

TRUMP ADMINISTRATION

Mr. President, governing is a matter of priorities. In this moment of national crisis, as the COVID-19 pandemic rages on, economic hardship deepens and the centuries-old struggle for racial justice is waged anew. Our national priorities have never been clearer to everyone, it seems, but President Trump.

This week has been one of the most out-of-touch weeks of an out-of-touch Presidency. As the citizens of ruby red Oklahoma voted to expand Medicaid, President Trump, this week, advanced his administration's lawsuit to eliminate our healthcare law and Medicaid expansion along with it. As protesters continued to march in the streets for racial justice, President Trump, this week, attacked a program designed to end racial segregation in housing. As the State of Mississippi decided to take down the Confederate flag, President Trump threatened to veto the national defense bill, including a pay raise for our troops, in the name of protecting the Confederacy.

This week, the President of the United States seemed more concerned with protecting the names of dead Confederate generals than doing anything to help living American citizens. The President is so out of touch that it is as if he was dropped into the Oval Office from another planet, unaware and uncaring of anything going on around him. Whether it is the resurgent COVID killing Americans, a faltering economy, a righteous movement for racial justice, or Putin's malign actions endangering our troops, President Trump has the same reaction: stroke his own ego, then stick his head in the sand and do nothing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

PROTESTS

Mr. KAINE. Mr. President, I rise to briefly discuss a matter that is contained within the NDAA bill that is currently pending before the Senate, a matter for which I sponsored as an amendment, in the Committee on Armed Services' markup on the bill, that received the unanimous voice vote of my colleagues, and I just wanted to stress its importance.

A few weeks back, on a Monday in May, peaceful protesters assembled in Lafayette Square to protest against police violence. They were peaceful, and they were in full compliance with a curfew ordinance that was in place. It was before the curfew. Federal law enforcement officials fired tear gas at them to disperse them, which I found very, very troubling, as, I know, many people did. What concerned me even more was the President's indicating that he might use Active-Duty military against the protesters. That was happening during the same week that we were submitting amendments to the National Defense Authorization Act.

So I wrote up a very simple amendment that read: No funds under this

Act shall be used for any military program or personnel to infringe upon people's rights to peacefully assemble or petition government for a redress of grievances. It was a very simple amendment.

There is an act, the Insurrection Act, that sets forth specific circumstances under which the military can be used to do law enforcement activities for domestic purposes, but I wanted to have the strong statement that the military should not be used to infringe upon people's rights to peacefully assemble and petition the government. I was proud, when I presented that to my committee colleagues within a week after this event, that they agreed and, by a unanimous voice vote, included it in the base bill.

I want to just stress why I think this is so very, very important, and I appreciate my colleagues' support to this point. Peaceful protests are protected in the First Amendment, and I think the Framers of the Bill of Rights, when they protected something, they sort of encouraged it. I think the Framers of the Constitution got some things wrong, but they also got some things right.

One of the things I have always been interested in is that, while elections are important—and elections and campaigns are in the Constitution as being every 2 years for the House, every 6 years for the Senate, and Presidential elections—the Framers knew elections wouldn't be enough to protect this great democracy. If they had thought elections would have been enough, they wouldn't have said that people need to be able to peacefully assemble and that people need to be able to petition the government for a redress of grievances. If elections had been enough, they would have said: Well, if you are mad, just wait 2 years, and then you can vote out somebody bad and bring in somebody good.

The Framers had been through the experiences of things like the Boston Tea Party and other events. They knew that to have a more perfect Union and really preserve the democracy, they needed to have elections, but they also needed to give people the room and the space to be able to peacefully assemble and say: Hey, I don't like this. Can we make these changes?

It is a value that is so important, like the freedom of religion and the freedom of the press, and were put in the First Amendment for a reason.

Those in the military, just as Senators, take vows to support and defend the Constitution of the United States. Yet, in particular today, 2020, we have a significant issue that I see cropping up sometimes, which is, thank goodness, that we as civilians appreciate the military—that the “thank you for your service” attitude, I think, is widely shared. There is often a gulf between the military and civilians because, in the time of an all-volunteer military, only 1 percent of people serve in the military. That means, for those of us

who haven't served, often, we might have a general appreciation, but we don't really have an understanding, and there can start to be a gap, or a gulf, between civilians and the military.

Former Secretary of Defense Mattis has commented about this a lot, about this gap that can grow. I am not challenging that an all-volunteer military is a good thing, but there can be a gap of misunderstanding. We would never want to widen that gap, and we should always do things to narrow that gap. There would be nothing that would widen the gap more than if people were to perceive that the military were now being arrayed against them, against the civilian population. It would not only endanger important First Amendment rights, but it would also potentially lead to a wider canyon between the civilian and the military, and we should not do that.

There can be uses of military assets in protest situations. A sort of standard way of thinking about it, for example, would be to use Guard troops. The Guard is often called up to protect protesters, and then local law enforcement is used to police bad actors. One would use a group like the Guard to protect protesters, to keep them safe, and to make sure they are not doing things to or are being harmed by others, but the law enforcement activity should be carried out by police and not by the military.

This is something we promote in the Committee on Foreign Relations all the time. I see my colleague from Wyoming who is here, who is on the Committee on Foreign Relations with me and does such a good job there. We are often encouraging foreign nations: Don't use your military to do police work. Have a professional police department. Use your military to defend the country. The professionalizing of police is an important thing, because that is not what a military should do.

That was the reason I introduced the amendment. It was not solely to protect First Amendment rights, which are really important, but it was also to not allow a gulf that exists between civilians and the military to get even worse if civilians feel like the military is arrayed against them.

The last thing I will say—and then I will conclude—is that I lived in a military dictatorship when I was young. I took a year off in the middle of law school to go to Honduras and work with Jesuit missionaries in 1980 to 1981. It was a military dictatorship, and people could not vote for anything. It was a shock to me, my seeing a society where people could vote and, maybe, sometimes even choose not to vote, and then my going to a society where people couldn't vote. People prayed for the day that they might be able to finally vote for their leaders, but they couldn't because the military was running the country at the time.

There I saw the reaction that the people had toward the military, and