

### 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."