

boys went to Stanford. It was a wonderful place to go to school. He served in the Army Air Corps. He was Phi Beta Kappa. That was not enough education for him. He got a second master's degree at Stanford after having gotten a master's degree at Stanford.

I am sorry that he is not going to be on the Court any more because I thought he was an outstanding administrator. He spoke for the Federal judges with strength and clarity. When we kept piling stuff on Federal judges to give them jurisdiction and do things, he complained about it. He said they work too hard, they have too much to do. So we are going to miss his voice.

#### HURRICANE KATRINA AND SENATE AGENDA

Mr. REID. Mr. President, Hurricane Katrina was a tremendous hit to us. When I say "us," I mean the American people. We recognize this administration needs to have a review of what took place. Certainly they have to acknowledge that, but I think it is the wrong thing for the President to be investigating himself. That is basically what he said he was going to do yesterday. Baseball games do not work out very well when you have the man throwing the pitches calling the balls and strikes.

I heard the House is going to start meeting today on actually passing legislative matters that are so important to being able to give relief to these people, but outside the \$10.5 billion we did on an emergency basis last Thursday, we have not done anything here legislatively to help the people who are so devastated. It is time we get to work for the gulf coast families.

What does it mean to have lost everything? That is what has happened to tens of thousands of people. They have lost everything. They are at the National Guard Armory sleeping on cots. There are hundreds of them coming from Nevada. The Senator from Arkansas, BLANCHE LINCOLN, indicated yesterday there are about 60,000 evacuees who have come to Arkansas with no jobs, no money, no change of clothes—nothing. They are counting on us, and we in the Senate are not doing anything.

We all care about these victims. This is not a question of who cares the most. But I have to say, and I raise a flag of concern, tomorrow morning we are going to the Commerce, Science, and Justice appropriations bill. Under the rules of the Senate, you are really restricted as to what you can do on an appropriations bill. This appropriations bill is no different. We can do a few little things to help the victims but almost nothing: SBA loans and maybe a few things for law enforcement, but there is nothing that gets the victims the health care, the housing, the education, or the financial relief they need now. We need to adjust our priorities on the floor of the Senate.

If we go to another appropriations bill, the same problems are here. We cannot get to the things that we need to get to, to help these people who are so desperately in need of help. I personally think we should finish the Defense authorization bill. That is what should be called up. Call up the Defense authorization bill. I spoke to the majority leader last week about this and indicated I would talk to Senator LEVIN about how much time he thought it would take. I reported my findings to Senator FRIST. We have to get to the Defense authorization bill. We spent some time on it; a few days, as you will remember. Nothing happened, to speak of. The bill was pulled.

We have hundreds of thousands of people who will be affected by the Defense authorization bill, not only those on the ground as soldiers and marines and airmen and some naval personnel who will be helped, who are on the ground in Afghanistan and Iraq. We have to do it for that reason, but we also have to do it for the hundreds of thousands of veterans who are affected by what we do with the Defense authorization bill, or do not do, and right now we are doing nothing. If we brought up the Defense authorization bill, we could do the things that need to be done to help the victims of Katrina.

What, obviously, is the game plan around here is we will wait on the Defense authorization bill until we are way down the road. Then people will say you are spending too much time on this and you are bringing up matters that are not in keeping with the defense of this country. I think the defense of this country is right now. What we have seen happening in the gulf indicates that we need our soldiers and marines, our military personnel. There are about 60,000 of them down there right now, in those three Gulf States—60,000. The Defense bill is important. Let's bring it up.

If we brought up that bill, there are some things we could do. We could, for example, introduce legislation to reestablish FEMA at the Cabinet level so it is no longer the toothless tiger it has become. We could introduce legislation to establish an independent commission to study what went wrong with Katrina. It is going to happen. There will be an independent commission to study Katrina just like there was an independent commission to study 9/11. The administration fought that and fought that, but it came to be and it was good. Congressman Hamilton and Governor Kean did a wonderful job for the people of America and the world with the work they did. We need a similar bipartisan commission to find out what took place after the storm hit.

There is legislation in which some are interested—including, it is my understanding, Congressional Representatives from Louisiana, and I know I have spoken to Senator KENNEDY about this—to have an independent authority for how we are going to spend maybe as

much as \$200 billion, \$150 billion, to do what needs to be done as a result of that catastrophe, an independent commission like the Tennessee Valley Authority, as an example, so that money is spent in the right way.

What about gas prices? Do we need to take a look at that? Do we need legislation to take a look at that? Of course we do. Of course we do. In one quarter, the last quarter, ExxonMobil's profits were up to \$8 billion, one quarter net profit; British Petroleum, \$6 billion; Shell, \$5.4 billion; ChevronTexaco, \$3.7 billion; Conoco, \$3.10 billion—their profits up 55 percent; Chevron profits up 13 percent; Shell up 35 percent; British Petroleum, their profits up 37 percent; ExxonMobil up 32 percent.

People are going to fill their vehicles today, and they will wind up spending \$100 for a tank of gas—one tank. So having the Defense bill brought up would give us an opportunity to do that. I can't imagine why we can't go to the Defense authorization bill—other than the reasons I just indicated.

There are things we could be doing. The Energy and Water conference, we have been waiting for months to have a conference on that. We can't do that. Why? Because the Senate number is higher than the House number, so the House fixes that. They just won't let us go to conference. Chairman HOBSON is not allowing us to do anything because our number is bigger than theirs.

The American people should understand that part of the Energy and Water subcommittee money that we need to spend is for the Corps of Engineers. It is here and it is in the dol-drum, to say the least. Nothing is happening. Why can't we go to conference?

Also, in that the Republicans control the House, the Senate, and the White House, I think we need to revisit this budget and reconciliation. Is it really the time in the history of our country to have, as called for in the documents I have just talked about, \$70 billion more in tax cuts? That is what we are being asked to go along with.

On the night we voted on the budget resolution I read a letter from the head of the Lutheran Church, the Methodist Church, mainline Protestant Churches. They said to me: I want you to tell everyone here voting on this—and I read it into the RECORD; they gave it to me in the form of a letter—that the budget document that you are being asked to vote on is "immoral." That is their word, not mine: "immoral."

If it was immoral when we passed it, think about it now. We are going to ask for \$70 billion more in tax cuts, most of them for the rich, of course; \$35 billion in spending cuts, \$10 billion alone for Medicaid. In all the pictures on television and the newspapers you see those people who could not get out of the storm because they had no automobiles, there was no public transportation—they were stuck there. The poorest of the poor have been hit the hardest by Katrina. Shouldn't we consider not cutting Medicaid \$10 billion?

That is where that money goes, to the poorest of the poor. We cut student loans, food stamps—these are cuts to the very programs the survivors of Katrina need. America can do better.

FEMA and other agencies failed these people, in my opinion. The Senate must not fail the American people. It is time we get to work. I have given some outlines. We as a minority are happy to work with the majority, but I have given an outline of some of the things I think we need to do. The burden is on the majority to do something about this budget and reconciliation because it is on the conscience of the majority. I have to say: \$10 billion cuts in Medicaid? More tax cuts? Cutting food stamps? Student loans?

I also say that we have a burden, an obligation to do something about the military that is sacrificing so much. The little, sparsely populated State of Nevada had 24 soldiers killed.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Kentucky.

#### HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. McCONNELL. Madam President, it is my privilege to join others in discussing the life and career of the late Chief Justice William Rehnquist. Chief Justice Rehnquist was only the 16th Chief Justice in American history. John Jay was the first, sworn in in October of 1789. Many of us had an opportunity to go over and pay our respects, over in the Supreme Court a few moments ago, and had a chance to look at the busts of those Chief Justices.

Chief Justice Rehnquist filled the role defined for him by our Founding Fathers with wisdom and with dignity. Millions of Americans honor him for his legacy of achievement. When I went home last night, I noticed a long line of people waiting to file past the casket and pay their respects to this wonderful man.

I first met the Chief Justice in 1969 here in Washington. At the time, he was Assistant Attorney General for the Office of Legal Counsel. I was a young legislative aide to a Senator named Marlow Cook, who represented the Commonwealth of Kentucky. Senator Cook was on the Judiciary Committee and this was a period in which there were a couple of highly contentious Supreme Court nominations. Judge Clement Haynsworth of the Fourth Circuit, who was subsequently defeated, and District Judge Harold Carswell from Florida, who was also defeated. So President Nixon had not only one but two nominations at the Supreme Court defeated.

Bill Rehnquist, which is what I called him in those days, was the guy who sort of crafted the speeches and helped us, helped the Republicans and as many Democrats who were interested in supporting those two nominees—helped us craft the speeches and did the important work of helping us express

ourselves. My boss ended up supporting Haynsworth and opposing Carswell, so I was not working with Bill Rehnquist on the second nomination.

He was an extraordinary person: Dedicated, hard-working, the smartest lawyer I had ever been around at that point, and even after all these years I would still say he was the smartest lawyer I had ever been around; a keen intellect with a very sharp mind. He was also, as others have pointed out and will point out this morning, a kind and personable man, which he remained even while rising to the foremost position in American jurisprudence.

After working for Senator Cook, I returned to Kentucky in January of 1971, thinking I was sort of through with Washington. Toward the end of the year, to my surprise and pleasure, President Nixon nominated Bill Rehnquist to be on the Supreme Court. So, on my own nickel, I came back to Washington for a month and worked on his confirmation—just as a volunteer, and did odd jobs and helped do whatever was thought to be appropriate by those who were officially in charge of his confirmation. But it was a thrill to see him confirmed to the Supreme Court.

Later, in 1986, when President Reagan elevated Justice Rehnquist to the Chief Justice position, by then I was a Member of this body and, in fact, a member of the Judiciary Committee. So that was my second opportunity to work on a William Rehnquist nomination to the Supreme Court. Of course, I was proud to be involved in that and very proud to vote to confirm him.

The Chief Justice served our country with his characteristic wisdom and grace. After leading the Court for 19 years, he was the longest-serving Chief Justice since 1910. He was only the fifth Chief Justice in our Nation's history to have previously served as an Associate Justice. He exemplified the highest virtue for a Justice: He entered each case with an open mind, free of bias, never prejudging the case before the decision was made. In fact, some of his decisions over the years surprised observers and proved that he was willing to rethink opinions he may have once held. Actually, that is a good thing.

He reminded us that judges should be like umpires—never taking sides, just fairly applying the rules.

He leaves behind him a legacy that will be studied for generations. I would submit that a chief component of that legacy will be his steering the Supreme Court back toward the principle of federalism, which, alongside separation of powers, stands as one of the two structural principles undergirding our Constitution. Chief Justice Rehnquist expressed that view in dissent after dissent in the early years when he was on the Court until, with time, his dissenting views became majority ones. Because of his clear understanding of the underlying purpose of federalism, he worked to establish a jurisprudence

that guards against untrammelled Federal power and helps ensure that decisions that are purely local in nature will remain in the hands of the citizens who must, of course, abide by them.

The Chief Justice earned a reputation for being a fair and even-handed leader of the High Court. Former Justice William Brennan, who was frequently on the opposite side in cases, said Chief Justice Rehnquist was “meticulously fair in assigning opinions.” He went on to say that since Rehnquist's ascension to the Chief Justice position, “I can't begin to tell you how much better all of us feel . . . and how fond all of us are of him personally.” That was Justice Brennan, with whom Justice Rehnquist rarely agreed.

In this recent age of many 5-to-4 decisions, it is all the more extraordinary that the Chief Justice created such a harmonious court. The late Justice Thurgood Marshall, who served with the Chief Justice from 1972 to 1991, said simply that William Rehnquist is “a great Chief Justice.”

As Chief Justice, William Rehnquist was the same honest and upright man I had observed when I first met him back in 1969. In his final months as Chief, he reminded us all once again what it means to serve with dignity and honor, as he persevered through his fight with cancer. Who was not moved to see the concept of “duty” personified on January 20, 2005, when, under extraordinary physical duress, he administered the oath of office to the President of the United States?

This Nation owes Chief Justice Rehnquist a debt that can never be fully repaid. He served his country in combat with the Army Air Corps during World War II, as a law clerk to Associate Justice Robert Jackson, as an Assistant Attorney General, as Associate Justice, and finally as Chief Justice of the United States. Throughout it all he stood for the rule of law and the upholding of the principles that this Republic holds dear. In my opinion, he was the most consequential Chief Justice since John Marshall. I repeat: the most consequential Chief Justice since John Marshall.

Elaine and I extend our sympathies to his family, his daughters Janet and Nancy, his son James, his sister Jean, and his nine grandchildren.

As miraculous a document as it is, the Constitution is only words on paper. It requires men and women of principle to see its meaning and spirit made real. William Rehnquist was one of those persons. Our grateful Nation will always remember his heroic service and his devotion to duty until the very end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, let me thank the distinguished Democratic whip for letting me precede him in making this statement.

It was with great sadness that I learned of Chief Justice Rehnquist's