

CONFIRMATION OF DANIEL COLLINS

Mrs. FEINSTEIN. Madam President, I rise today in opposition to the nomination of Daniel Collins to the United States Court of Appeals for the Ninth Circuit.

Mr. Collins had been nominated to a California seat on the Ninth Circuit over the objections of Senator HARRIS and myself. Neither Senator HARRIS nor I returned blue slips for Mr. Collins, yet the majority moved forward with his nomination, disregarding our concerns.

This vote on Mr. Collins follows on the heels of last week's vote on Kenneth Lee, another Ninth Circuit nominee who lacked blue slips from me and Senator HARRIS.

So, once again, we see the majority violating Senate norms and traditions by ignoring home-State Senators, including the Judiciary Committee's ranking member, and stacking the courts with ideologues.

This breakdown in Senate traditions is harmful to all of us, Democrats and Republicans. It is also unnecessary.

As I have highlighted before, Democratic Senators have been willing to work with the White House to find consensus picks for the circuit courts, but that willingness has been rebuffed by the Trump administration and disregarded by the majority.

The majority's decision to once again ignore blue slips is short-sighted. After all, what goes around comes around.

Senator HARRIS and I refused to return blue slips on Mr. Collins for several reasons.

I have used a bipartisan instate screening commission to vet potential nominees to California district and Ninth Circuit seats for my entire career. These are highly respected lawyers from throughout the State, and they have reviewed and recommended nominees from Democratic and Republican administrations.

My instate bipartisan commission raised concerns about Mr. Collins's rigidity, temperament, and history of taking positions in litigation for the purposes of overturning precedent and challenging legal boundaries.

The role of a judge is to be an impartial arbiter, not an advocate and not someone with an agenda, particularly an agenda of overturning precedent.

Based on this, I am concerned that Mr. Collins has not demonstrated and does not embody the characteristics that we expect of all Federal judges.

I also believe that Mr. Collins's record on women's reproductive rights, executive power, civil liberties, and criminal justice matters puts him far outside the judicial mainstream.

For example, Mr. Collins was a strong advocate for the Bush administration's use of military commissions to try enemy combatants held at Guantanamo Bay. He even went so far as to argue that the President's authority as Commander-in-Chief allowed him to bypass Congress and create these com-

missions without congressional approval.

Mr. Collins also wrote a law review piece in which he argued that *Miranda v. Arizona*, a longstanding Supreme Court precedent that protects the rights of individuals, should be overturned.

For the last decade, Mr. Collins has also defended numerous chemical and energy companies in lawsuits brought by homeowners, Tribes, and local governments. The plaintiffs in these lawsuits have argued that these companies contributed to climate change and its effects, such as increasing the severity of storms and causing sea levels to rise.

In several of these lawsuits, Mr. Collins argued that climate change is not even real. For example, in a case representing Shell Oil Company, Mr. Collins wrote that "climate change allegedly results from the aggregate effects of greenhouse gas emissions from billions of sources around the world accumulating in the global atmosphere over the course of centuries, and thus it cannot be attributed to . . . energy companies."

In addition, in questions for the record, he refused to acknowledge that climate change is real and that human activity contributes to it.

I understand that Mr. Collins was representing clients in these lawsuits, but he was the one who chose which arguments to make, including arguments that climate change is not real. We cannot have a judge on the Ninth Circuit who denies climate change and its impacts.

At his hearing, Mr. Collins was willing to answer questions from Republicans on his personal views, but not answer similar questions from Democrats.

For instance, when asked how he "feel[s] about the First Step Act," Mr. Collins said: "I think that the First Step Act . . . appeared to me to be a balanced approach to reform some of the sentencing provisions which seemed unduly harsh."

But when asked by Senator BLUMENTHAL whether he believed *Brown v. Board of Education* was correctly decided, Mr. Collins refused to answer.

Nominees should not answer Republican questions and evade Democratic ones, especially when it comes to answering questions about *Brown v. Board of Education*, a monumental case whose correctness cannot and should not be questioned and has been answered by previous Republican nominees, including Chief Justice Roberts.

Taken as a whole, I believe Mr. Collins is far outside the legal mainstream.

Given concerns about his temperament and commitment to upholding precedent and given the positions he has taken on executive power, criminal justice, and other matters that could come before the Ninth Circuit, I cannot support Mr. Collins.

I voted against Mr. Collins, and I urged my colleagues to do the same.

VOTE EXPLANATION

Ms. BALDWIN. Madam President, on May 20, 2019, the Senate voted on the motion to invoke cloture on Executive Calendar No. 201, Daniel P. Collins, of California, to be United States Circuit Judge for the Ninth Circuit. Due to travel delays, I missed this vote. However, I oppose confirming this nominee, and I would have voted against cloture if I were present.

TRIBUTE TO KEANON LOWE

Mr. WYDEN. Madam President, today I want to recognize and honor Parkrose High School coach and security guard Keanon Lowe for his heroism during the school day on May 17, 2019.

When Mr. Lowe spotted an armed student in a classroom in the northeast Portland high school, he bravely tackled the student, wrestled away the gun, and held the student until police arrived. Mr. Lowe may have saved the lives of countless students, teachers, and administrators at Parkrose.

In Mr. Lowe's own words the day after the incident, "When I signed up to be a security guard, football and track and field coach for Parkrose High School, I did so to guide and coach young people whose shoes I had once been in. I had no idea that I would one day have to put my life on the line like I did yesterday for my students."

Mr. Lowe is no stranger to the spotlight. Before becoming the football and track coach at Parkrose, Mr. Lowe was a standout football player in Oregon at Jesuit High School and then the University of Oregon, U of O, "Go Ducks!"

As an U of O alumnus, I witnessed Mr. Lowe's standout play both in Autzen Stadium in Eugene and in the 2015 national championship game against the Ohio State University.

All Ducks fans know Mr. Lowe as a champion on the field, and now all of Oregon and the country, know him as a hero off the field.

Mr. Lowe's heroics saved the day on a Friday morning just before noon. Students, teachers, and administrators at Parkrose, as well as their loved ones, are incredibly grateful that Mr. Lowe prevented what could have been a tragedy in my hometown.

Sadly, far too many schools in my State and across America have not been so fortunate in the past few decades. Gun violence in schools has essentially created a "lockdown generation" of students whose happy memories of high school dances, games, plays, and other activities jostle alongside memories of lockdown drills and, in far too many instances, violent gunmen.

Again, in Mr. Lowe's own words, "I'm blessed to be alive and extremely happy that the students are safe. I'm not sure what's next, I haven't had the time to really think about it. But I am sure I want to be a part of the solution to school gun violence."

I am grateful that Mr. Lowe prevented the worst on May 17, 2019, and welcome his commitment to be a teammate in reducing the chances of gun tragedies in every school in America.

Mr. MERKLEY. Madam President, today, I would like to honor Keanon Lowe's heroism and bravery in tackling a gunman at Parkrose High School on May 17, 2019. Mr. Lowe is known for being a top wide receiver for University of Oregon's football team and now as a popular coach of football and track and field at Parkrose High School. He also works as a security guard at the school.

On Friday, May 17, a distraught student entered a Parkrose classroom with a shotgun. Already this year, our Nation has watched children die at the hands of their armed classmates, including two young men who sacrificed their lives to stop gunmen and save their fellow students. To prevent such a tragedy, Mr. Lowe, in a tremendous act of courage, tackled the armed student and wrestled away the gun before anyone could be injured.

Mr. Lowe put his life on the line to protect our students. Mr. Lowe has not only guided students on the field, but now he has also protected them in the classroom. He will no doubt be remembered by those students for the rest of their lives as an example of selflessness and courage.

On behalf of all Oregonians, I express our deepest gratitude and admiration to Mr. Lowe, and thank him for his service to Parkrose students, every Parkrose family, and all Oregonians.

HONORING THE FALLEN POLICE OFFICERS OF BUTTE-SILVERBOW COUNTY, MONTANA

Mr. TESTER. Madam President, today I wish to honor the memory of 18 of Butte, America's finest.

Since 1892, 18 brave police officers have lost their lives in the line of duty protecting the people of Butte-Silverbow County, the most of any county in Montana.

These men put the lives of others above their own, rushing into danger to keep their community safe, and paying the ultimate sacrifice as a result.

I want to honor: William F. Jordan; Dennis W. Daly; Frederick Kranbeck; Fred A. Palin; John J. Streb; Joseph A. Freshman; Charles E. Streb; Ivan W. Lincoln; James H. Pace; Bart J. McCarthy; Joseph E. Sage; Batt Arrigoni; Jeremiah J. Murphy; Thomas O'Neill; Nicholas Aleksich; Colin McMillan; Tom Monroe; and David V. Thomas and their families and loved ones who sacrificed so much as well.

May their memories never be forgotten. May all current and future peace officers in Butte-Silver Bow, around Montana, and this Nation return home safe at the end of their watches.

TRIBUTE TO WEST VIRGINIA'S HEROES AND RECOGNIZING THE ALWAYS FREE HONOR FLIGHT NETWORK

Mr. MANCHIN. Madam President, today I am incredibly honored to rise and recognize a group of 23 heroic military veterans who will travel from West Virginia this week to visit our Nation's Capital as part of the 10th Always Free Honor Flight. On the occasion of their visit, in which they will see for the first time the monuments built in their honor, I want to express my utmost gratitude to these special men and women for their extraordinary bravery and patriotism and for their noble sacrifice to help keep our country free.

I have said this time and time again: West Virginia is one of the most patriotic States in this great Nation. With one of our country's highest per capita rates of military servicemembers and veterans, West Virginia is undoubtedly one of our Nation's most patriotic States. According to the Department of Defense, West Virginia had the highest casualty rate in the Nation during the Vietnam war, and I am so proud that the Honor Flight will allow these West Virginia veterans to pay homage to their brethren at the Vietnam Wall. The 31 veterans participating in this week's Always Free Honor Flight truly embody the Mountain State's history and contributions to the safeguarding of our American freedoms.

Our special West Virginians visiting this week represent warriors from 23 to 93 years old and have traveled from all parts of our great State, from Beckley to Bluefield, Princeton to Cottageville, and many places in between. In addition to our Mountain State veterans, six veterans from Virginia and one veteran from Florida will be accompanying their West Virginia neighbors on the day-long adventure. Of the patriots attending, one served in World War II, two served in the Korean war, 10 served in the Vietnam war, one in Vietnam and Desert Storm, one served in the Cold war, one served in Desert Storm and the Gulf war, two served in the war in Afghanistan, and many others served between wars.

I would especially like to recognize our World War II veteran who will be on this honor flight—93-year-old Allen K. Walker who now lives in Beckley but is originally from the Mississippi Delta. He joined the Navy in Rosedale, MS, in 1944. He served as a seaman first class stationed in Pearl Harbor, HI. Allen is a member of our Nation's Greatest Generation, and their sacrifices and valor embody American patriotism. They fought in such a pivotal war, in an era that threatened our existence as a Nation. Unfortunately, as the years go by, we are losing so many of our World War II veterans, and we must show them our utmost gratitude each and every day.

As I mentioned, we will also be joined by veterans of the Korean, Vietnam, Cold, and Gulf wars. They engaged in

combat all over the world. They were Humvee mechanics, military police officers, and radio operators.

Two of our proud veterans here today served in the Korean war. One is 86-year-old Corporal Paul Clifford Lathey from Cottageville, WV. He joined the Army in 1953 in Ripley, WV. During his time in Korea, he served in the 15th Infantry, 3rd Division Fox Company, where he treated wounded soldiers in MASH units. Our other Korean war veteran is 90-year-old Sergeant David Shirley Knapp, who was in the Army from 1948–1954 and served as a combat engineer during the Korean war.

Another veteran is Charlie R. Lambert from Iaeger, WV, who served in a variety of roles during the Vietnam war. After he joined the Navy in 1970, he served in a “boots on the ground” role in Thailand, served on the flight deck of the USS *Iwo Jima*, and volunteered to be a member of the Brown Water Navy or the forces that patrol shallow inland waterways, seizing contraband and engaging with the enemy. Another brave West Virginian who served in Vietnam is Sergeant Robert Ortiz, from Premier, WV, who served as an infantryman in the 196th Light Infantry Brigade, 23rd Infantry Division Americal.

We also have two veterans who served in two wars, both from Virginia. Sergeant Jackie Thornton of Narrows, VA, who served in the Army during both the Vietnam and Desert Storm wars, as the chaplain's assistant, as well as, Sergeant Steven R. Mitchell of Bluefield, VA, who served in the Army in both Operation Desert Shield/Storm and the Gulf war.

I would like to also specifically honor the youngest veteran we have with us today, Sergeant Austin Patrick Coleman of Bluefield, WV. He joined the Marines in Houston, TX, and served his country in Helmand Province Afghanistan as an infantryman, assisting the Afghanistan National Army. Another veteran of the war in Afghanistan here today is Michael “Doc” Atwell of Princeton, WV. Doc served in the Navy at Camp Dwyer in the Helmand Province. He was attached to the 1st Tank Battalion RCT7 as a FMF corpsman.

Showing our appreciation to those who have served is something that we should do each and every day, but today is a special day to pay tribute and thank those who have volunteered to put their lives on the line for our freedoms. The memorials our honor flight participants will visit today serve as an important reminder to us all that our freedoms and liberties come at a steep cost. However, I know our veterans will find special meaning and potentially long-lost emotions when they tour such touching sites.

This week's honor flight and the continued support of our veterans would not be possible without the dedication of so many volunteers and caregivers. I would like to thank Theresa Riggs, the JROTC Cadet from Montcalm High