

DEATH OF CHIEF JUSTICE REHNQUIST

SUPREME COURT OF THE UNITED STATES

MONDAY, OCTOBER 3, 2005

Present: CHIEF JUSTICE ROBERTS, JUSTICE STEVENS, JUSTICE O'CONNOR, JUSTICE SCALIA, JUSTICE KENNEDY, JUSTICE SOUTER, JUSTICE THOMAS, JUSTICE GINSBURG, and JUSTICE BREYER.

JUSTICE STEVENS said:

For 30 days our flags have flown at half-mast as a gesture of respect for our friend and colleague, William Hubbs Rehnquist, the former Chief Justice of the United States, who died on September 3, 2005, at his home in Arlington, Virginia.

Born in Milwaukee in 1924, Bill Rehnquist was the son of William Benjamin and Margery Peck Rehnquist. He attended public elementary and high schools in Shorewood, Wisconsin, a suburb of Milwaukee. During the Second World War he served in the Army Air Force as a weather observer in the United States and North Africa. He was honorably discharged in April of 1946.

He was graduated Phi Beta Kappa from Stanford University with a B.A. and M.A. in 1948 and also received an M.A. from Harvard University in 1950. He earned his law degree from Stanford University in 1952, where he was first in his class.

After leaving Stanford, the Chief Justice was a law clerk to Supreme Court Justice Robert H. Jackson from February 1952 through June 1953. He practiced law in Phoenix, Arizona, from 1953 to 1969 when President Nixon appointed him Assistant Attorney General, Office of Legal Counsel. He

was nominated as an Associate Justice of the Supreme Court of the United States by President Nixon on October 21, 1971, and sworn in on January 7, 1972. Some 14 years later President Reagan nominated him Chief Justice of the United States and he was sworn in on September 26, 1986. Chief Justice Rehnquist was the longest serving Chief Justice since Chief Justice Melville Fuller, who died in office in 1910.

While on the bench, Chief Justice Rehnquist authored 458 opinions for the Court, 376 dissenting opinions, and over 100 separate writings either concurring in part and dissenting in part or explaining his rulings as a circuit justice. These opinions were lucid expositions of the law, often revealing his exceptional familiarity with the history of our country. Moreover many of them, as well as the books that he authored, provided evidence of his profound love for our country and our independent judicial system. He was truly the first among equals, having led us by examples of excellence rather than by fiat. Although his opinions have shaped every important area of the Court's jurisprudence, with his background as a practicing lawyer he realized that it was often the opinions issued with little fanfare that would have the greatest impact on the day-to-day practice of law. He sometimes described these opinions by quoting from Thomas Gray's *Elegy Written in a Country Churchyard*: "Full many a flower is born to blush unseen, And waste its sweetness on the desert air."

The members of this Court will greatly miss Chief Justice Rehnquist's warmth and collegiality. I speak for all of us in expressing our sympathy to his son, Jim, his daughters, Janet and Nancy, his grandchildren, and to all those whose lives were touched by this remarkable man. At an appropriate time, the traditional memorial observance of the Court and the Bar of the Court will be held in this Courtroom.

We now turn to the future. Tomorrow our flags will no longer fly at half-mast. Today we welcome our new CHIEF JUSTICE, JOHN G. ROBERTS, JR., and we express our thanks to President Bush and to the members of the United States

Senate for the wisdom and diligence that attended the process of nominating and confirming CHIEF JUSTICE ROBERTS in time to enable him to preside over our proceedings today. It is appropriate to note that in his pre-judicial career our new CHIEF JUSTICE argued 39 times before this Court, a number that exceeds the combined experience of the rest of us. We know him well, and he has already earned our respect and admiration.

THE CHIEF JUSTICE said:

Thank you very much, JUSTICE STEVENS.