

According to his mother, Lance Corporal Meis set his mind to becoming a soldier in the eighth grade. He always preferred the Marines, she says, because of its distinct reputation for rigor and excellence. Lance Corporal Meis enlisted in January 2010 after graduating from Bennett High School. He served a tour of duty in Afghanistan in support of Operation Enduring Freedom, earning numerous decorations.

He was a machine gunner in the 8th Marine Regiment, 2nd Marine Division, based at Camp Lejeune, NC. This post situated Lance Corporal Meis on the front lines of battle in Afghanistan, which for him meant an opportunity to contribute. His mother said that, when he called home, he spoke of his readiness for action and commitment to "making a difference." He told his family that he ultimately wanted to pursue the Marine Corps as a career.

Lance Corporal Meis's bravery and exemplary service quickly won the recognition of his commanding officers. He earned, among other decorations, the National Defense Service Medal, the Afghanistan Campaign Medal, and the Global War on Terrorism Service Medal. Just 3 weeks before his passing, he received a promotion to lance corporal.

His record as a soldier exhibits America's proudest traditions of valor, commitment to duty, and strength of character. To his family, he will be remembered as a dedicated son and brother. For Lance Corporal Meis, family and duty sometimes took the same form. By putting on the uniform, he followed his two grandfathers in a proud family tradition of service in the Armed Forces. His paternal grandfather served in World War II, and his maternal grandfather retired from the Air Force.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Lance Corporal Meis's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

I stand with the citizens of Colorado and across our country in profound gratitude for Lance Corporal Meis's tremendous sacrifice. In Afghanistan, he fought with unwavering courage to protect America and her citizens, and for his service he will forever be remembered as one of our bravest. To honor those who survived him, I ask my colleagues to join me in extending our deepest respects and condolences to Holly, his mother, Chris, his father, Hunter, his brother, and to his entire family.

CARNEY CONFIRMATION

Mr. RUBIO. Madam President, on May 17, 2011, the Senate considered the nomination of Susan Carney to serve as a Judge on the Second Circuit Court of Appeals. I voted against her nomination and want to explain my vote.

The qualifications of a judicial nominee are critically important. Susan Carney received her A.B. in 1973 and her J.D. in 1977 from Harvard, graduating both times with honors. Following law school she clerked on the First Circuit. She then worked in private practice in Washington from 1979 until 1986. After several years of self-employment, she became affiliated with another Washington law firm in 1994 before becoming associate general counsel of the Peace Corps in 1996. Since 1998 she has worked in Yale University's General Counsel's Office; she has been deputy general counsel since 2001.

I question whether Ms. Carney has the proper experience to serve as an appellate judge. She has no litigation experience in the last 15 years. She has never tried any cases to verdict, judgment, or final decision. There is nothing in her background that will provide this body with any information as to how she will view the law and what she may or may not be inclined to do as an appellate court judge.

When examining a nominee, especially a nominee for the circuit court of appeals, I am looking for evidence in the nominee's history that will establish that the nominee is a constitutionalist. Someone who takes the original, public meaning of the text of the Constitution and our laws seriously and does not look for excuses to depart from it and read into it what he or she wants.

In making a determination as to whether to vote for a nominee, I look for evidence that the nominee meets Chief Justice John Roberts' analogy of a baseball umpire, someone who doesn't bend the rules for the game, but just calls them as he sees them; someone who offers no favoritism depending on who is at bat.

All Americans should expect Members of U.S. Senate to carefully explore and guard against judicial nominees who are activists. Judges who interpret the Constitution and laws in light of his or her personal preferences or how he or she thinks they ought to have been written should not be on the bench. We should guard against a nominee who would elevate "empathy" over what the rule of law requires.

The only information that has been produced about Ms. Carney's potential judicial inclinations is that she was a supporter of pro-abortion groups such as NOW, NARAL, and Planned Parenthood. This nominee has little legal and no judicial history to rely upon. The burden of proof to show that the nominee will be a fair and impartial judge falls on the nominee. There is nothing in the record that would allow me to conclude that Ms. Carney will always be fair and impartial or that she will not elevate empathy over the rule of law. What I believe we should seek is a fair judge should be neutral and rule the same way according to the laws as written regardless of who is before the court.

Senators SESSIONS, COBURN, and LEE voted against this nomination in committee. The Republican members of the ABA committee that review nominees found Ms. Carney unqualified.

A review of Ms. Carney's record lacks any indicia as to how she would rule or how she would handle her role in this critical position. In my view, the burden of proof falls to the nominee and despite the support this nomination garnered from my colleagues, I do not believe that Ms. Carney met this burden. Given the higher scrutiny associated with consideration of nominees to the circuit courts of appeal, this nominee's limited record coupled with her history of supporting liberal organizations and because the nominee has the burden of establishing fidelity to constitutional principles, I voted against this nomination.

ADDITIONAL STATEMENTS

MAKOTI, NORTH DAKOTA

• Mr. CONRAD. Madam President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 8-10, the residents of Makoti will gather to celebrate their community's history and founding.

The vibrant community of Makoti is a Soo Line Railroad townsite. On July 12, 1911, the village of Makoti was platted, and lots at the townsite were sold. Approximately 200 people attended the sale. The name of the town was coined by the townsite promoter, Edward Kamrud, from *maakoti*, a Mandan Indian word meaning largest of the earthen lodges. Edward learned of this word from James Holding Eagle, who was building a replica Mandan-type earthen lodge on the grounds of the State capitol in Bismarck.

Today, the economy of Makoti is largely based on agriculture. There are also eight businesses within the city, three churches, and the Lewis and Clark Makoti High School. Each fall, the town comes together and celebrates the Makoti Threshing Show, which is the largest threshing exhibition in North Dakota. Other recreational opportunities including a city park, swimming pool, baseball diamonds, and nearby lakes with great fishing and hunting.

The citizens of Makoti are proud of all of their accomplishments over the past 100 years and have planned a celebration that will include a golf tournament, 5K walk, arts and craft show, children's activities, a car show, a parade, and fireworks.

I ask the U.S. Senate to join me in congratulating Makoti, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Makoti and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Makoti that