

district judge that was ordered earlier, the Senate then resume consideration of H.R. 4939, the emergency supplemental appropriations bill, for debate only until after the 2:15 recess. I further ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. McCONNELL. Mr. President and colleagues, the first vote of the week will be tomorrow morning at approximately 11 o'clock on a district judge. Following that vote, we will begin consideration of the emergency supplemental appropriations bill. Senators who intend to offer amendments to that bill are reminded to work with the bill managers. Additional votes obviously will occur, we hope, tomorrow afternoon.

#### ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of Senator INHOFE and Senator SPECTER for up to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

#### TRIBUTE TO FEDERAL JUDGE EDWARD R. BECKER

Mr. SPECTER. Mr. President, I have sought recognition to speak about the extraordinary career of Federal Judge Edward R. Becker who was appointed to the United States District Court for the Eastern District of Pennsylvania in 1970, was elevated to the Court of Appeals for the Third Circuit in 1982, was Chief Judge of the Circuit Court from February 1998 until May 2003, and continues to serve as a Senior Judge.

In addition to his 35-plus years on the Federal bench, he also has the distinction of being the 101st United States Senator. Some, who have laid claim to the position of 101st Senator, have enhanced their status. To identify Judge Becker as the 101st Senator is to enhance the status of the United States Senate.

Judge Becker became a member of the Senate's family by his negotiating, cajoling, and writing most of Senate Bill 852 dealing with asbestos reform.

At my request, he convened the so-called stakeholders—that is, the manufacturers, labor—AFL—CIO, insurers and trial lawyers—in his Philadelphia chambers for 2 days in August 2003 to preside over discussions leading to the structuring of the asbestos reform bill.

Thereafter, on about 50 occasions, frequently with my being present, he continued to preside over negotiations with stakeholders in meetings attended by 20 to 50 interested parties. Beyond that, he met with numerous individual Senators, representatives of the stakeholders on dozens of occasions, and continuously counseled Judiciary Committee staff for almost 3 years. When the legislation was in committee and on the Senate floor, Judge Becker was at my side continuously counseling on the next steps to be taken to promote the bill's passage.

He undertook this arduous extra assignment in addition to his judicial duties notwithstanding the fact that he was undergoing treatment for prostate cancer.

When told of Judge Becker's contribution to this important legislation, President George Bush inscribed a tribute to Judge Becker on the face of Senate Bill 852 designating it as the "Becker Bill".

I first met Ed Becker in the fall of 1950 when we rode the Frankford elevated train, public transportation, together for about an hour each morning from Northeast Philadelphia to the University of Pennsylvania. He graduated Phi Beta Kappa from Penn in 1954 and, again with academic distinction, from the Yale Law School in 1957, which we again attended together. We were colleagues in a celebrated debate against the Norfolk Massachusetts State Prison team in 1952 before approximately 800 inmates, truly a captive audience. The prison team took the affirmative on the subject: Resolved that the Communist Party should be outlawed. Editors from the then-five Boston newspapers voted 4 to 1 that the prisoners won the debate.

Following graduation from law school, he had a distinguished law practice in the partnership of Becker, Becker and Fryman, his father and brother-in-law. He was active in politics, becoming a Republican committeeman, as his father was before him. He worked the rowhouses in Northeast Philadelphia going door to door seeking new registrations and support for his Party. He undertook kamikaze candidacies for State Senate and City Council on the Republican ticket in Philadelphia, a city totally dominated by Democrats. He represented the Republican Party as counsel in complex court proceedings.

He was a lawyer's lawyer, just as he later became a judge's judge. I turned to him for counseling and representation when the Supreme Court of Pennsylvania on three occasions in 1967 ruled on my status as to be a candidate for mayor while continuing to serve as district attorney. The Philadelphia

Home Rule Charter prohibited any city officer from being a candidate for any other office. With his assistance, we won all three cases. If I had followed his political advice as well as his legal advice, I probably would have been elected mayor; but who knows what would have happened after that.

When appointed to the Federal Bench in 1970 at the age of 37, he merited the position both in terms of exceptional competency and extraordinary contribution to his party. No one in my experience has merited the appointment to the Federal bench more than Judge Becker on both counts.

Judge Becker and I have been good friends, really best friends, in the intervening years. Our wives were school-girl classmates. Joan Levy, now Specter, sat next to Flora Liman, now Becker in alphabetical order in Olney High School.

As Chief Judge of the Court of Appeals for the Third Circuit, he brought many innovations. In 2002, he was the recipient of the coveted Edward J. Devitt Distinguished Service to Justice Award with his selection as the most distinguished Article III Judge out of 862 then sitting "whose career has been exemplary, measured by their significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole."

He brought to the bench a prodigious work ethic. He is never without a stack of briefs which he reads whenever he has a moment to spare. At Philadelphia Eagles' football games, he would read those briefs during halftime preferring them to the dancing cheerleaders. He would even sneak a peak—I mean a peak at the briefs—during the incessant timeouts for the endless commercials.

Among his landmark decisions are three opinions adopted by the Supreme Court on cutting-edge issues. He pioneered new law on the reliability of scientific evidence which formed the basis for Justice Blackmun's decision in 1993 in *Daubert v. Merrell Dow Pharmaceuticals*. Similarly, he originated the rationale on class action certification adopted by Judge Ginsburg in 1995 in *Georgine v. Amchem Products*. When he disagreed with seven other Circuit Courts of Appeals, the Supreme Court followed his judgment on *ERISA Standards of Review in Firestone Tire & Rubber Co. v. Bruch*. He was consistently recognized by the University of Chicago Law Review as being among the three Circuit Judges most often cited by the Supreme Court.

His 2,000 judicial opinions, filling many volumes on law library shelves, are legendary—long, thorough, analytical with many footnotes. His masterful handling of Japanese electronics case produced four opinions exceeding 2,000 pages having ruled three times on complex evidentiary issues before granting summary judgment in a highly unusual case. His versatility was demonstrated when he once wrote an

opinion in rhyme. When he is not up to going to the courthouse these days, he participates by telephone on the oral arguments and the conferences where the three judge panel discuss the cases.

Among his many accomplishments is his talent to play by ear any song known in the American repertoire. The Supreme Court of the United States has chosen him as the Court's pianist for their periodic sing-alongs. Rivaling his attributes as a jurist, Justice David Souter wrote in May 2001 in a University of Pennsylvania Law Review "Tribute to the Honorable Edward R. Becker": "I've never heard anyone call for a tune the Judge didn't know; never have I seen him read a sheet of music." Edward R. Becker is truly the personification of the Renaissance man.

Recently, he undertook a new challenge by testifying and organizing a panel of judges to appear before the Judiciary Committee in support of the nomination of Third Circuit Judge Samuel Alito for the Supreme Court. He did so out of conviction that Judge Alito was being unfairly criticized. Based on working with him for over 15 years, he advised the Judiciary Committee that after oral arguments, when the three panel judges would retire to deliberate, Judge Alito had an open mind, no agenda and was a superb jurist. That panel of current and former Third Circuit judges, led by Judge Becker, provided important testimony for the Judiciary Committee, leading to Judge Alito's confirmation.

For a man with such achievements, Judge Becker remains the model of modesty and humility. He continues to live in an unpretentious house in a working-class neighborhood in Northeast Philadelphia where he moved with his parents when he was 3. Even as the Chief Judge of the Circuit, he continued to ride public transportation to the Federal Courthouse, surprising fellow riders to see a man of his prominence sitting among them. He is the quintessential family man, with an accomplished wife, three professional children and four adorable grandchildren.

When his friends enjoy a variety of cocktails, his favorite drink continues to be "Schuylkill punch," which translates into Philadelphia tap water.

When I was diagnosed with Hodgkin's last year, I followed his advice on how to cope. He was an inspiration and model to me.

Watching close friends suffer and die from cancer, and from my own experience with Hodgkin's, all of that has reinforced my determination to work to secure sufficient funding for the National Institutes of Health to conquer cancer and other maladies.

In 1970, President Nixon declared war against cancer. If the United States had approached that war with the same intensity we do other wars, the cure for cancer would have been found long ago.

Two years ago I saw my chief of staff, Carey Lackman, a beautiful young woman of 48, die from breast cancer. A few months later, I saw the same fate

for Paula Kline, the wife of my son's law partner.

Visiting Judge Becker at his home last Saturday, I saw a large stack of briefs on his desk and observed him carrying on his judicial duties from his living room with determination and gusto, notwithstanding his prostate cancer. From my own experience with Hodgkin's, I know cancer can be beaten. From watching Judge Becker, I have seen him beat cancer for more than 3 years.

My statement today has the dual purpose, No. 1, of recognizing and acknowledging the public service and contributions of a truly great American, and, No. 2, urging my Senate colleagues who have come to know, admire, and respect Judge Becker to support adequate funding to win the war against cancer.

I thank the Chair. In the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold, the Senator from Oklahoma is recognized.

Mr. SPECTER. Mr. President, may I express my regret that I don't have eyes in the back of my head.

Mr. INHOFE. I always thought you did.

Mr. SPECTER. The distinguished Senator from Oklahoma, Senator INHOFE, is standing right behind me. I should have felt the radiation of his powerful personality. I yield to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I thank the senior Senator from Pennsylvania. Before he leaves the Chamber, I want to applaud the work Senator SPECTER has done in getting these judges confirmed. It has been heavy lifting. We all know that. We also know probably from looking back, when we look back 10 years or 20 years from now on accomplishments, that perhaps getting these judges confirmed will be the major accomplishment of this legislative session.

#### IRAQ UPDATE

Mr. INHOFE. Mr. President, I am always distressed with the media and the way they are misrepresenting what is going on in Iraq, and particularly the accomplishments this last weekend. It is hard to believe.

On Saturday, the Iraqi Parliament, which was elected last December, convened to fill the top Government leadership positions. Exemplifying the democratic traditions beginning to take root in Iraq, the Iraqi Parliament successfully negotiated these nominees, clearing the way for the first permanent, popularly elected Government in Iraq's history.

The first permanent, popularly elected Government in Iraq's history—that is mind boggling.

In addition, I want to commend our soldiers in the theater. Without their

brave efforts, this progress would have been impossible.

I just returned from my 11th trip to the Iraqi AOR. I come back, and I remember the stories that are told by our different troops there. Some of the things they come up with are amazing—the anecdotal things, stories that are comparable to the stories we heard back during World War II.

American soldiers continue to clear out terrorist strongholds, allowing democracy a chance to flourish. The accomplishments of American soldiers have permitted Iraqis the opportunity to vote and elect a parliament that has now produced leaders of this nation's national unity government. It has been a long road getting to this point, and we have further to go. There are some major hurdles these new leaders must keep in mind. These are Iraqi leaders. These are the elected leaders. For the first time in Iraq's history, they must build consensus for reigning in the militias, protecting critical infrastructure such as oil pipelines, preserving human rights for all Iraqi citizens, implementing necessary reforms to revive the civil economy, and, perhaps most importantly, the new leaders must inspire confidence in the permanent Government.

While what these seven nominees put forward on Saturday represents a huge political breakthrough, challenges lie ahead for both Iraq's new leadership and our troops stationed there. Our best men and women continue to serve valiantly in some of the most trying conditions. Some have been gravely wounded, and some have paid the ultimate price. The question you hear quite often is, they say, Is it worth it? It is impossible for me to answer that question on an individual basis, when you think about the depth of suffering of a wife or a child or a father, the loss of a loved one. I mourn that we have lost even one life, but I do not regret the cause in which that life is lost.

I will say that as America's elected leaders, we have been chosen to use our best judgment in these most difficult choices. Throughout history people have chosen to take an uncompromising stand in what they believe in. They have done this because they understand some things are so valuable that we must risk everything to preserve them.

Can the cost of preserving freedom ever be too great? That is a question I wrestle with day and night. As I do, I am sure other members of our Government and military leaders do the same.

I know freedom cannot be imposed, but I also know the thirst for it cannot be quenched. If September 11 showed us anything, it was that we affect and are affected by the rest of the world. Standing by and hoping for the best is not an option. When it comes to fighting terrorism around the world, we are involved, whether we like it or not, and the quicker we wake up to this reality, the better chance we have at setting