

Henry Wingate, an African American I had recommended 20 years ago for the Federal bench, who is now the chief judge of the Southern District in the United States District Court.

There are several other judges, all of whom were there. Edith Jones of the Fifth Circuit, who is the chief judge now of the Fifth Circuit Court of Appeals, was our principal speaker on this occasion. And I noticed that the person who is a U.S. marshal for the Southern District of Mississippi is Nehemiah Flowers, whom I had recommended many years ago and has served in that job with distinction and reflected credit on African Americans of our State, but also as an individual in his own right who is the chief keeper of the peace and law enforcement official in the Federal District Court, I was proud to be there on the podium with him.

Leslie Southwick is totally well qualified and ought to be confirmed by the Senate. I have spoken on the Senate floor a couple of times at great length about it and put into the RECORD letters from people all over our State commanding him and vouching for him, talking about his experiences as a judge and my familiarity with him as a person. He has a record that would be the envy of anyone who would aspire to be admired and respected as a judge or a lawyer or a citizen. I can't believe that he is being challenged as harshly as he is by some in this body, and I urge the Senate to confirm him as a United States Court of Appeals judge tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. BROWNBACK. Mr. President, I want to speak in favor of Judge Southwick and the nomination and would take up that 4 minutes.

A couple of quick points I want to make on this because the time is short, the hour is late, and I appreciate the Presiding Officer staying. I have met and I have gotten to know Judge Southwick. I have worked with him. I have seen him now through two Senates, the last Senate and this Senate. This is an honorable man. This is a good man. I think this is a smear campaign that people are trying to do on him, on a good man.

I think if he came up in different circumstances everybody would say: Why, absolutely he is the right person for it.

Part of the reason I say that is you look at the last Congress when he came up in front of the Senate Judiciary Committee. Judge Southwick came up in the last Congress, and he was unanimously approved by the Judiciary Committee, seen as a consensus nominee who should move forward. He has been through these parts before. Why is it he was unanimous last time around and now he is a controversial candidate? Why is it you are looking at 7,000 opinions and somehow now we found something in a couple of opinions but didn't find those last year when people were fly-specking it?

I think this is kind of a sign of the times and where we are and the President's time period and the President's approval ratings. He is in his last 2 years and people are looking and saying we don't want to get these many circuit court judges approved. But if you look at the record, this is not fair to this judge.

Look at the diversity issue. I just want to put a chart up on the diversity of the Fifth Circuit because that issue has been raised, the number of appointees to the Fifth Circuit. Under President Clinton and Bush: Women appointed under President Clinton, zero; President Bush appointed two; African Americans, one under Clinton, none under Bush; Hispanics, one under Clinton, one under Bush, and actually there was a third woman appointed under Bush. I don't think that stands the review and test of us being honorable and honest with what the situation is.

This is a judicial emergency situation. Senator LEAHY has previously stated if a vacancy is deemed to be a judicial emergency, it should be addressed quickly. This is a judicial emergency, as determined by the non-partisan Administrative Office of the Courts. They have declared the seat to which Judge Southwick has been nominated a judicial emergency.

Senator LEAHY, for whom I have a great deal of respect and worked with on a number of additional issues other than this, has also said it is important whether the two home State Senators support the nominee. You have just heard from the two home State Senators who strongly support this nominee.

I think the criteria that have been previously set to fill a circuit court position have been met, in many cases even exceeded. Yet we have a controversy over a person who was seen, one Senate ago, one Congress ago, as a consensus candidate. This seems to be much more reflective of the time rather than the person, and I don't think that is meritorious of this body, to decide something on, OK, it is in this session of Congress rather than the prior session of Congress.

Here is an honorable, good man. If you have qualms with one of the nominees, fine. But let's make it a real set of qualms and let's not make it something that we invent this session, during this Congress, and try to take it out on somebody who is a good candidate.

Here is a person who served honorably in the military, even asked that his age be waived so he could join the Army Reserves at age 42. In 2002, at the age of 53, he volunteered to transfer to a line combat unit that was widely anticipated to deploy to Iraq.

This is an honorable man. I urge my colleagues to actually look past the way he is being painted and look to the reality of the facts and to the longevity of his service and what he seeks to do and to vote and to support this nominee.

I yield the floor.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR

Mr. CASEY. Mr. President, I rise today to address not only a major public policy issue for the State of Pennsylvania but also a fundamental issue of fairness and the proper role of Government, which I think will have an impact on the country as a whole.

Recently, the U.S. Department of Energy designated 52 counties—52 out of Pennsylvania's 67 counties—as part of a power transmission corridor, more formally known as the National Interest Electric Transmission Corridor. This means the Government will be able to turn three-quarters of the State of Pennsylvania into a superhighway of transmission towers.

Their authority to designate this corridor was granted in the Energy bill passed in 2005 in the previous Congress. This designation would allow the Federal Government to override State authority and construct high-voltage power transmission lines wherever they please—virtually wherever the Federal Government pleases. They could place the lines on farmland, through neighborhoods, through someone's backyard, and, for example, through a beautiful vineyard such as the one I saw most recently in Greene County in the furthermost southwestern corner of Pennsylvania, so virtually anywhere in the Commonwealth and anywhere in the country.

Earlier this year, the Department had a public comment period where I and other public officials and most importantly my constituents spoke out loudly in opposition to the draft corridor plan. That draft plan is virtually identical to the final plan.

Let me give my colleagues a sense of what we are talking about here. This is a map which depicts the draft Mid-Atlantic and Southwest area national corridor. There are people in Washington who for years have been talking about creating opportunities for more power, and this is a national priority, they say. Yet we can see just by the dotted areas that there are a lot of States in the Northeast that will be impacted—obviously, New York and Pennsylvania, West Virginia, Maryland, and a few others, and then out West in the furthermost reaches of the Southwest of our country, principally in the State of California. So for all of the talk about a national priority, there is very little that impacts the middle of our country.

I sent letters, as Senator SPECTER did, to the Department of Energy, but so far, I am not happy to report the Department of Energy has ignored my

constituents. I think this is an outrage, for a government bureaucracy to ignore the people they are supposed to serve. They pay their salaries—those taxpayers pay their salaries. The least this Department should do is respond not just in a timely way but to respond completely. But we haven't seen that yet.

Last week, I met with an Assistant Secretary of Energy to discuss my opposition to the transmission corridor as it is presently drafted. I have sent letters to the Energy Secretary, Mr. Samuel Bodman, most recently in early October. We are still waiting for a response to that, a letter signed by both Senator SPECTER and me, waiting for a response. I know people get busy, but I think it is time now to respond to that letter. We are also waiting for Secretary Bodman to respond to my request for a meeting. We are getting a little resistance there as well.

So while I am waiting for these responses from the Energy Secretary, I want to put him on notice and I want to put the Federal Energy Regulatory Commission—which we know by the acronym FERC—I want to put FERC on notice and I want to put the Senate on notice that I have grave concerns, as a lot of people in Pennsylvania have grave concerns, about this transmission corridor as presently designed or drafted. I am outraged by how my constituents have been treated so far in this process. I would argue they have been ignored in this process.

So I intend to use every means at my disposal—every means at my disposal—to prevent the National Interest Electric Transmission Corridor from moving forward until Pennsylvania is at a minimum treated equitably. So I intend to place a hold on the renomination of Joseph Kelliher, who is now serving as the Chairman of the Federal Energy Regulatory Commission, known as FERC. I will place a hold on his renomination, and I will be introducing tomorrow, in connection with the amendments to the farm bill, an amendment to prevent the use of eminent domain to take farmland for use as a part of this power transmission corridor.

One more chart before I conclude. The second chart here depicts the number of counties affected in the northeastern corner of the United States. I will speak just of Pennsylvania for today—52 out of those 67 counties. Basically, what the Federal Government has told us, in essence, implicitly—this is what I derive from their failure to respond to the State of Pennsylvania—is there is going to be a superhighway of power lines across Pennsylvania, and there is nothing anyone can do about it. The Federal Government is going to take over this effort and put those lines across the State of Pennsylvania.

Well, I have news for them. Pennsylvania is full of a lot of people who are concerned about this, whether they are in small towns or urban areas, and, as we are going to be speaking to tomor-

row, rural areas in Pennsylvania, farm communities. Most of those counties designated there are in rural communities. If the Federal Government and the Department of Energy or the Federal Energy Regulatory Commission or anyone else in this town wants to fight about this, we are ready to fight, and we will fight morning, noon, and night until our State, the Commonwealth of Pennsylvania, is treated equitably.

24TH ANNIVERSARY OF BOMBING OF MARINE CORPS BARRACKS IN BEIRUT

Mr. WEBB. Mr. President, 24 years ago today, at 6:20 in the morning, in Beirut, a yellow Mercedes-Benz truck drove into the Beirut International Airport, where the 1st Battalion 8th Marines was keeping its headquarters. The truck crashed through a barbed wire fence, went through the parking lot, passed between two sentry posts, and then crashed through a gate and into the lobby of the large building where the marines were keeping their headquarters.

At that point, the explosives were set off in this truck, ending up with the deaths of 241 American military servicemembers. This was the largest loss of life for the U.S. Marine Corps in one single day since Iwo Jima. It was the largest loss of life in one day for American service people from the beginning of the Tet Offensive of 31 January 1968, and it remains the largest single loss of life in one day since that time.

I believe it is appropriate for us to take a few minutes and remember today the sacrifices that were made and the contributions the United States was attempting to make in that particular circumstance.

I make these comments as someone who is proud to have served in the U.S. Marine Corps, who has a brother who served in the Marine Corps, who has a son who is now serving in the Marine Corps, and as someone who covered the marines in Beirut as a journalist and had recently left the country when this incident occurred.

The marines who went to Beirut came in peace. They had been sent in after several incidents occurred regarding multiparty incidents, which I will describe in a minute, at the request of the Lebanese Government. We had a U.S. Marine Corps representation. We had military people from the United Kingdom, Italy, and France. They were asked to help separate the warring factions inside Beirut during a vicious civil war and also to help separate the end result of an Israeli incursion, in which the Israelis were attempting to take out large elements of the Palestinian Liberation Organization.

So our marines began this “visibility” presence in September of 1982. They had been there through different cycles of rotation for a little more than a year when this event occurred.

They operated under enormously difficult rules of engagement. The situ-

ation in Beirut at that time was rather similar to what we see in Iraq today in terms of having a weak central government and many different factions around it.

On any given day, our marines in Beirut could be bumping up against Shia militia, Sunni militia, Christian Phalange, Druze militia, the Syrians over the border on one side—as well as with French, U.K., and Italian military units all operating in this environment. The Israeli military, which at this point had pulled back over the Chouf mountains, also was present.

These were very fine marines. I spent a good bit of time with them on their different positions. They were overall commanded by COL Tim Geraghty, an extraordinarily capable officer who had spent more than 2 tours in Vietnam. Their battalion commander, LTC Howard Gerlach, had done a tour and a half in Vietnam as infantry leader.

The rules of engagement were so strict in Beirut at the time that when our marines took fire, they could only return fire with the same type of weapon they were receiving fire from. These very restrictive rules ended up contributing to the situation in which the truck bomb went off. The sentries at the gate where the truck came in were not even allowed to have ammunition in their weapons at that time. They were precluded from being able to take out this truck when it entered because once they saw what was happening, they had to attempt to load their weapons and then fire at it.

This was an incident which combines so many different factors that are still in play right now in the Middle East. We should be remembering it. We should be remembering when we look back on it that the United States must play its hand very carefully in that part of the world. As one marine said to me during a firefight at one outpost I was covering as a journalist:

It is always difficult when you get involved in a five-sided argument.

We ought to think about that when we are looking at what is going on in other parts of the Middle East today.

But the main purpose of me speaking today is to urge all of us never to forget the courage and the risk and, ultimately, the sacrifice that so many of our young people are required to make on behalf of our country and under the direction of the leadership of those who decide to send them into harm's way.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER JOHN W. ENGEMAN

Mr. ROCKEFELLER. Mr. President, in the lush green hills of Arlington Cemetery, where peace holds its gentle sway, there is a headstone inscribed with the name of John W. Engeman. On it are his rank of chief warrant officer, and his honors, the Legion of Merit, Bronze Star, and Purple Heart. But, like all of the iconic white markers at Arlington, it only tells part of a hero's story.