice or the FCC, to silence those critics.

It is about commandeering the spending power of the Federal Government to say: If you criticize me, you are not going to get Federal spending, right? Just a few weeks ago, the President canceled all energy projects in Demo-

cratic States, just in Democratic States—a clear signal and sign that, if you speak up against me, you are not going to get Federal funding.

It is about using the military to try to disincentivize protests, and it is about mobilization, especially in places like American cities where there are a lot of folks who oppose the President.

Then it is about rigging the rules. The President has been openly targeting ActBlue, which is the primary way that Democrats raise political contributions. It seems as if he may try to shut down the vehicle by which people make contributions to Democrats.

He is instructing Republican States to do something exceptional, which is to change congressional boundary rules outside of the normal schedule so that, even if he is deeply unpopular and even if Democratic congressional candidates get the majority of votes nationwide, his party will still control Congress because they will have rigged the rules of how these boundaries are set.

So whether it be the seizure of spending power, the use of the military, the manipulation of Federal regulatory and law enforcement powers to quash political dissent, or the rigging of the rules to make it much harder for Democrats to be able to win in elections, it is a comprehensive plan.

I guess my question to Senator MERKLEY is this: How do we know when we have lost our democracy?

Do you agree with me that it is very likely that we are still going to have elections but that they just aren't going to be free and fair elections? That not every single opponent of the President will be thrown in jail but just enough so that it quells the interest of the public and of corporate leaders and of civic leaders to speak out? That not every critic of the President will be taken down, off the air, but enough such that media companies will figure out that, if they want their next merger approved or if they want their licenses to broadcast to continue, they had better just tilt the coverage toward the President and just make sure that they don't have too much criticism on the air?

This is my worry. There are a lot of, frankly, our colleagues and there are a lot of Americans out there who believe that our democracy is still alive until the day when it dies, but we are not going to know that day. There is just going to be a moment at which the President will have successfully rigged the rules, punished dissent, seized so much power that the minority party won't have the ability to win a national election.

We will still exist as a Democratic Party, but just like the opposition parties in Hungary and Serbia and Türkiye, we won't be in a position to engage in a way that gives voters an actual choice.

So my question to the Senator is, Do you share that view of how his campaign of repression of political speech

is happening? Do you worry that people are just waiting around for that epiphany—that conflagration—where the democracy disappears or that that may not be how this plays out?

Mr. MERKLEY. My colleague has described very well the way this works.

In the past, in general, you had military coups. People with guns stormed in, took over, shredded the constitution, tossed it out, had command of the armed forces. Indeed, it was an observation even at the start of our country.

I have this quote from Madison during the Constitutional Convention in 1787:

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

The temptation to use that military.

The means of defence against foreign danger, have been always the instruments of tyranny at home.

So men with guns charged in and took over, but now we have a very different form in which democracies fail. It is the erosion of the checks and balances of the Constitution. So let's take a look at how those are being eroded.

Well, we see that we have changed the rules of the Senate so that we are now doing mass confirmations of the President's list of desired individuals. I think, did we not have a list that was well over 100 the other day? There is no consideration, really, of whether they are suitable at all to serve in the desired positions. That is an erosion.

Then we have the power of the purse. And the vision is that, in a democracy, the decisions on what programs should exist, how they will operate, and how they will be funded are made by the Congress. The President executes. So you deliberately fence off those decisions from the President.

But what do we have right now? We have those decisions being made by the President of the United States of America. Of the programs he doesn't like, he is exercising a version of a line-item veto by slow-walking the funding disbursements by canceling grants, by impounding funds, by waiting until the end of the fiscal year and filing a request to have the funding authority reversed. Then, during that waiting period, the end of that fiscal year comes, and—poof—the funds' authority evaporates.

All of these are strategies to put the power with the Presidency that belongs in a democracy here—right here—and down the Hall in the House of Representatives.

Let's take a look at the Supreme Court and whether they are continuing to defend the separation of powers.

No. Hell, no, they are not. They made a decision, and the decision is called *Trump v. United States*, wherein they said the President is above the law. There is no clause in our beautiful Constitution, in our "we the people" Constitution—there is no clause at all—that says the President is above the law.

No one ever thought the President was above the law until the Trump v.

United States case goes to the Supreme Court. Then the originalists, who know the Founders were terrified of a President trying to become a King, suddenly give him the power to violate the laws at will, with no accountability and with pardon power. I mean, the whole executive branch is above the law.

That is another erosion: the liberal use of the pardon power to essentially give a free pass to hundreds of people who stormed this Capitol while the Senator and I were sitting here in this Chamber and they were calling for the execution of the Vice President.

Then we can look at the freedoms. Are the freedoms deteriorating?

One freedom is to criticize the President without the power of the state coming after you. Yet the power of the state is now coming after the people on Trump's enemies list, and he is telling, in public tweets, his Attorney General to go get them: Go get them fast now. I want action. They shouldn't have gotten off. Let's get them.

Well, that is the tone of those tweets.

One of the people who is high on that enemies list is a fellow Senator. If you have the whole of the executive branch coming after you, targeting you not because you have done something wrong but because they want to take you down, that is an authoritarian state, and it is happening right now here in the United States of America.

When you have a President who is telling the universities: We will cancel your research contracts, millions or even billions of dollars, if you do not teach the way and operate the programs the way we want—well, that is tyranny.

If you proceed to have a President say to the networks: If you want that merger, or you want that broadcast license to be sustained, you better get that program off the air or that comedian off the air who insulted the President—that is tyranny.

When you have folks being shipped out of this country because they expressed an opinion on policy in the Middle East, and it is being done with no due process, that is tyranny.

So I would say, yes, authoritarianism is here now. Let's ring the alarm bells.

Mr. MURPHY. Would the Senator yield for one additional question?

Mr. MERKLEY. Yes, I would.

Mr. MURPHY. Thank you.

I wanted to ask you about—and I am sure you have talked about this many times already—what is happening, what has been happening in your city, what is happening in Chicago.

I wrote a book a couple of years ago about the story of violence in America. In it, I talked about the Founders' worry about a standing army. I did that because, while I actually believe there is a common law right to private gun ownership in this country—I do think that is guaranteed in the United States of America—I know the real history of the construction of the Second Amendment.

The Second Amendment actually was written to make sure that this country

could muster a militia, given the fact that our Founding Fathers were very specific about their desire for there not to be a standing army.

Now, of course, a lot has changed since the founding of this country. We now have the biggest standing Army in the world. But you have spoken a lot about the conversation our Founders had, having watched the experience, having lived the experience of British monarchical rule, and they did not want a standing army, specifically because they had seen how that army had been used against them and had been used throughout Europe to try to destroy the ability of people to dissent; that it was used sometimes in foreign action to defend the country and the Nation, or to conquer, but it was often used domestically to try to control speech and control political opposition.

So our Founding Fathers, I think, would be watching the deployment—or the planned deployment—of the U.S. military into the streets of this country with the same kind of alarm that you are bringing to this speech overnight, because this doesn't have anything to do with public safety. This is a means to try to intimidate people into not speaking out.

You described scenes in Portland where you have the military, essentially, trying to provoke conflict. And they are trying to provoke conflict in part to just make it seem as if things are out of control in neighborhoods where things are not out of control. But they are also just trying to scare people into not coming out and protesting.

Listen, it is absolutely understandable that an American citizen, who has never engaged in political speech or political protests but thinks this moment is extraordinary and wants to raise their voice, would think twice before going out onto the streets if they were potentially facing the barrel of a gun from a member of the U.S. military. That is intimidating, and it is intended to be intimidating.

So as you have talked about, our Founders' worries about how this country could fall into despotism. What do you think they would say about the use of the military today, 250 years later, to try to politically intimidate U.S. citizens in our cities?

Mr. MERKLEY. I thank you for that question.

I start with a strong thought: Let's not let this happen. Let's not have a standing military. It is expensive, and it is too big a temptation for our Executive to use it against people the way we had seen in so many other places.

That second stanza or that second phrase is what Madison said during debate at the Constitutional Convention: "The means of defense against foreign danger"—that is the army—have always been "the instruments of tyranny at home."

That is using the army against your own population. So that is why they were so worried.

Over time, because of the security demands of the country and a variety of various wars, we did pursue a standing Army and an Air Force, and we expanded and so forth. We got the Marines, got the Navy, and we have the militia, the National Guard.

I think they would say: You have been pretty lucky so far that the understanding was so deeply rooted that these could not be used against your own population except in extraordinary situations. And one of those extraordinary situations would be if the civil rights of individuals were being disturbed and you needed the deployment to help restore them because the local forces wouldn't protect those civil rights.

It is written into law in just that fashion. That is why there was a deployment to help students go to school—Black students being able to go to school—when folks were trying to block them from going to school in the South. That is what that deployment was about.

But then you have this other standard that they can only be deployed if there is an invasion or a rebellion and just an understanding that that is a high test to meet. But the concern is, you can have an erosion of the common understanding that it is a high test.

We saw that in two of the judges in the three-judge panel out in the Ninth Circuit. They said: Well, you used the definition, district court. It was appropriate for the time the laws were written, and that would normally be enough, but maybe you need to have a more flexible version of rebellion—of definition—and maybe you need to go back in time a few months, when there were a few more arrests, and maybe that gives us a stronger case to recognize that the President might be able to deploy; and you should give high deference to the President's interpretation, separate from the facts.

I mean, just that last point—high deference to the President's view—and what it does is it destroys the barriers put in place, the standards put in place. No longer do you need a rebellion to be allowed to use the federalized National Guard in America. No longer do you need an invasion. You just need a President to say: It looks like a rebellion to me.

That is what happens with an authoritarian President. They are not hesitant to say that. Former Presidents have been hesitant to say that because they have had a deep sense of their role in protecting the norms and the values that include defending our freedoms. But the authoritarian President we have right now does not have that compulsion to protect the norms—violating the norms, violating the law, violating the Constitution in action after action after action and maybe stopping when the courts tell him to stop.

But even then, we had a 9-to-0 decision saying: Facilitate the return of Abrego Garcia from El Salvador. And what did the President do? He ignored it.

Those are all indications of the scary state in which we are at this moment.

I thank my colleague from Connecticut very much.

I see that my colleague is here from Maryland, and I would welcome a question, if you have one.

Mr. VAN HOLLEN. I was going to ask if my colleague would yield for a question.

Mr. MERKLEY. I will yield for a question.

Mr. VAN HOLLEN. I want to start my question by saluting the Senator from Oregon, Senator MERKLEY, for standing strong and long in defense of our democracy and our Constitution and ringing the alarm bells. Authoritarianism is here, and it is here right now.

We are facing a lawless President, who, when he was asked whether he had to comply with the Constitution of the United States said, "I don't know," and a President who, every day, is attacking the foundations of our democracy and of the rule of law.

I know my colleague from Oregon joined 7 million Americans last Saturday to say no Kings in America. I was very heartened to see thousands of people come out across the State of Maryland joining their fellow patriots from around the country in saying: In America, we have no Kings.

You have been highlighting all night the way the President of the United States, Donald Trump, is assaulting the foundations of that democracy and our Constitution.

On No Kings Day, we reminded one another—all fellow Americans were out there saying—that we are not going to go back to the days of King George III. We fought an American Revolution to secure the blessings of liberty. It was out of that experience that our Founders developed the Constitution of the United States and then the Bill of Rights.

I want to zero in on a couple of those things and then ask you a question about one of those pillars that is being attacked right now by Donald Trump.

You just mentioned the attack on due process, and we did witness that in the case of Abrego Garcia—Kilmar Abrego Garcia—who was abducted in the streets of Maryland and ended up locked up in a gulag in El Salvador. And the Supreme Court of the United States, by 9 to nothing, said that his rights have been violated. A Fourth Circuit judge, who had been appointed by Ronald Reagan said that what happened to Abrego Garcia was a textbook case of violation of due process.

Despite that overwhelming evidence, for a period of time, the Trump administration took the position that they would never allow him to set foot back in the United States.

We prevailed, and, ultimately, he is now back here before the courts of the United States.

In fact, the Federal district court judge down in Tennessee recently indicated there was strong evidence to in-

dicate that the Trump administration had brought this other claim against him purely for malicious reasons and that it was a vindictive prosecution—in other words, a political prosecution—that they were prosecuting him simply because he exercised those due process rights.

It should not be a liberal, a conservative, a Democrat or a Republican idea that in the United States of America, we are not deprived of our liberty without due process. As you have been saying all night, that was a foundational principle based on the experience that we had under King George III, where people could just be abducted and, without due process, arrested.

You have spoken about the assaults on the First Amendment. We saw very early in the Trump administration the crackdown on students who were expressing their views on college campuses. The administration didn't like the views they expressed about what happened in Gaza, and so they literally locked them up.

Now, again, fortunately, the courts have intervened, and most of them have been released from prison. Their cases are still pending, but the judges have made clear that what these students experienced was a gross violation of the First Amendment of the United States.

And, of course, we saw that continuing, as you have indicated, with the weaponization of the Federal Government—whether it is the FCC or other instruments of the Federal Government—to try to deter, crack down, stop speech that the President of the United States doesn't like. We saw the whole Jimmy Kimmel case where, for a period of time, ABC did take him off the air. I want to thank all people across the United States who rose up and said: That is wrong; that is unconstitutional. Many people canceled their Disney subscriptions.

This is a moment where all of us as Americans need to stand up and recognize, as you are this evening, that we are right now living under an authoritarian President.

We have seen—and you have experienced it firsthand in your State of Oregon—the President trying to implement the statement he made, the outrageous statement he made, that we are going to use American cities as training grounds for our military. I mean, regardless of someone's political views, they should recognize how un-American that is.

The list goes on and on, but another major assault by the President of the United States on our Constitution is one that you have been speaking about and, as the ranking Democrat on the Budget Committee—senior Democrat on the Budget Committee—have been really leading the way on, is this direct assault on article I, this direct assault on the power of the purse—because there are very good reasons that the Framers invested the Congress with the power of the purse and that power

of taxation and the power of spending the people's money—to make sure that our budgets reflected the will of the American people.

As you pointed out, it is simply illegal for the President of the United States to look at that budget and say he is going to cherry-pick the parts he likes and implement those and discard the parts he doesn't like. That is not how it works.

You have talked about the Nixon line-item veto and how the Supreme Court shot that down, but this President is trying to do that—is doing it right now as we speak.

As part of the proposal the Democrats have put forward to reopen the government—and we want to reopen the government—we also would like to establish some guardrails to ensure that the President of the United States cannot engage in that illegal activity. And I call it illegal, and I am on strong grounds to say so. The GAO, which is an independent watchdog, has reached that conclusion, that the President has illegally impounded funds—that is the technical term—and they have found that the so-called pocket rescission is illegal.

I do want to also just quote from Senator SUSAN COLLINS, the chair of the Appropriations Committee, which we both serve on. She goes into a good description of why this unilateral impoundment of funds is illegal and unconstitutional. She says:

Any effort to rescind appropriated funds without congressional approval is a clear violation of the law.

That is one of our Republican colleagues.

Senator MURKOWSKI, who is also on the Appropriations Committee, has also pointed out that this is an illegal action. It is one of a series of illegal actions the President has taken.

I want you, if you could, to talk about measures that we need to take to put up some guardrails and protections about it. You have done that through an amendment, the Merkley amendment, with regard to the other part of the rescissions process. You have spoken eloquently about this issue. But if you could just go to the heart of the matter: why the President's unconstitutional withholding of funds is a direct assault on our democracy and the vision our Framers had of checks and balances. When they said "checks and balances," they didn't mean a blank check for a lawless President.

So maybe, if you could, Senator MERKLEY, if you could talk to that and answer that question.

Mr. MERKLEY. I very much appreciate your zeroing in on this question of how the President is violating the law and the Constitution by taking the power of the purse, but before I address that, I want to thank you for going to El Salvador to visit Abrego Garcia in prison, because if you had not taken that initiative to highlight it, I don't know that he would ever have gotten out of there.

The phrase used for that prison is there is a one-way door going in, and only coffins come out. That is the type of horrific situation it is. He may have easily been killed. He may have suffered the deprivations of that prison, been affected by health issues, and he may never have gotten the attention necessary for the administration to finally help facilitate his removal.

By elevating that issue, you did two things. One is you helped that man return to his family, which is a huge victory. I know he has more battles to come because of his being targeted. But second of all, you brought in an American recognition that due process matters, that court decisions matter, and that we are paying attention and we are going to keep making as much good trouble as we can when we see violations of fundamental rights for Americans, for the benefit of the individuals involved or for the benefit of everyone else. But we will hopefully dissuade the administration from violating the rights in the first place. So thank you so much for that trip and that undertaking.

In regard to the difference between a democracy and an authoritarian state, it often comes down to who controls the money. If you control the money, you make the decision about what the programs are and how the programs are implemented and how much they are going to get.

In a democracy, you have a whole collection of voices from different parts of the country coming together to share their collective knowledge, the difference of their economies, their personal life experiences that give them insights on needs that are relevant, the needs that have been expressed that they have heard in their conversations with citizens. That collective knowledge is placed into a plan for how we spend our resources in order to build a better America. The values of our country are deeply embedded in those spending and program decisions.

But in an authoritarian state, you have one individual—a man, potentially a woman—and that individual says: This is the way it is going to be. I like these programs, and I am going to fund these. Those other ones, forget about them.

Then we are a dictatorship.

The President is exercising every effort to secure that power over the programs and is not doing it secretly. Mr. Russell Vought, who was the OMB Director at the end of the last Trump administration and who is the architect of Project 2025, was very open even before his hearing before the Budget Committee, saying: I believe in the unitary Executive and that the President can make the decisions and can impound funds. I don't agree with the Supreme Court decisions of the past, and I think if we get to the Supreme Court, we are going to get a different decision this time.

We did get a little taste of that just recently in a shadow docket decision in

which the question was, if the President submits a request to reverse a funding decision—that is called a rescission, to reverse a funding decision—and submits it within the last 45 days and there is a 45-day grace period in the law that the President doesn't have to disburse the funds, and therefore you have reached the end of the fiscal year, and, poof, now you are outside the window, and that money evaporates, the authority to spend that money evaporates.

So that was the strategy that was tested with the Court. And I expected the Court to say the following: In the rescission law, it says that no rescission, no undoing of the existing spending, is, in fact, legitimate unless it has been submitted to the House and Senate and voted affirmatively by the House and Senate.

Now, the House and Senate don't have to—well, they don't have to do the whole proposal, the President says; they can pick pieces. But the pieces that pass both Chambers, then the President can shut down that spending.

But in this case, there was no vote of the House and Senate to undo existing law, and yet the Court said: Well, we are giving deference here to the President, and since the fiscal year expired, well, we will not cancel that strategy.

So they empowered what is essentially: Yes, Mr. President, you can slow-walk the funding, file in the last 40 days a proposal to undo the funding, never get a vote on it, and you can wipe it out on programs you don't like.

So the Court has given much more power on this, where previously the Court has said: It is very clear in the Constitution. The power of the purse is with Congress. It says it right there in article I, and, hell no, you can't delegate that to the President, and, hell no, you can't impound the money.

But in this case, a Court that is much more deferential to giving power to the Executive did exactly that. So this is a huge concern, that the Court has green-lighted a fundamental violation of the vision of the Constitution and delivered a tool that we might see used repeatedly.

My hope, like yours, is that all 100 Senators will join together—or at least a significant majority of both sides—and say: We are going to protect our constitutional prerogatives, and so we are going to put in a clause into any spending bill and say, yes, there is a 1974 bill that says the President can submit a proposal to undo spending that has been approved, but the provisions that we pass in this bill are exempted from that power. They cannot be undone through a simple majority what was passed through a supermajority. They cannot be undone on a partisan basis what was done on a bipartisan basis to address the wealth of understanding about what different parts of the country need.

So that is the proposal that we need to put into each bill, every bill, saying, yes, these can be undone by future

spending. But we do that all the time, by the way. We do a fiscal year 2026 bill, and we say there is 2-year and 3-year money in there, and now it is clear that that money is not needed for that program, and we undo it. But that is done on a bipartisan basis to undo a bipartisan decision, not a partisan.

Ms. HASSAN. Will the Senator yield for a question?

Mr. MERKLEY. Yes, I would be delighted to yield for a question.

Ms. HASSAN. First of all, my question starts with a thank-you, Senator MERKLEY, for raising the issue of the growing threat of authoritarianism in our country. I thank you for noting and being a champion of the very principle that our country was founded on, which is that we are a country—a government—of, by, and for the people.

As I think about what that principle means, I think about the fact that in a democracy, what our Founders wanted to ensure was that our governing bodies, our elected officials, would, in fact, be accountable to the people.

So what does being accountable to the people you represent mean? Well, about 50 years ago, this Congress came together and, in a bipartisan way, passed something called the IDEA, the Individuals with Disabilities Education Act. Why? Because families all across this country, from every political persuasion, understood that their children with disabilities could learn and thrive if they had access to public education just the way other kids did. Because families spoke up, because individuals spoke up, we now have seen 50 years of IDEA special education in our schools.

We have more work to do in that direction, to be sure. We need to get more resources to our local schools the way the IDEA originally promised we would from the Federal Government. But because families demanded it and their elected representatives heard them and listened and acted and believed they were accountable to them, the quality of life for children and families with disabilities has improved exponentially.

Then I think about Medicaid expansion. When I was Governor of New Hampshire and the Affordable Care Act passed, one of the things that States had the opportunity to do was adopt expanded Medicaid so that people who had mental illness, for instance, or substance use disorder, addiction, could get care under Medicaid, or people who were working part time and had chronic illnesses could actually get healthcare.

At first, in a divided legislature—a legislature that was one Chamber Democratic and one Chamber Republican—the Republicans blocked Medicaid expansion. But gradually, the people in my State of New Hampshire, the “Live Free or Die State,” spoke up, spoke out, and said: This is really important to our families.

As a result, we found bipartisan agreement to expand Medicaid and provide health insurance coverage so that

people could get better and could get fully employed and could then go on to private insurance—something that is critically important.

Again, this happened because the people in my State—the elected leaders in my State believed they were accountable to their constituents.

Now, I think a lot about authoritarian regimes and their lack of accountability because authoritarians don't believe that they are accountable to the people; they believe that their people are their subjects and are accountable to them. That, of course, is what we are seeing from Donald Trump right now.

I think about the fact that in 2022, we passed in this body the PACT Act, and it was signed into law. That is the law that provides healthcare to our veterans who have been made ill from toxic exposure during their service. These are our brave heroes that we owe everything to, that we owe our very freedoms to. And this body came together because veterans all across this country—and their families and their supporters—came forward and said: We have been made ill in our service. We need healthcare.

And we came together, and on a bipartisan basis, because we believe and know that in a democracy, we are accountable to the people, we then delivered something so that the people—the veterans, our heroes, the people that we owe the most to, that we owe our way of life to—could get the healthcare they needed.

That is the difference that having elected leaders in a democracy makes.

So, as I think about this administration taking healthcare away from millions of Americans right now, one of the challenges we are facing is that people who get their health insurance on healthcare.gov—those premiums are due to at least double on November 1.

In my home State, that means that a 60-year-old couple earning \$85,000 a year is likely to see their health insurance go up by \$14,000 a year. A recent report says that if you are family of four in New Hampshire and earn \$100,000 a year, you cannot make ends meet because of the cost of housing and groceries and energy, daycare, healthcare.

So we now have an administration led by a President whose authoritarian tendencies you have laid out so well who is standing idly by while this healthcare calamity is facing us, because, of course, it is not just people who get their health insurance on healthcare.gov who will see their costs skyrocket; it is going to be the entire health insurance premium marketplace that is going to see increases.

So we are looking at a President who is busy building ballrooms, buying vanity airplanes for his Secretary of Homeland Security, doing all these things to satisfy himself and the people around him but who doesn't seem to believe he is actually accountable to the people.

I always thought that in the United States of America, we weren't subjects to be ruled; we were citizens to be heard.

So, Senator MERKLEY, can you speak a bit to how this administration's attacks on our democracy have real impacts on the day-to-day lives of Americans?

Mr. MERKLEY. I appreciate so much this passionate question from my colleague from New Hampshire. And there is no one here among 100 Senators who has spent more time working on issues of disability, bringing their own life understanding to bear to help millions of people across this country.

When we expanded the folks eligible under standard Medicaid, it had a huge impact on the availability of healthcare for the disabled, and then there is the additional work we did to try to say: Healthcare is a right. It is a foundation. Let's build a system where everyone has access.

But the way you have framed the difference between a democracy and an authoritarian power is powerful.

Under a democracy, leaders are accountable to the people. And I am pretty sure that these 100 Senators all think about the fact that people elected them because they said they would lead on certain issues and carry the fight.

They have a responsibility to follow through and make it happen, to honor that social contract they have with their voters. They are accountable to them. And if they are not accountable to them just in terms of the work they do here, they are going to be accountable in the next election.

But the attitude of the President is very different. As you put it, in an authoritarian regime, it is more like the leader believes the people are accountable to the leader. And, wow, what a difference that makes because suddenly, there is no need to worry about the healthcare of the people, and you can lay out legislation that does damage to the people but takes good care of the rich and powerful because that is the world you live in, and you want to help those folks, and that is just OK because you are not accountable.

That is the connection we see between the authoritarian presence of the President, who proceeds to attack and diminish due process, free speech, academic freedom, free press, proceeds to weaponize the Department of Justice to go after his list of perceived enemies, and then strives to create conflict in order to send the military in to address a conflict and expand his authoritarian power. So that is one world.

But on the other end, we have the legislation he championed. How could a leader accountable to the people support a bill that kicks 15 million off healthcare in order to fund tax breaks for billionaires or run up 30 years of debt—\$30 trillion over 30 years—to give tax breaks for billionaires? That debt is going to haunt us in the future in

terms of being able to do basic programs in healthcare, housing, education, infrastructure, and job creation. The answer is, because he is an authoritarian leader.

That is how these two things are connected.

These real impacts that you are talking about are so evident. Child nutrition programs are savaged to do tax breaks for billionaires. And here we are in this Republican shutdown designed to ensure that the cuts to healthcare continue, and there is more damage to come to ordinary people. States will run out of their women and children funding. States will run out of other basic programs. Food banks are going to run out of food, probably, because of the additional burden they are sharing.

And not one element of the President goes: I am accountable to the people. I am supposed to be here driving welfare for the entire Nation. I can't let the healthcare double in price—as you pointed out—on average across the country. I can't allow a program to go into effect 15 months from now, in January 2027, that will result in millions of people losing their Medicaid.

Then, in that bill, he has a third attack on healthcare, which is to change the way that States can receive or develop their match. If States can't raise enough money to do the match, they have to really shrink the programs. That is another—that is like a 2028 impact.

So it is like impact, impact, impact, savage, savage, savage the healthcare in multiple layers. And this is the connection between the authoritarian mentality and the real effects that devastate families in our country.

Ms. HASSAN. Would you yield for another question, Senator?

Mr. MERKLEY. I would love to yield.

Ms. HASSAN. As you were talking and as I have been thinking about the various ways in which a true democracy delivers results for its people—I mentioned in my prior question the fact that we passed in 2022 the PACT Act.

You know, I was with a group of veterans right after we passed the PACT Act, and I thanked them for all the advocacy that they had done to get it over the finish line.

Then we got to talking about the war in Ukraine and why it was so important to stand up with the Ukrainian people, who are fighting for the very freedom, for the very form of government that we so cherish—our democracy. I found myself asking them a question, and I will ask it to you now, Senator: Would Vladimir Putin take care of his veterans the way the PACT Act proposes to take care of our veterans?

What are your thoughts about that?

Mr. MERKLEY. Thank you for posing this question which has not come up in the many hours I have been standing here but is very relevant to the question of what happens under authoritarian control and, worse, recognizes

that Russia retained some trappings of democracy, but it is clearly a dictatorship, and that is the danger.

When you have that authoritarian presence—certainly, Putin is that personality, and he did get the Duma basically to become the rubberstamp, and he did get the courts under his control, and everything that flows, flows out from his authoritarian presence.

When it comes to how he views the Russians that he is sending to war, he says that they are expendable pawns. I mean, they were sent on unbelievably unsupported missions to be shredded.

Over time, certainly the Russian military has gotten much better, but in those phases where he just wanted to pour people into the front, and enormous numbers were dying—I still think the actual number is pretty high per day—it was, you know—again, he is not accountable to the people.

One thing he did which was very effective is control over the press because I expected the mothers of all those folks being sent in to be shredded to become a massive force, a resistible force that would shake the foundations of Russia. But they didn't, in part because the information was so dramatically controlled.

This is these early-stage efforts to control and discourage the dissent or, I guess you could say, uncomplimentary programming by our networks or by our newspapers; the suits that have been filed against CBS and ABC, and they are told basically “You have to pay off these suits if you want the government to do its basic function to approve your mergers”; and the attack on public broadcasting, the attack on the Wall Street Journal, and more. I mean, the list is long.

But when an authoritarian President wants to control the press and at least discourage—make people think twice about challenging him—I mean, a \$10 million suit against the Wall Street Journal? I don't know where that will end up, but I imagine there are folks thinking, do I need to be more careful in what I say in this story? Oh, my news agency might get kicked out of the White House briefing.

Oh, that is another strategy—to cut off.

So the answer is, no, I do not think the PACT Act, which said: Hey, our soldiers were exposed to these chemicals, and there are a lot of diseases that flow from that, and we should absolutely make sure they get treatment, and we shouldn't put them through a long list of, oh, maybe somehow, somewhere; you have to prove it. How do you prove that disease, when it probably started—how do you prove it? The PACT Act is a great act.

On Ukraine, I mean here is a country that threw out a President who was trying to put them under the thumb of Putin. Here is a country that said: We are not asking you to come to fight with us, but give us some arms. We are fighting for our own freedom.

This is a country that said we reject the idea of having the dictatorship

Putin-style. We want to preserve democracy with our freedoms, and we are willing to die and fight for it. That is the American vision. That is Lady Liberty, that is the best of what we have in America, and the Ukrainians stood up to Russia and have done a phenomenal job against an extraordinarily large country with massively more resources, and they are still in the fight for their future and their freedom.

I see my colleague from New York is here.

Mr. SCHUMER. I had a few questions earlier this morning of my great colleague, and, once again, his strength, his indomitability, and his caring about this democracy, which we all know is at risk, is just amazing.

And so my question relates to something he touched on before in his discussions with our great Senator from New Hampshire.

There are so many ways this administration is trying to rip apart democracy, and one of them you mentioned a minute ago is the threatening of media to just do what Trump wants.

And the man who is the head of the FCC seems to be an instrumentality of that. Trump has said: Things they say I don't like should not be put on the air. And they have held over the heads the broadcast licenses of some of our great media companies.

In other ways, they are getting some of their friends to take over some of our media companies. And isn't one of the greatest blows to democracy, I would ask my colleague—one of the greatest blows to democracy is when we don't have a fully free press, and has it been a hallmark of so many of the countries that he has mentioned that are autocracies or absolute dictatorships to have no free press, so no information can come out, and doesn't that dramatically hurt the American people when government is shielded and can do whatever it wants and hurt as many people as it wants because you don't have a free press? Shouldn't it really frighten every American that this is a large step on the road away from democracy toward tyranny and toward authoritarian government?

Mr. MERKLEY. My colleague from New York, absolutely.

Benjamin Franklin wrote that “whoever would overthrow the Liberty of a Nation, must begin by subduing the freeness of speech.”

And I will just roll into that speech and the press. And we have seen what Trump has done. He sued CBS News for \$10 billion because he didn't like the way that a program was edited on the television. There is no way that that suit would ever have held up in court.

But what happened, CBS said: Hmm, we are involved in a merger, and that merger involves Paramount, controlling shareholder, and they wanted approval for a sale of Paramount to Skydance, and Paramount was CBS's parent company.

So here is President Trump holding the approval of that merger over the

head of the network to get a payment for himself out of the company, and that was \$16 million in the end, but then CBS announced it was canceling the “Late Show with Stephen Colbert”—top-rated late-night show.

Surprisingly, 3 weeks after CBS canceled it, the merger was completed between Skydance and Paramount. Trump didn't like all the things Colbert did to make fun of the President.

You know, you can judge the freedom of a country by how much people feel they can say funny things about the President.

And I have thought many times, I come to this floor, and I criticize the President of the United States. I have come to this floor and criticized the Democratic Presidents for things they are doing, and I do not leave here thinking someone is going to jump out of a car and grab me, throw me into a van, I am going to be disappeared or tortured. Yet that is so common in authoritarian settings.

And it is so actually disturbing to me. One reason that I constantly raise the fact that I hate that we are seeing forces deployed across the United States that do not have an individual identifier because that makes me think about when people jump out and grab people, and they did this at the protest in 2020 in Portland—no label, threw them into vans, unmarked vans. You didn't know what the hell was going on.

But ABC, well, ABC had their own challenge with Jimmy Kimmel, and there was a situation where Nexstar and Sinclair, they own dozens of ABC affiliates.

So let me just say the list is long, including excluding companies or broadcast reporters from the White House briefings, and now, most recently, telling all the reporters at the Pentagon that they have to not ask any questions in the Pentagon or they are going to lose their access to be reporters of the Department of Defense.

Mr. SCHUMER. I thank my colleague, once again, a great answer, freedom of the press is at risk, and if freedom of the press is at risk, so is our entire democracy.

I see my colleague from Massachusetts has come, and I know she will have some excellent, thoughtful, and perceptive questions. So I will yield back to my friend.

Mr. MERKLEY. I am so glad that you emphasized the issue of the freedom of press and amazingly how it is under attack in all these different ways here in the United States of America. It is unbelievable.

And it is why I am ringing the alarm bells. The authoritarianism is here now. Thank you, Mr. Leader.

And I see that my colleague from Massachusetts is here, and I would welcome a question, if you have one.

Ms. WARREN. I do. Mr. President, I am seeking recognition.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Thank you very much. My friend Senator JEFF MERKLEY is ringing the alarm bell. He is carrying the momentum of millions of peaceful protesters at No Kings Day, directly onto the floor of the U.S. Senate for all of the spineless Republicans in Congress to see.

I want to be clear here: Peaceful protest is patriotic. Holding the floor to protest the Trump administration's lawlessness is patriotic. Standing up for what is right, that is patriotic, and I am proud to join my friend, JEFF MERKLEY, in saying this part out loud: Donald Trump is not a King. He will never be a King. And America does not bow down to Kings.

So thank you, JEFF, for reinvigorating that energy and bringing it to the floor of the Senate today and every day. You are a true patriot.

So let's talk for just a minute about what is going on here. New reporting from the Wall Street Journal this morning says that the average cost of a family health insurance plan is now \$27,000 a year. That is a stunner, \$27,000.

And that is after years of rising costs. The cost of healthcare is rising faster than inflation. Healthcare is too expensive, and families are barely hanging on.

So what do we have to do? We have to protect Americans' healthcare and lower costs for families. Seems pretty obvious, right? Not to Donald Trump.

In fact, Donald Trump and the Republicans are doing the exact opposite. Their genius plan was to pass legislation that would rip away healthcare from 15 million Americans, jack up premiums for millions more, force rural hospitals and community health centers to close down, and shut down the entire government, instead of coming to the table to save healthcare and lower costs.

Now, Republicans just keep bowing down to Donald Trump. They seem to have lost their spines. Every one of them needs to go to the doctor and get a spine transplant. But instead, they are willing to make it more expensive for everyone else to go to the doctor.

Make no mistake, our healthcare system is already broken, but Donald Trump and the Republicans are making the problem so much worse.

Families in Massachusetts are now starting to get notices this week telling them that their healthcare premiums are going up next year. We are talking hundreds of dollars a month. Some families are seeing their premiums more than double; others will get priced out of their plans completely, leaving them with no coverage at all. And it is not just Massachusetts; Americans across the country are counting on us to lower healthcare costs, and I want to share some of their stories right now.

From a family who gets their healthcare through the healthcare exchange:

If our premium doubles, we will simply not be able to afford it. Either my husband or I

will have to scramble to find a job with benefits in a saturated market or we will be going without insurance for the time being.

So that is the story of a family that could get kicked off their insurance altogether because their costs will go through the roof.

More uninsured people mean more costs for everyone else, and that is a lose-lose for the American people.

Here is another one from a teacher:

My healthcare costs are going up by 39 percent. How do I even live?

Families across this country are asking themselves exactly the same question. Democrats are here right now fighting for every single one of those families.

Here is a story from someone else:

If my premiums go up, I have to cancel my insurance because my check would be gone, and I have an autoimmune disease. It would be over for me. How could I raise my two boys and care for my parents? I am the stronghold of the family.

That is the reminder that this kind of increase that the Republicans are imposing on American families, this increase in health insurance, it has echo effects. It is not only the person who can't afford insurance for themselves, it is what happens to her two children, what happens to her older parents that she is taking care of.

Families hanging on by their fingernails cannot afford insurance premiums jumping by hundreds of dollars a month.

Those are the families the Democrats are fighting for right this minute. And Republicans won't even come to the table. Republicans are off on vacation.

Here is another story I received from a type 1 diabetic:

I have an ACA plan that makes my insulin affordable. Without it, my insulin would be \$1,000 a month. Please don't give up this fight and please continue to stand for people just like me.

We will not stop fighting for you.

Here is another one:

Ours will go from \$1,300 monthly to \$3,600 monthly. It is paramount.

Look, \$1,300 monthly—\$1,300 a month for healthcare is already too much, but this family will now have to pay nearly triple. For families already struggling with the rising cost of everything, they cannot afford to shell out extra thousands of dollars every month for healthcare.

So you are hearing all of this right. Americans are struggling to get by, Republicans won't come to the table to fix it and end the government shutdown, and instead of working to lower healthcare costs for Americans right now, Trump is bending over backward to dig up \$40 billion to bail out his political buddy in Argentina and help out Wall Street hedge fund investors—\$40 billion.

So what could \$40 billion do for us at home for a whole year instead? Well, \$40 billion could stop health insurance premiums from doubling. It could restore food assistance for families that will be hurt by Trump's cuts. It would

cancel a chunk of student loan debt for nearly 4 million borrowers. It would fund public media. It would restore cuts to humanitarian aid and USAID. And to put it in even more perspective, that \$40 billion that Donald Trump is sending off to Argentina, it could fund childcare for military families for almost 20 years.

It would fund the Consumer Financial Protection Bureau to stop big banks and giant corporations from scamming people for almost 50 years.

And it could pay for 100 Qatari jets, meaning one for every Governor of all 50 States and a backup plane for each and every one of them.

So there you have it. Remember Trump's promise to lower costs for Americans on day one?

PRAYER

Pursuant to the order of February 29, 1960, the hour of 12 noon having arrived, the Senate having been in continuous session since yesterday, the Senate will suspend for a prayer by the Senate Chaplain.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who alone spreads out the Heavens and rules the raging of the sea. We cry out to You, refusing to believe that the problem of this government shutdown is too difficult for You to solve.

Lord, You have been our help in ages past. You are our hope for years to come.

Today, give our Senators a faith that will not shrink, though pressed by many a foe; that will not tremble on the brink of any Earthly woe.

We promise to give You all the glory for the great things You have done and will do.

We pray in Your mighty Name. Amen.

TRUMP ADMINISTRATION

The PRESIDING OFFICER (Mr. RICKETTS). The Senator from Massachusetts.

Ms. WARREN. Thank you very much.

I just want to go back to this point as I tee up the question for Senator MERKLEY here, and that is, Donald Trump right now is sending \$40 billion to Argentina, and I just want to go through the list again about what could we do with that \$40 billion if we kept it right here in the United States.

Forty billion dollars would stop health insurance premiums from doubling. Forty billion dollars would restore food assistance for families that will be hurt by Donald Trump's cuts. Forty billion dollars would cancel a chunk of student loan debt for nearly 4 million borrowers. Forty billion dollars would fund public media.

Mr. MERKLEY. Mr. President, retaining the floor, I yield to the question that is being posed by my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Ms. WARREN. I yield the floor.

Mr. MERKLEY. I yield for a question to be posed by my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Thank you very much, Mr. President. I see that my colleague from Massachusetts is here and has gotten half of her question out.

If you would like to continue the question, I would invite you to give me a question.

Ms. WARREN. OK. I am almost there.

Am I recognized to do that, Mr. President?

The PRESIDING OFFICER. The Senator from Oregon has the floor and has yielded to you for a question.

Ms. WARREN. As I was saying, I was talking about what this \$40 billion that Donald Trump is sending to Argentina could be used here at home, and that is to stop the doubling of health insurance premiums, to restore food assistance for families that the Trump administration is cutting, to cancel student loan debt, to fund public media, and to restore humanitarian aid and USAID.

To put it in a different perspective, that same \$40 billion could fund childcare for military families for nearly 20 years; it could fund the Consumer Financial Protection Bureau to stop big banks and giant corporations from scamming people, for almost 50 years; and it could pay for 100 Qatari jets—one for every Governor in the United States, plus a spare jet for them.

So there you have it.

Remember Donald Trump's promise to lower costs for Americans on day one? Well, instead, Donald Trump is bailing out his "favorite President" and bailing out rich Wall Street investors who invested in Argentina debt.

The American people are begging us to do something about the skyrocketing cost of living. They are crying out for help. But Donald Trump can't hear them over the sound of the bulldozers that are demolishing a chunk of the White House to build his brandnew ballroom, a \$250 million ballroom—a monument to Donald Trump himself, paid for by big corporations that are trying to suck up to the administration for special favors.

The American people told Donald Trump to cut the cost of living. Instead, he is cutting off part of the White House for his new billionaires' ballroom.

Families are missing car payments, but Donald Trump is too busy building his ballroom to notice.

The price of coffee is up nearly 30 percent, but at least Donald Trump will have a fancy, new ballroom in the White House. The price of coffee is up nearly 30 percent, but at least Donald Trump will have a fancy, new ballroom where the White House is supposed to be.

Farmers are going bankrupt, but Trump is too worried about the construction of his ballroom to help.

The cost of baby strollers—or, as Donald Trump calls them, the things you carry babies around in—those are going up, but Trump is too busy building his fancy ballroom to notice.

So my friend JEFF MERKLEY is exactly right. We are not in normal times. All of us need to stand up, speak out, and push back.

My question for you, Senator MERKLEY, is, How is the fight to lower costs for families all around this country linked to the fight against Donald Trump's authoritarianism?

Mr. MERKLEY. I thank so much my colleague from Massachusetts for the question of how the price of goods around the country is linked to Trump's authoritarian undertakings. It kind of boils down to this—and a colleague came to the floor and used this term a little while ago, a colleague from New Hampshire. She said: In an authoritarian structure, the authoritarian believes that the people are accountable to the authoritarian, and in a democracy, the leader believes that the leader is accountable to the people. That is the difference.

So if you are in a situation where you have an authoritarian for the President, first thing they do is try to erode the checks and balances of the constitution to concentrate more and more power in the Executive. Of course, we see that in all kinds of ways we have been discussing.

Then they proceed to try to change the rules for elections so they can rig the next elections.

Then they start to attack any form of dissent—suppress freedom of assembly, freedom of press, freedom of speech and due process. We see that.

Then they say: Now we want to free the military. But in all of that is this sense that the people are simply pawns for the authoritarian President.

Then, in that setting, it becomes just fine to do a bill that savages healthcare for the people to fund tax breaks for billionaires. It becomes just fine to do a bill that savages child nutrition to do tax breaks for billionaires. It becomes just fine to run up debt over the next 30 years \$30 trillion to fund tax breaks for billionaires.

That is the way the authoritarian personality is connected to the policies that emerge from bills that authoritarian champions. They are not bills by and for the people; they are bills by and for the powerful.

I see that my colleague from Connecticut has come to the floor, and I would be happy to yield if you have a question.

Mr. BLUMENTHAL. I am very grateful for the opportunity to ask a question and for the Senator from Oregon yielding to me.

Mr. MERKLEY. I will yield, absolutely.

Mr. BLUMENTHAL. First of all, I want to thank him for his leadership,