We are asking for more personnel on the ground and more resources so that we can put FEMA personnel in units like the Prince Center on Jensen Drive, doing an excellent job, just open their doors to those people in need. Courtesically, the Thurgood Marshall Center is a school in the North Forest Independent School District; and St. Peter Claver.

Mr. Speaker, I know that we can do better for the children, we can do better for the community. But certainly America knows that we can do better in the future. But right now, as we work toward this, we must draw together. We must insist, as we work together in the Congressional Black Caucus, that the people know that we have not abandoned them.

I rise tonight with my colleagues eight days after Hurricane Katrina devastated parts of Louisiana, Mississippi and Alabama. I want to especially thank Congressmen JEFFERSON and THOMPSON who have displayed great courage and resolve to help their constituents through the aftermath of this natural disaster. In my Congressional District in Houston tens of thousands of evacuees are being sheltered and fed. In fact, Americans throughout this country are stepping up to help those affected by this disaster. It demonstrates that once again in our darkest hour that we have united as a nation to help our brothers and sisters who now seek to rebuild their lives.

As we stand tonight in Congress we must find ways now forward to help those affected by this disaster and to try to prevent such an ineffective response from taking place again. I plan to introduce a number of legislative measures that will seek to alleviate the suffering of the survivors of the most devastating natural disaster in modern American history. I along with my Judiciary colleagues led by Ranking Member CONyers will introduce legislation to protect the hundreds of thousands of families and small businesses financially devastated by Hurricane Katrina from being forced into bankruptcy proceedings that are often more time consuming and expensive than those affected by this disaster. It demonstrates that once again in our darkest hour that we have united as a nation to help our brothers and sisters who now seek to rebuild their lives.

We are concerned that just as survivors of Hurricane Katrina are beginning to rebuild their lives, the new bankruptcy law will result in a further and unintended financial hardship. Unfortunately, the new law is likely to have the consequence of preventing devastated families from being able to obtain relief from massive and unexpected new financial obligations they are incurring by forcing them to repay their debt with income they no longer have, but which is calculated by the law.

Our bill makes several important adjustments. First, it would specify that individuals who are victims of natural disasters, and who incurred a substantial portion of their debt as a result of that disaster, are not subject to the "means test." The means test is likely to have the consequence of preventing devastated families from being able to obtain relief from massive and unexpected new financial obligations they are incurring by forcing them to repay their debt with income they no longer have, but which is calculated by the law.

We expect a Senate counterpart to be introduced this week as well. We are concerned that just as survivors of Hurricane Katrina are beginning to rebuild their lives, the new bankruptcy law will result in a further and unintended financial hardship. Unfortunately, the new law is likely to have the consequence of preventing devastated families from being able to obtain relief from massive and unexpected new financial obligations they are incurring by forcing them to repay their debt with income they no longer have, but which is calculated by the law.

Second, it would specify that disaster relief payments are not counted as part of income for purposes of calculating repayment plans. These are one time, limited payments, and should not result in a hurricane victim being treated as a high income debtor. Just as we excluded Social Security, compensation for victims of war crimes, and terrorism payments from current monthly income, we also should exclude these payments as part of the calculation of relevant income.

Third, it would give the court the discretion to extend certain deadlines for businesses devastated by Hurricane Katrina, to ensure that a business is not inadvertently forced to liquidate—and lay off workers—as a result of an arbitrary deadline. Other key provisions of our bill include:

- Exempt from the requirement of completing credit counseling and credit education in order to get a discharge debtors who cannot complete those requirements because of a natural disaster (a similar exemption is provided under the bankruptcy law for individuals serving in military combat zones and people who are disabled or incompetent);
- Exempt victims of natural disasters from the provisions of the new law that make it easier for landlords to lift the automatic stay and evict their tenants who are in bankruptcy:
- Exempt victims of natural disasters whose records are likely lost or destroyed from the more onerous paperwork and documentation requirements of the new law; and
- Provide additional filing options for debtors who may have difficulty obtaining unsecured funds due to a natural disaster to file in the venue designated by law.

The legislation we plan to introduce will prevent new bankruptcy provisions from having adverse and unintended consequences for the hundreds of thousands of individuals now facing financial ruin by providing needed flexibility for victims of natural disasters in bankruptcy proceedings.

I also plan to introduce a bill that will provide tax breaks for individuals who take in hurricane evacuees. These people are stepping up to provide shelter and relief to their fellow Americans and I believe it is certainly proper to encourage this behavior through the implementation of tax breaks.

In addition, I propose legislation that will grant a minimum of 20,000 two-year tenant-based housing assistance vouchers for Katrina’s victims, together with transportation and relocation assistance to be used where necessary. These vouchers should be administered by local housing agencies presently administering HUD-funded Section 8 Housing Choice Vouchers. These vouchers are located in or near the areas hardest hit by Katrina. These agencies are already positioned to provide housing assistance and can play an extremely helpful role meeting the immediate housing needs of Katrina’s victims. This legislation would also allow the Secretary of Housing and Urban Development to issue a wide range of statutory and regulatory waivers in order to most effectively and flexibly utilize HUD resources to meet the needs of victims.

Finally, I am calling for the establishment of a Commission to study the genesis of the devastation caused by the hurricane. We need a 9/11 style commission to know everything that took place. In addition, I am calling for the establishment of a position of an ombudsman for FEMA in order to provide proper oversight. Without a proper investigation we can not get all the answers and without the answers we can not provide the necessary legislation and oversight needed to try to prevent this kind of human suffering from happening again in the future.

HONORING CHIEF JUSTICE WILLIAM REHNQUIST

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I appreciate this recognition, and I rise this evening to discuss a man and a history on the bench, judicial bench, that probably will be recorded as one of the great careers in the legal profession in the history of the United States. I am referring to Chief Justice William Rehnquist.

Today we laid to rest Chief Justice William Rehnquist, who has served this country and served it well for many, many years. Justice Rehnquist is going to be sorely missed by the citizens of this country. His wisdom and his leadership and his all-around ability to unite and work with every faction of the Supreme Court has been an inspiration to all of the citizens of this country.

He served tirelessly with great wisdom, judgment, and leadership. He leaves behind a legacy as one of the most influential Chief Justices in our Nation’s history; and today, in sadness, we bid him farewell, and we say to Justice Rehnquist, job well done.

A native of Milwaukee, Wisconsin, William Rehnquist grew up in the nearby suburb of Shorewood. His father, the son of Swedish immigrant parents, was a paper salesman, and his mother as a multilingual professional translator.

I come from a part of Texas which has a large Swedish heritage, and I am sure that Justice Rehnquist got his basic principles established by that Swedish heritage that he grew up in.

After service in World War II with the Army Air Corps from 1943 to 1946, and with the assistance of the GI Bill, Rehnquist earned bachelor’s and master’s degrees in political science from Stanford University, finishing in 1948. In 1950 he received a master’s degree in government from Harvard. Rehnquist later returned to Stanford University...
to attend law school, where he graduated first in his class in 1952, even ahead of Justice Sandra Day O’Connor, currently serving on the Court. He also served as the editor of the Law Review.

Rehnquist served as a law clerk for Associate Supreme Court Justice Robert Jackson both in 1951 and 1952. Following his clerkship, he settled in Phoenix, Arizona, where he was in private practice from 1953 to 1969.

In 1964 he also served as a legal advisor to the Barry Goldwater Presidential campaign.

When President Nixon was elected in 1968, Rehnquist returned to Washington, D.C. to serve as Assistant Attorney General in the Office of Legal Counsel. In this position Rehnquist served as the chief legal counsel to the Attorney General. He served as Assistant Attorney General in the Office of Legal Counsel until 1971, when President Nixon nominated him to replace John Marshall Harlan on the Supreme Court.

During his time in the Court, Chief Justice Rehnquist authored countless landmark decisions and thought-provoking dissents. He carefully reasoned his opinions and insisted that the principle is an integral part of our Nation’s constitutional structure. His opinions recognized that our government is one of enumerated rights and dual sovereignty, with certain functions and powers left to the States.

His jurisprudence has shown that the first amendment establishment clause does not dictate government hostility toward religion. Rather, the government should act in a manner which respects our freedom to worship as we please, neither favoring nor disfavoring religion.

The last 19 years have shown that Chief Justice Rehnquist was a terrific choice to lead the Supreme Court. Though some of his colleagues on the Court disagreed with him at times, there is no doubt that they admired his strong leadership and his likable personality and his ability to build a consensus. While always a forceful advocate for his views, the Chief Justice consistently strove for consensus on the Court and treated his colleagues with courtesy and respect.

It is thanks to his personal attributes that even in an age of 5 to 4 decisions, the Court never descended into bitter infighting. Instead, Justice Rehnquist led a court united by friendship, committed to the law and service to our country.

One example of Chief Justice Rehnquist’s commitment to the law is his opinion in Dickerson v. The United States. Although a long-time critic of Miranda v. Arizona, Rehnquist nevertheless placed his past position aside and wrote an opinion in Dickerson effectively affirming Miranda.

In 1999 Justice Rehnquist lent his services to the Senate when he became the second Chief Justice in history to preside over a Presidential impeachment in the trial of President Clinton. During that difficult time, with the Nation and some of its Senators locked in partisan struggle, the Chief Justice’s very presence reminded us of the solemn legal duties the constitution requires of the Senate.

A historian of the Supreme Court, Chief Justice Rehnquist, had authored three books on the history of the Court and the American legal system.

As Chief Justice, Mr. Rehnquist led not only the Court but the entire third branch of government. In that role he was an eloquent advocate for a strong and independent judiciary. In his annual reports on the judiciary and other public pronouncements, Chief Justice Rehnquist championed the interest of the judicial branch, earning praise from judges of all jurisdictional stripes.

At all times Chief Justice Rehnquist performed his duties of office with nobility and courage. Even in his recent sickness, he found the strength to administer the oath of office to President Bush and to consider the challenging cases that came before the Court.

Peggy Noonan wrote of President Bush’s inauguration, “And the most poignant sight of all was Chief Justice William Rehnquist, unable to wear a tie and making his way down the long marble steps to swear in the President. The continuation of democracy is made possible by such gallantry.”

Chief Justice Rehnquist has tirelessly served our Nation for the last 3 decades, and he serves a permanent legacy as one of the great Supreme Court Justices. The next Chief Justice will surely have his share of challenges.

At this time, Mr. Speaker, I would like to yield to my colleague, the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Thank you, Mr. Speaker, and thank you. We call you Judge Carter here in this institution. Mr. Speaker, the gentleman from Texas (Mr. CARTER) has earned a great deal of respect in this institution because he is not only a man that brings consensus, he is someone that we can all trust. He is someone that we know has a heart that burns with patriotism, for love for his country, for love for his fellow human beings and just a commitment to human freedom in whom we can have confidence.

And I want you to know, Mr. Speaker, that it is my precious honor to serve with a man like Judge Carter, we call him. You know, and perhaps that is all too appropriate tonight as we speak of judges, because we talk sometimes of judges legislating from the bench. Maybe Judge Carter comes to this body with just the kind of experience he needs to have. But we are grateful that he is a man that did not legislate from the bench, and that he understands the difference between the judiciary and the legislative body.

And with that, Mr. Speaker, I would just like to pay a few words tonight of thanks to those who left service to our country, Chief Justice William Rehnquist.

The era of the Rehnquist Court has come to a close, and William H. Rehnquist has stepped quietly to the arms of God. Chief Justice Rehnquist was one of America’s great Chief Justices. This Nation has suffered a great loss with his passing, and as twilight falls upon this remarkable man’s career, the most notable elements of his extraordinary legacy must not be lost to revisionist history, Mr. Speaker, because in his tireless defense of the United States Constitution, Chief Justice Rehnquist strongly advocated for a judiciary that applies the law rather than legislates from the bench.

We, as Americans, should be very grateful for our Founding Fathers and for the genius of the constitutional system that they left to us — a framework that protects human dignity and individual freedom by enforcing limits on government power. It is incumbent upon ours and future generations to jealously guard that precious gift bestowed upon us by our forebears.

Chief Justice Rehnquist spent decades on the highest Court in the land as the Chief Justice. He was a constitutional originalist, defending the process of interpretation of the law that is constrained by the text and the original meaning of that great document.

Mr. Speaker, there is a fundamental reason why we, as a self-governing people, so carefully put pen to paper to memorialize our Constitution and our laws and our great founding documents. They are not meant to be ones that have become an agreement between the people and the government. We write it all down to keep a record and an understanding of the limits placed on government by the will of the people.

Chief Justice Rehnquist’s efforts to advance this understanding that at times the Federal courts must enforce limitations on Federal power while recognizing the preeminent role of democratically elected institutions at both the State and Federal levels, Chief Justice Rehnquist was a valiant defender of States’ rights in recognition of the superiority of a federalist system when governing peoples of divergent views, divergent faith and cultures.

He was an influential man in leading the Court back toward the original intent of the Constitution after decades of abuse by a liberal activist Court born of the Roosevelt era and the New Deal philosophy.

Mr. Speaker, that New Deal activist Court gratuitously delivered such bizarre rulings as in Wickard v. Filburn, a ruling that a man in Ohio who was growing wheat in his own backyard as a
means to feed his family and his own livestock had somehow violated the Interstate Commerce Clause of the United States Constitution because of the quantity of wheat that he grew could have actually been sold.

More recently, in a unanimous decision, this liberal activist Court affirmed, “If we assume it is never marketed, homegrown wheat competes with wheat in commerce. The stimulation of commerce is a use of the regulatory function quite as definitive and quite as antithetical to any prohibitions or restrictions thereon.”

Mr. Speaker, what a circuitous and false logic.

The stage was then set of course by this activist Court for massive expansion of Federal power. Year after merciless year a liberal Supreme Court, drunk with self-imposed power, delivered an unprecedented assault upon the rights of the States and of the people. During his years on the court, especially his early years, Mr. Speaker, Justice Rehnquist was often called the lone dissenter to outrageous decisions, even once receiving a Lone Ranger doll awarded by his friends. But yet his adherence to the Constitution, faithfully expressed in his earlier presentations, had great influence upon the Court as evidenced in later majority opinions where he was vindicated in his previous conclusions.

In 1973, when the Supreme Court illegitimately bestowed its imprimatur on abortion on demand, it was Justice William Rehnquist who wrote a scathing dissent to that majority opinion in Roe v. Wade. He said, “To reach its results, the Court necessarily has had to find within the scope of the 14th amendment a right that was apparently completely unknown to the drafters of the amendment.” How very eloquent.

Chief Justice Rehnquist was also instrumental in fighting back assaults on religious freedom in his efforts to make clear that the Constitution ensures government neutrality in matters of religious conscience, but not the requirement to move religion altogether from the public square. He understood the Constitution.

In the 1995 case of United States v. Lopez, the Rehnquist Court marked the first time in over 50 years, Mr. Speaker, that the Supreme Court upheld the rights of States, ruling against the expansion of Federal power and finding a Federal law in violation of that now woefully distorted commerce clause of the Constitution.

Chief Justice William Rehnquist was often found standing in the breach of defense of the Constitution, enduring this Nation through the years with a noble legacy of resistance to a liberal, activist Court determined to make its own law and enact its own agenda.

Mr. Speaker, he gave the American people his last full measure of devotion and stayed at his post through great personal pain and sacrifice while he was fighting cancer. To the very end, he led a brave and good-natured effort to restore the Supreme Court to its ethical grounding.

Mr. Speaker, as we bid loving farewell to this stoic champion, I reflect upon the words of Alfred Lord Tennyson in tribute: “Though much is taken, much abides; and though we are not now that strength in which the old days moved earth and heaven; that which we are, we are, one equal-temper of heroic hearts, made weak by time and fate, but too strong to live, to seek, to find, and not to yield.”

Mr. Speaker, when the final battle with illness and physical weakness came to Chief Justice William H. Rehnquist, he resolutely remained at his post for his President, for his country, and for the future of all mankind. He did not yield.

Mr. CARTER. Mr. Speaker, I thank my colleague for that very well-prepared picture of this great man that we are talking about here tonight.

The gentleman is right. There was a time when William Rehnquist stood alone for the rule of law and a strict interpretation of States Constitution in a world where lots of people actually made jokes about him, that were of the other persuasion.

To us that are conservatives and respected his intelligence, his wit, and his humor, and his bulldog genghis, he was someone that we respected and we loved because when he got ready to do his job, he did it.

One of the things you can look at is, when your colleagues who disagree with you had that are positive about you, I think that speaks a lot about not only his ability to stand his ground but his ability to stand it with grace as a man who demanded and received respect because of his behavior and because of the way he handled himself.

Now, Chief Justice William Brennan is well known for the way he uses certain language. I am going to read a quote from Justice Brennan from Florida, U.S. v. Printz, U.S. v. Lopez, that was one the Chief penned himself, those were cases where he pointed these things out.

In the Lopez case, it is a great case, one of my favorites, it had the powerful language that reins in the commerce clause power that Congress has. And he explained that commerce clause means what it says. You cannot just keep reaching out and say a school is part of the commerce. That is not the intention and everybody knows it. And he helped rein in the Court to where it should be.

Now, the Chief Justice wrote the 2005 opinion Van Orden v. Perry that allowed the State of Texas to continue to display a monument containing, among other things, the Ten Commandments. As I sat there and listened to the oral argument before the Supreme Court, and I am a member of the Supreme Court bar, and it is an honor and I have to sit there to try to look up and you see Moses holding the Ten Commandment tablets and, here they are trying to decide if it is okay for the
September 7, 2005

CONGRESSIONAL RECORD—HOUSE

H7723

Mr. CARTER. Mr. Speaker, I was thinking back. The gentleman from Texas (Mr. GOHMERT) and I both served on the Supreme Court, which at that time was the Court of last resort. It was talking about the makeup of the United States Supreme Court, and this was prior to Chief Justice Rehnquist becoming Chief Justice, when he was Justice Rehnquist, and he was talking about the makeup of the United States Supreme Court at that point in time.

He started by tracking the liberals on the Court, which at that time was the vast majority; and he talked about their capabilities and what direction they were going in. He called this an embarrassment. It should not be tolerated. He was very clear, he maintained the clarity of his words, and this was prior to Justice Thomas, and O'Connor, and I am equal to the task of all those talents. Here was a man who made the complicated simple, as it should have been. He is a man this country owes a great debt of gratitude to. He is a man that I will always have great respect for, and he knows where he wants to take the United States Constitution.

Yet, to the very end, he maintained his integrity, he maintained his principle, he maintained the clarity of mind to understand not only that right, not only is that not fair, not only is that un-American, it violates the Constitution.

Mr. CARTER. Mr. Speaker, if I can reclaim my time, I noticed that the gentleman from Iowa (Mr. KING), our friend, has arrived in the Chamber. I would really like to hear what he has to say about Justice Rehnquist. So I yield to our colleague and good friend from Iowa.

Mr. KING of Iowa. Mr. Speaker, I think the gentleman. It is an honor for me to stand on the floor here with two of the three judges that we have from Texas to help guide us down through this constitutional path and my good friend, the gentleman from Arizona (Mr. FRANKS), who is a pure constitutionalist and whom I have the honor to serve on the Subcommittee on the Constitution.

I have a lot of things to say about Chief Justice Rehnquist, and it is an honor for me to have an opportunity to say a few words here, but I would like to start by recapping some of his life. That is a life just so well-lived and so impressive to see what he has done. 

The price of liberty is eternal vigilance."

but the truth is they are still P-H-U-"
Stanford in 1952, just two places ahead of Justice on December 10, 1971, by a vote of 65 to 33, another 33 that I believe would like to have a chance to reconsider that vote in light of the historical 33 years of service of Chief Justice Rehnquist.

We have gotten to know a little bit more about him in the last few days. His management style, his effort to be fair, to be a giving and forgiving boss, but one that was also a task master. As a result he was able to form a cohesive Supreme Court body. Even though they had different personalities and a lot of different kinds of common sense they brought to their jurisprudence, Justice Rehnquist pulled them together. He left quite a legacy.

In elementary school, he was asked about his ambition to be a teacher, and what I think is one of the best prophecies I have heard of a career in some time, he replied, “I’m going to change the government.” Now some people say, I am going to change the government. They are going to grow government or they are going to adapt government in light of modern contemporary values.

Chief Justice Rehnquist did change the government. He fought a rear guard action to preserve our Constitution, the text of the Constitution. He was a constitutionalist. He was a model of judicial restraint. He stayed true to the principle and the paramount principle which is strict construction. He fought a rear guard action. He was a lawyer watching him sitting on the Court as Chief Justice Rehnquist also did.

He argued the fifth amendment means what it says. He recognized that the free exercise clause of the first amendment is just as important as the establishment clause. He authored the 2002 case that upheld school vouchers in Zelman v. Simmons-Harris, and strongly dissented in the 2003 case that held that public school students could not pray at sporting events, even if the speaker was a student, and that was Santa Fe Independent School District v. Doe.

He joined the majority in Agostini v. Felton in 1987, which allowed public school teachers to provide remedial education in parochial schools. Rehnquist dissented from the Court’s 1985 decision that moments of silence in public schools are unconstitutional. That was Wallace v. Jaffree.

And in 2003, he strongly dissented in the Court’s affirmative action cases, Strutter and Gratz, which we remember.

And I sat in on those cases and I remember watching him sit on the bench as he deliberated on those presentations and oral arguments. He condemned the racial preference policies as a sham and a naked effort to achieve racial balancing. His position in 2003 matched that of the majority he joined in the 1978 Bakke case, which held that Federal law does not permit a university’s consideration of race in admissions.

He was consistent from 1978 until 2003. He was consistent until the last day of his life. Justice Rehnquist opposed the reading of public use as a sham and a naked effort to achieve unconstitutional decision in dissenting from the Congress’s policy in U.S. v. Morrison, which struck down substantial parts of the Violence Against Women Act, again something, a policy, that I approved of, but a constitutional decision that I agreed with, and I appreciate that restraint.

He was not yet there on the Court when Griswold v. Connecticut in 1965 established a right to privacy. I wish he had been there on that day because that was the day that the Court turned to an extreme activist Court, established this right to privacy that had never been found in the Constitution before. It was discovered in the emanations of the Constitution, meaning that we laypersons could not divine that. In fact, maybe some of the judges here could not have found that right in the Constitution either.

He was a staunch supporter of the right to life. He authored Rust v. Sullivan, where the government can withhold funds from clinics that advocate abortion. He strongly dissented in Roe v. Wade; Planned Parenthood v. Casey, which reaffirmed Roe v. Wade; and in Stenberg v. Carhart, which was the constitutional decision that found a right to partial birth abortion. Justice Rehnquist held the line against that.

He needed more help on the Court. Most every day he was there he needed more help on the Court. He firmly rejected the extra constitutional right to privacy that his colleagues created.

Chief Justice Rehnquist also did something many shy away from today. He recognized that the free exercise clause of the first amendment is just as important as the establishment clause. He authored the 2002 case that upheld school vouchers in Zelman v. Simmons-Harris, and strongly dissented in the 2003 case that held that public school students could not pray at sporting events, even if the speaker was a student, and that was Santa Fe Independent School District v. Doe.

He joined the majority in Agostini v. Felton in 1987, which allowed public school teachers to provide remedial education in parochial schools. Rehnquist dissented from the Court’s 1985 decision that moments of silence in public schools are unconstitutional. That was Wallace v. Jaffree.

And in 2003, he strongly dissented in the Court’s affirmative action cases, Strutter and Gratz, which we remember.

And I sat in on those cases and I remember watching him sit on the bench as he deliberated on those presentations and oral arguments. He condemned the racial preference policies as a sham and a naked effort to achieve racial balancing. His position in 2003 matched that of the majority he joined in the 1978 Bakke case, which held that Federal law does not permit a university’s consideration of race in admissions.

He was consistent from 1978 until 2003. He was consistent until the last day of his life. Justice Rehnquist opposed the reading of public use as a sham and a naked effort to achieve unconstitutional decision in dissenting from the Congress’s policy in U.S. v. Morrison, which struck down substantial parts of the Violence Against Women Act, again something, a policy, that I approved of, but a constitutional decision that I agreed with, and I appreciate that restraint.

He was not yet there on the Court when Griswold v. Connecticut in 1965 established a right to privacy. I wish he had been there on that day because that was the day that the Court turned to an extreme activist Court, established this right to privacy that had never been found in the Constitution before. It was discovered in the emanations of the Constitution, meaning that we laypersons could not divine that. In fact, maybe some of the judges here could not have found that right in the Constitution either.

He was a staunch supporter of the right to life. He authored Rust v. Sullivan, where the government can withhold funds from clinics that advocate abortion. He strongly dissented in Roe v. Wade; Planned Parenthood v. Casey, which reaffirmed Roe v. Wade; and in Stenberg v. Carhart, which was the constitutional decision that found a right to partial birth abortion. Justice Rehnquist held the line against that.

He needed more help on the Court. Most every day he was there he needed more help on the Court. He firmly rejected the extra constitutional right to privacy that his colleagues created.
private property be taken for a public use without just compensation," are some of the clearest and cleanest words that we have in the entire Constitution, yet the majority of the Court, with Justice Rehnquist and Justice O'Connor, held otherwise. I do not believe that the fifth amendment could be written more precisely, more concisely, and I would challenge the attorneys that we have across this country to write that better than it has been written.

Both the personal and case histories I have discussed here show that Chief Justice Rehnquist, whose passing we mourn, whose legacy we celebrate tonight, was a man of great principle and honor. I firmly believe that without Chief Justice Rehnquist’s presence on the Court for the last 33 years, our Constitution would be unrecognizable. It is to him that we owe our deepest thanks for preserving our Constitution for future generations to fully restore to its original text.

I would say that there was a time in my life when I had the privilege and honor to sit in the presence of this great man. I have a question to pose this question here into this RECORD tonight, but I posed a question to Justice Rehnquist that caused him to deliberate for quite some time, and he finally answered, “I am going to elect not to elect an altogether question.” Now, I do not believe he elected not to answer the question because he did not know the answer. I believe he elected not to answer the question because of how the answer would reflect on the other members of the Court.

He had an ability to do a calculation on a question or a problem and boil it down to the root quicker than anyone that I have watched process these heavy legal questions.

He was a giant man. He lived a life that was well lived, and we are here to celebrate tonight and give great honor to a man who hung on to this Constitution as dearly and as strongly as anyone has been charged with when they take the oath to uphold this Constitution.

It has been an honor to be a citizen of this country for the 33 years that he has served us so well. It has been an honor to have worked with him, to have been in his presence, and to deliberate with him on those occasions, and an honor to be in the courtroom to hear the oral arguments and an honor to read the opinions that he has given us.

He has also left us a duty and a responsibility to pick up this ball now, and where he has held onto this Constitution, it is our job to carry forward and to publish the text of this Constitution that he held so dear, and that we all hold so dear.

Our prayers go out to the family. Our prayers of gratitude for the lifetime, the legacy of Chief Justice William Rehnquist will continue into the future.

As I say, it has been an honor to be serving in this government with a man like that, and I hope and pray that we will be able to carry on the legacy that he left for us.

Mr. CARTER. Mr. Speaker, I thank the gentleman for his comments, and I was thinking as he was speaking, and he goes on to say this man of the Chief Justice, but we are joined here in the Chamber today by two men who basically made their entire life a part of dealing in the justice system both as members of the bar, members of the bench, basi- fically from scratch, from what I know of both of them, very successful businesses, overcoming insurmountable obstacles. And then, when they had the ability to continue to go out and make those businesses thrive, they volun- teered to come to Washington and become a part of the justice system, a part of the legislative branch of our government. This kind of defines the kind of man that Justice Rehnquist personally reached out to, kind of everybody.

He wrote the opinions of those of us who honor our heritage, who honor the language that our forefathers wrote in our Constitution. He did not try to make a prediction tonight that a lot of the things, not what it says, that is what it says. It does not take a genius to read the paper and say that is what it says. And with all his skill and writing ability, really you can cut it down to the fact that that is the way he looked at it. He said, Wait a minute, let us read the Constitution. That is what it says. It speaks volumes that Justice Rehnquist was able to do that in such a talented manner and in such a manner that allowed legal scholars across the country.

One of his opponents from Harvard University made a comment about him, something to the effect that no matter what you thought of him, whether you disagreed with his ideology, he said, I have to give Rehnquist an A. That is the kind of talent that he had. He could take the causes that those of us working in the trenches, the trial lawyers, they could see the difference between trial judges and ap- pellate judges. We shoot from the hip and make those decisions and then they get to grade our papers. Of course, Judge Gohmert has been both, so he has experience in both those areas, but I am just an old trial judge.

Mr. GOHMERT. If the gentleman will yield, I might just say that it is easier to grade papers after people have shot from the hip.

Mr. CARTER. Well, at least you know they are shooting from the hip.

Mr. GOHMERT. But we all loved, I think, his simplicity. Even towards the end of this great man’s life, I remember seeing people all over after him, asking are you going to re- sign or are you going to retire? And he came back, this man of brilliance yet simplicity, and said, It is for me to know and for you to find out. That is the kind of man he was even to the end, cute, humble, and a lot of fun.

Mr. KING of Iowa. Mr. Speaker, if the judges would yield, there is another anecdote that is worth mentioning, and I do not know if it has been passed along here tonight, but I think it demonstrates his sense of humor. And sometimes it was self-deprecating and sometimes it was succinct.

Several years ago, he had been appointed to the bench, he was asked what it is like to serve here on the Su- preme Court. He said, Well, you spend the first 2 years here wondering how you got here, and the rest of your time wondering how they got you.

Mr. CARTER. Mr. Speaker, I thank the gentleman for sharing that, and I now yield to my colleague, the gent- leman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speak- er, I think my primary reason for being here tonight was just to not let this man’s towering contribution to the ju- dicial process slip away into history. There is an old quote by Dostoevski. He said, “He who controls the present, controls the past. And he who controls the past, controls the future.”

Of course, as somebody was saying, there are a lot of revisionists out there trying to rewrite history in order to af- fect the future, but this man’s history is very important to our country. I will make a prediction tonight, a lot of the decisions, where he found himself in dissent, in the next 20 or 30 years will turn in the other direction, and we will see that this man was before his time.

There is a saying that if you fail without succeeding, if you struggle without succeeding, it is so someone else might succeed after you. And if you succeed without struggling, which I think some of our modern-day jus- tices are going to do, it is because someone has struggled and succeeded before you. This man, I believe, is going to be vindicated in society, because he did not find a lot of these hidden things that the gentleman from Iowa (Mr. KING) talked about.

We have seen judges say that some- how the words in the Pledge of Alle- gia, “under God,” might be unconstitu- tional; or that it is unconstitu- tional to protect a 9-year-old girl from Internet pornography, or it is inconstitu- tional to protect an unborn child from partial-birth abortion. With re- gard to all of these insane notions, he did not see them.

One woman said, Maybe these judges will find all these things out to be out looking for Osama bin Laden if they are that good at finding things that are not there.

This judge saw the Constitution for what it was. He did not try to make a new revolution. He simply tried to af- firm the one we already had. I think that tonight we celebrate the life of a man that many justices of the future will stand on his shoulders and look back and say, you know, Judge Rehnquist was right, Justice Rehnquist was correct.

The ship of state turns slowly some- times, but this man had his hand on the rudder long before the rest of us
Mr. CARTER. Mr. Speaker, today I stand to discuss the passage of Chief Justice Rehnquist. I think it is important for us to recognize that as Judge Rehnquist was serving 33 years on the highest court in the country, he also was writing history books to record history.

I know just what my colleague said, the gentleman from Arizona (Mr. FRANKS), that it is important that we remember the history as it was, not revise it to make it what we want it to be. So he wrote three history books about the Court so we could say, Well, what does history tell us about that event at that time? And so the judge, the great researcher, has given us the research and a direction on the history as it pertains to the Court, something the other justices of the Court that will follow can turn to as additional information to get a picture of where the Court was coming from as it made rulings.

It is very important, and I hope our colleagues in the Senate, as they look at the confirmation of Judge Roberts, I hope they are looking at the history of the United States Supreme Court and the legacy of William Rehnquist.

Mr. KING of Iowa. Mr. Speaker, there is a point that comes to mind, and I can get it quickly made. This right to privacy that was in the emanation's penumbras, in the shadows, was something that was never recognized by Chief Justice Rehnquist. That right to privacy will be presented to Judge Roberts, it is in front of us. In fact, he will be demanded to recognize that right to privacy as a condition of his confirmation over in the Senate, a very right to privacy that Chief Justice Rehnquist never recognized.

That is how they are going to try to amend the Constitution and the confirmation process over in the Senate. I think it is important to recognize that the legacy of Justice Rehnquist should be preserved in the confirmation process in the Senate.

Mr. CARTER. I wonder how you can be unqualified to serve by not recognizing that right, when there are members sitting on the Court at this time who do not recognize that right.

The point of a Supreme Court is that there are multiple points of view, and you should not be requiring only one point of view on the United States Supreme Court. To make a confirmation hearing dependent upon one point of view absolutely flies in the face of justice in America.

Mr. GOHMERT. Mr. Speaker, I appreciated hearing from my colleague from Iowa regarding his saying in elementary school that he wanted to change the government. I think about the example of the emperor who had no clothes, yet all the crowd got swept up in seeing clothes that were not there and saying, Oh, are the clothes not beautiful? They were not there. Chief Justice Rehnquist was one of those if he had to stand alone and say there are not there, there are no clothes, he did it.

Just in conclusion, I think about the end of Frost's poem. Two roads diverged in the woods for Chief Justice Rehnquist many years ago, and he took the one less traveled by, and that has made all the difference. It has, in fact, changed a Nation for the good.

Mr. CARTER. Mr. Speaker, reclaiming my time, I thank the gentleman. One of the downfalls of appearing in the Congress with the gentleman from Texas (Mr. GOHMERT) and the gentleman from Arizona (Mr. FRANKS) and the gentleman from Iowa (Mr. KING) is these guys are great in quoting all these things off the top of their head, and that is hard for an old trial judge who is just used to shooting from the hip. I do enjoy the wonderful quotes these guys pull out and quote them right. It is a blessing to have them as Members of our Congress.

Mr. Speaker, you have been very patient today as we honor our passing Chief Justice of the Supreme Court, as we laid him to rest today. We thank you for your patience in allowing us to express our opinions about him.

ISSUES AFFECTING AMERICA IN THE AFTERMATH OF HURRICANE KATRINA

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MECK) is recognized for 60 minutes. The time is now 1:35 p.m.

Mr. MECK. Mr. Speaker, it is an honor to address the House once again. I am glad that we are here back in the people's capital of the United States to represent those that sent us up here to represent them.

This hour is designated by the Democratic Leader, the gentleman from California (Ms. PELOSI), and the rest of our leadership on the Democratic side, the gentleman from Maryland (Mr. HOYER), also the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from South Carolina (Mr. CLYBURN), our vice chair of our caucus; and week after week we come to the floor to share with Americans issues that are facing not only them, but also this country.

I can tell you that we appreciate the fact that the leader had enough foresight and insight to know that not only those of us that are in the 30-something Working Group, but young Americans, have to have a voice in this process.

As you all know, in the aftermath of Hurricane Katrina and a number of other issues that have faced the Nation since we recessed for the summer to go back to our districts to also take care of other congressional business, there is a lot that has happened for and to Americans. I think it is important for us to just reflect a little bit on what has happened as it relates to Hurricane Katrina.

Tonight I am joined not only by the gentleman from Ohio (Mr. RYAN), but also the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is my neighbor in Florida and representing south Florida. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I, both our districts were touched by Hurricane Katrina as a Category 1 storm, but not as a Category 5, some may say 4, that hit the gulf coast area; and our hearts go out to those individuals that are going through the process.

I think tonight not only are we going to talk about the issues that are facing many of these families, but many of them are young families, many of them are elderly; and because of the mistakes and the failures in some part of our emergency management agency and other responding agencies, there was loss of life that could have been prevented. I think we should take this in a very serious way. The responsibility of this Congress, one, is to ask the questions and to make sure it does not happen again.

I do commend not only the Democratic leader for recommending that there be a task force or a select committee to deal with the issue of the recovery process and to be able to review the whole Hurricane Katrina experience, but I am glad that the Speaker has taken her recommendation and moved on it and they will appoint a task force to deal with it, because I think it needs the kind of oversight to make sure that we do not make the victims victims over again because we thought that it was important to appropriate some $50 billion towards the recovery without the appropriate oversight to make sure that it gets where it is supposed to be.

Mr. Speaker, I also feel, before I yield to my colleagues, that it is important that we all understand that we are in the first 2 minutes of the first quarter, if this were a football game, as it relates to the recovery process. I think the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and other Members from States that are constantly hit by hurricanes by and because that we are in the very early stages.

We know that a number of Americans have been turned off by the recovery and the response, and there will be a time and place to be able to identify that. That time is now, that time is in the future, but also to make sure that we do not continue to fumble the ball.

When I say "we," I think it is important to understand that we do have an