



Podcast Transcript

The Cloakroom with Peter Roskam – Senator Tim Kaine, D-VA

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Rubenking: Welcome to The Cloakroom with Peter Roskam. Former Congressman Peter Roskam leads BakerHostetler's Federal Policy team. Through interviews with leading members of Congress, Peter provides an insightful, firsthand view into the latest policy and political debates on Capitol Hill.

In today's episode of "The Cloakroom with Peter Roskam," Peter is joined at the 36th Annual Legislative Seminar in Washington, D.C. by his BakerHostetler colleague, former Congressman Heath Shuler, and Senator Tim Kaine, a Democrat from Virginia. Kaine was the 2016 Democratic vice presidential nominee and also a former Virginia governor. First elected to the Senate in 2012, Kaine serves on the Armed Services Committee and the Foreign Relations Committee. Peter, Heath and Sen. Kaine discussed the concerns of Senate Democrats about President Trump's initiatives and steps they're taking to block the White House's agenda on Capitol Hill.

Let's listen in to The Cloakroom with Peter Roskam.

Roskam: Thanks so much for coming.

Kaine: Yeah, thanks for having me.

Roskam: Delighted.

Kaine: Do I leave it right here?

Roskam: Yes, Sir.

Kaine: Great.

Roskam: Here is a mic.

Kaine: Okay. Morning everyone.

Roskam: Well, Senator, thank you. Thanks for making the time. We know you've got a lot to say grace over, and we're really, really appreciative. A sad note, as you know, that we just got word that our colleague and your member of your delegation, Gerry Connolly, passed away this morning. And I know that he was a friend to Heath and to me. I'd traveled with him, and I know you had a lot of interactions.

Shuler: A very funny guy.

Roskam: Very funny.

Shuler: Gerry, years of...

Kaine: For those of you who didn't know Gerry, truly an amazing public servant. Began his service effort training to be a priest, a Maryknoll priest, and left the priesthood. And then years later, met Smitty, his wife, who had left studies to become a nun and they married. And Gerry's first job after he left the studies for the priesthood was to be a staffer on the Senate Foreign Relations Committee. And to go full circle, to get into local government as a supervisor and then Chair of the Board in Fairfax, and then into the House and being a key figure on Foreign Relations issues on the House side. I mean, truly a remarkable guy. One of the funniest people you'd ever meet.

Roskam: Yes, funny.

Kaine: Loving, tough, blunt. When I was thinking about whether or not to run for a third term in the Senate, hitting my 30-year anniversary in public life, Gerry called me and said, I want to take you to breakfast. I've been hearing you're thinking about whether or not you're going to run again, I have some choice words for you. And this was in December of 2022. And we had this really, like Gerry can deliver tough love like nobody else. I mean, he just told me, you've got to do this. And he told me all the reasons why. But I talked to him about three weeks ago when his cancer came back strong, and his voice was very, very weak. And it was really sad to hear that news this morning. But truly a wonderful, wonderful person. Great, great member of Congress.

Roskam: Thank you for that. Your, this audience knows you based on your background as Governor, U.S. Senator, democratic nominee, a lot of exposure. You've seen the Senate in all kinds of seasons. You recently successfully took an initiative, and we talked a little bit about this a couple weeks ago, on the trade question as it relates to China—I'm sorry, as it relates to Canada. Can you give, number one, can you describe what you did? And can you describe, even more importantly, how you approached it? Because you didn't approach it as a blunt instrument. You were, to my mind as an observer, very savvy in how you were kind of coaxing and wooing a little bit to get some folks moving. Could you frame that out for us?

Kaine: Peter, glad to. So, I think this, the Trump tariff policy is disastrous for many reasons. But separate and apart from that, when Donald Trump was elected and it was clear there was a republican trifecta, the dust settles in November, I challenged my staff. And I have a great staff member, my Communications Director, Janine Kritschgau, who is standing right at the door. I challenged them. I said, look, I'm going to be in the minority now, and yet in the Senate, there are a number of quirky little procedures where even one senator can file something and force a vote. And if I file legislation, it is going to go to a committee that could bottle it up. If I write a letter to the administration, they may never answer. I do a press conference, it feels good for today, but who knows whether it matters?

But having been in the Senate for 12 plus years, I know of these quirky things that are littered throughout Senate procedure or statute that allow one senator to force to vote. So, I told my staff, I want you to give me, do the homework assignment and give me every possible one. Well, it turns out there is about five or six. A single senator can challenge a presidential emergency declaration. A single senator can challenge the initiation of military hostilities without a vote of Congress. A single senator can challenge an arms transfer. A single senator can demand a human rights report on any nation in the world, and if that report is not delivered in 30 days, all security assistance cuts off. Now, when I say a single senator can demand, all I mean is a single senator can file it and you're guaranteed a vote. Simple majority, no filibuster, within a limited period of time. So, I do have to persuade colleagues to go along.

So, I've now used this, Peter, four or five times. I challenged President Trump's energy emergency. I got every democratic vote, no republican votes. I challenged President Trump's Canada tariffs. I got four republican votes and we rebuked him on the Canada tariffs. The House was so afraid of that vote they changed House procedure so they wouldn't have to take up the privilege motion. I challenged President Trump on the global tariffs. I got four republican votes, but I had two absences that day in the Senate and both were voting with me. So, we fell short. I tried to force a production of an El Salvador human rights report. If we're going to be deporting American residents against court orders in the prisons in El Salvador, we at least ought to want to know what the conditions there are. No Republicans would vote with me. Today, I'm filing the challenge, a human rights report on South Sudan. If the President is going to violate court orders and send people into prisons in South Sudan, we at least ought to want to know what the human rights condition, including conditions in the prison, are.

So, I am doing this, Peter, again and again. And my theory is Article 1 oversight over executive overreach is a muscle, but it is an atrophied muscle. And the only way to make the muscle stronger, and I think it needs to be particularly strong during this chapter in American life, the only way to make the muscle strong is to exercise it a lot. So, even on instances where I'm probably going to lose, I'm going to be forcing every vote that I can on matters of executive oversight using these privileged motions. Most of which had never been used during the time I've been in the Senate, or if they've been used, they've been used once. But I, like today, we're going to file one today. I think you're going to see me doing a lot of these.

And it is an effort for me to say to my republican colleagues, and I have great relations across the aisle, it is not enough to express concern, I wish the President hadn't done this or I wouldn't have done this if I were president. Vote. Do you own it or disown it? Do you own or disown violating a unanimous decision of the Supreme Court and having somebody stuck in a Salvadoran prison? Do you own or disown having a trade war with our closest ally and inventing the claim that there is a fentanyl emergency from Canada? There is a fentanyl emergency, obviously, from Mexico and China, but not from Canada. So, that is the strategy, it is on individuals where there is executive overreach. And I have a tool that can force the Senate to go on the record yay or nay, I'm going to do it as much as I can.

Shuler: Yeah. Senator, I mean, you see what is happening, I mean, in this country. And I think it is, from the time Peter and I were there, it seemed like there was a lot of, it was civil. You could have conversation, you could reach across the aisle. I spent just as much time at the White House under Bush as I did under Obama. Are you starting to see, is this discourse? Is it going to continue? And if it does, what does it mean for American politics as it is today? I mean, is it, are we going off a cliff here on American politics?

Kaine: I don't...

Shuler: What does it look like?

Kaine: I don't think so. But I'm so optimistic about everything. I admit to a worry. I've switched from wearing my Senate pen to a Virginia seal. And the Virginia seal, which was voted on July 5, 1776, is a woman representing virtue standing atop a deposed monarch whose crown is knocked off with the label, sic semper tyrannis. So, I wouldn't be worried about, I wouldn't be wearing this if I weren't a little worried.

But there is still all kinds of bipartisan stuff going on. I mean, on the way over, I got an outreach from Tim Sheehy on the Armed Services Committee about something he and I are going to try to work on with respect to our Navy shipbuilding, ship repair. I, not only have I gotten some Republicans to vote with me on the two trade matters I put up, but we're introducing bipartisan legislation all the time.

And I'm not pessimistic, it is interesting. I'm not pessimistic about it under Trump term two. Because my experience in Trump term one, and this is an important one, everybody here is working in this space and you would like to not only stop bad things from happening, but you also have things that you want to happen. President Trump has a huge, what I call, zone of disinterest. Things that he doesn't care about. In the zone of interest, the things he cares about, he cares about them passionately. And you're not going to easily cross him on those and be successful with the republican houses. But in the zone of disinterest, the President is glad to sign bills that get to his desk. And in some ways, Republicans in the majority, to the extent that they're going along with some things with the President that they're kind of queasy about, and many of them do feel that way a little bit, it makes them more want to demonstrate bipartisan bonafides by working with democratic colleagues on other things.

I've just come through an election. I'm not going to be on a ballot for a very long time. The Republicans have learned they can't beat me in Virginia, so they're not helping me out by cooperating with me. So, we have so many irons in the fire on bipartisan bills. I will say, Heath, though, that the challenge is, to your question, cooperation doesn't get any attention. It is not sexy. Conflict is sexy. We're in a media environment where you will get attention for a conflict. You will not get an attention for a cooperative achievement. And that means that if you're outside looking in, it just seems like all, you know, a UFC bout or something. But there is actually plenty of stuff that is happening and that can happen because of President Trump being very willing to sign bills that are outside the core areas where he is really engaged and focused.

Shuler: So, do you get that communication back and forth with the administration? I mean, is there a lot of dialogue that goes back and forth?

Kaine: I will say this. The, what I'm describing is the relationship between colleagues in Congress. The dialogue with the administration has changed dramatically from Trump one to Trump two. Trump one, they would tell us we're going to do this. Man, I really don't like that, I wish you wouldn't do it, I'm going to try to persuade you otherwise. But at least they told us. They're not doing that now. But I don't think it is partisan, I don't think they're letting republican offices really know either.

Shuler: That is true.

Kaine: I think the idea is a normal president, say, if a normal president wanted dramatically shrink USAID or funds to libraries or to abolish the Department of Education, the president would send up the first budget that would have those priorities in it. And then with confidence, I've got two republican houses, would get the leadership down and say, and this budget, I really mean it. That is what a normal president would do with two republican-majority houses. The President is not confident that the republican majorities will go along with what he wants to do.

So, instead what he is doing is no notice, I'm going to break everything I can and then I'll dare you, court system, fix this if you, if there is a final order of the Supreme Court, I'll have to decide whether I follow it or not. And Congress, I'm going to shatter all these budgetary decisions. I mean, President Trump signed the CR that went to in March 31 and is already violating the bill that he signed, much less earlier bills that were signed by other presidents. And he is just daring us as a, in the FY26 appropriations process, okay, I'm breaking Humpty Dumpty, see how much we can put back together? Can you put back a third? Can you put back a half? Can you put back three quarters, but putting it back is hard because the people have already gotten other jobs and moved on? So, by breaking it in advance, it gets harder to put back. That is the dynamic we're in right now.

Roskam: We had Raja Krishnamoorthi here, who is running for the Senate, and just saying...

Kaine: Known Raja a long time.

Roskam: I know. I think he is going to win, just so you know. That said, it was interesting, because he has got to navigate a complicated primary right now. And it strikes me that he would be well-advised to talk to you because you have, I would think, you've hit the sweet spot. Because the criticism is nobody is standing up to Trump, and you are standing up to Trump. And you're doing it in a sophisticated way that is consequential and can be cumulative and gain energy over time. I know that you're not on the ballot for six years, so those same types of pressures, and you're in a different situation based on your stature. But are you getting feedback from the base that recognizes, hey, we appreciate, Senator, what you're doing. Or is that all lost in the mist right now and it is all bumper stickers and nonsense?

Kaine: No, I mean, I'm getting appreciation, but I'm getting grief too. Look, I voted for 40% of Donald Trump's nominees. I'm not in the camp of, I'm voting against everybody and everything. I have one third of my staff, full time, they do constituent service. And when they call the VA or Social Security or the IRS, the folks answering the phone know whether I voted for their boss or not. And if I want to be effective in advocating for my Virginians who need constituent services, just saying, I'm going to vote no against everybody, I could fume. I could walk around feeling good about it. But who does it hurt? It hurts my Virginians who are trying to get service from these agencies.

Plus, I do believe an election carries a mandate to assemble a leadership team. So, unless somebody I think uniquely flunks the character or qualifications criteria, I defer to the President. And so, I'm getting some grief from Dems about that. But I say to them, hey, look, it was the same thing I did during Trump term one and you just reelected me to the Senate. So, you know, I've been doing this, you know who I am after 30 years in Virginia politics, and you've given me a green light to keep doing it. But this, the strategy of forcing votes on matters of executive overreach is, it is a little quirky, but it is starting to pick up some attention in the cumulative.

Other members, my colleagues are doing it differently. Cory Booker did an amazing job with shattering Strom Thurmond's record by taking the Senate floor. Bernie and AOC are doing rallies across the country. There is different ways to engage my, I have a five level strategy. It is courts, Congress, states, activism, elections. Those are the five levers that are part of the plan to both resist overreach and also gain politically. In Virginia, in '25, in the midterms, and beyond. And in each of those areas, there is a plan. Each one could be graded and one might be an A, one might be an F. The one that I am pursuing is the Congress, number two, but I'm engaged in all five.

And I do think, after being on our back foot a little bit at the start, and I think the reason—look at 2017, Hillary loses. I come back to the Senate. The day after the Inauguration Day, the Women's March, bigger than the Inauguration. Why was that not the case the day after the Inauguration 2025? I think it was because in 2017 people were really mad. Wait a minute, we won the popular vote, wait a minute. The FBI engaged at the end, and the Russians were doing this. People were mad. In 2025, people were demoralized. How could the President have won a majority of the, have won the popular vote after mishandling COVID? After January 6, after criminal and civil convictions and liability findings? So, I think there was a demoralization effect that made it hard at the beginning. Both for Democrats to figure out what the plan was, but also even for the public to get engaged. But I see Democrats more on the front foot in terms of planning, and I also see engagement really ratcheting up too.

Roskam: I'll make a comment. It is not a, and I expect no affirmation from you on this. In my view, your approach is more effective. Arenas are interesting, but kind of an echo chamber. Cory Booker, with all due respect, filibustered, but there was nothing to filibuster. Your plotting work is consequential. Where it is like, no, no, no, you got to vote. And I know, Heath knows, that over time, that really does influence people. And you know what it is going to be. You're going to have colleagues that are going to be like, oh, Judas man, what's Kaine got going now? And it is, I think that will end up being more fruitful. Again, I'm not asking you to dump on anybody, but...

Shuler: It is got to be a motion to recommit in the House. That is an almost...

Roskam: Yeah, that is right.

Shuler: What you're asking to do is almost like the motion of recommitting the House.

Kaine: We need it all though. Because again, the last...

Roskam: I hear you.

Kaine: ...one of my five is elections, and all these things build toward elections.

Roskam: Yeah.

Kaine: And so, the floor strategy, and the court cases...

Roskam: That is fair.

Kaine: ...and state actions by State AGs and Governors in the Virginia legislature. And then the activism does feed into, then, elections. But I do think, I feel like on this, forcing Republicans again and again to vote on executive overreach examples, I've had zero votes. Now, I'm kind of in the three and four vote. And then, maybe in a month, I'm going to be in the six and seven vote. In another month, I might be in the eight to 10. So, my whole goal is just by accumulation, the exercise of this atrophied muscle.

I think, and look, this is not just about Dems and Rs or President Trump. It is like the Article 1 prerogatives, whether they're on war, peace, diplomacy, trade, you name it, we've gotten into a mode on the hill where we tend to be deferential to the White House. And I want a white, I want a president that inhabits every square centimeter of Article 2. But I don't want a Congress that doesn't inhabit every square centimeter of Article 1. And I think we've just deferred so much of Article 1. Like on trade, that is an Article 1 power. We've delegated so much on trade to the executive, too much. On war, peace and diplomacy, too much. So, let's rebalance.

Roskam: Okay, last question. You're a committed Catholic. We now have a Pope from Chicago who is a White Sox fan whose name is Bob. What do you think? How does that strike you?

Kaine: I cannot tell you. I can't put into words how happy I am about this. I've written a piece that I think is going to come out in the National Catholic Reporter in a couple of days about it. They asked me to write a piece. What does the first American Pope mean to the global church and to American Catholicism? So, I'll give you a couple of things.

So, first, the choice of the name Leo. Leo the 13th was a really, in the last centuries of popes, he would be one of the three or four people who'd mention, Pope and the tailing part of the 1800s, industrial revolution and its aftermath, workers being kind of crushed by both the political and social machinery, but also the actual machinery. And Leo spoke very strongly about the rights of working people and the dignity of working individuals. So Pope Leo choosing Leo the 14th is very powerful.

But I posit a second theory that I have no idea whether it is true, but I have a gut that tells me it might be. When I was working as a missionary with Jesuits in Honduras in 1980 and 81, I came across a very powerful essay that was circulating pretty heavily among church leadership, written by a guy from the Midwest, Terre Haute, Indiana, named Robert Greenleaf, the leader as servant. Servant leadership is a concept we're all familiar with. And Robert Greenleaf, who was an ethicist and management theorist who really popularized this idea in the 1970s, and how did he come up with the idea? He read a novella by Hermann Hesse, the Nobel Laureate from 1946, and the novella is called Journey to the East. And Herman Hess wrote Siddhartha and some other books that are more popular. Journey to the East is not so popular.

But the story of Journey to the East is this league of extraordinary people who are going on this journey to the east to find life's ultimate wisdom. And they have a servant who is helping them all. And at some point, the servant departs from the journey and the whole journey falls apart and they realize it was the servant. It was the servant that was really the leader, and that servant's name in the Hermann Hesse novella is Leo. Now, if I was reading this because Latin American Jesuits were reading this as part of leadership training in the 1980s, the chances that somebody in Augustinian Formation who was in a leadership role with the American Augustinians read it, I think, is pretty high. So, I think the Leo name may have a double resonance, and I posit that in this piece I write.

The second thing, and then I'll close with one more. Obviously, what a catholic, small C, life story. Small C, catholic universal. Born in Chicago, European family roots on his dad's side. But now we know Creole roots on his mother's side and definitely connected to enslaved Africans and freed Africans with a Caribbean connection. Dad either from Haiti or Dominican Republic, it is a little bit unclear. Mother might be, grandmother, maternal grandmother, may be from Cuba or parents from Cuba. My, the church I go to is predominantly a Black Catholic Church, and the story of American black Catholics is so under-told. It is a suppressed story, it is a story of amazing figures and amazing heroism. But it is just not a story that is well known. When I went to church at Saint Elizabeth's in Richmond the week after he was named as Pope, the excitement among my parishioners was so palpable. And then you add in the Latin American side, he is a citizen of Peru. He spent most of his ministerial career, Priest, Theological Seminary instructor, Bishop, in Peru. So, Latin American roots, Caribbean roots, African roots, European roots. That is what a universal church, it starts to really show the universality in the church, in the spirit of this one guy.

And the last thing I'll say is this. As I was writing this piece, I was like, well, what is the verse of Scripture that I most think of when I think about this guy's life story? And Galatians 3:28 is a very famous one. In Christ, there is no Jew nor Greek, there is no slave nor free, there is no male or female, all are one in Christ Jesus. And that is a powerful unity message. But particularly, my prayer is a church that lives up a little more to the, there is no male or female. The antiquated notions of human sexuality that have led to the exclusion of women from full participation in Catholic Church leadership, which seems, to me, to be a contradiction of the Galatians scripture. My hope, of all the many priorities that the Pope might have, would be a church that might model that particular bit of wisdom more authentically. But I'm so excited to continue my own journey as a Catholic under the leadership, hopefully.

Roskam: Beautiful. Senator, thank you. You've been generous with your time and really insightful sharing with us this morning, and we're grateful for it.

Kaine: Peter, thanks for asking me.

Roskam: Thank you.

Kaine: Heath, you guys have a great rest of the day.

Roskam: So, good. Thank you. We really appreciate it.

Shuler: Wonderful job.

Kaine: Thank you.

Rubenking: Thank you, Peter, Heath and Senator Kaine. If you have any questions for Peter, his full contact information is in the show notes. As always, thanks for listening to BakerHosts and "The Cloakroom with Peter Roskam."

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