

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

passing, and even more sad when I joined the Senate to pay our last respects to him this morning.

I first met Bill Rehnquist in 1952. We were both young lawyers here in Washington, DC. We each had taken jobs here in Washington after finishing law school and in the course of many months became very good friends. In fact, my first date with my first wife was double-dating with Bill Rehnquist.

We had both served in the Army Air Corps during World War II, and we were comrades in the deepest sense of the word. I respected Bill personally then and professionally. He was a law clerk to Supreme Court Justice Jackson.

He took his responsibilities to the Court and to the American people very seriously. Bill Rehnquist was devoted to the rule of law and to our democratic system.

In many of our Nation's most turbulent moments, we relied upon Chief Justice Rehnquist's commitment to the law to steer us toward calmer waters. History will remember his evenhandedness and his impartiality in the face of tough decisions. During the impeachment process, which he chaired in the Senate, the Chief demonstrated his fairness and his commitment to follow precisely our Constitution and the precedents of the past. It was during that time that I once again had the privilege of sharing lunches and coffees and just talking off the floor with my great friend of the past.

Bill Rehnquist was a humble and gracious man, as we all know. Among his clerks and among his friends, he was known just as "the Chief," and he was guided by the belief that no man is more important than the nation or the institution he serves. It was this belief that guided his efforts to narrow the concept of judicial activism and restore our system to its constitutional roots.

I didn't always agree with Bill Rehnquist. As a matter of fact, as young lawyers, we had a lot of arguments. But I knew he was a brilliant man, and he proved to be a great administrator for our Supreme Court. Those of us who knew the Chief respected his commitment to law and valued his advice and counsel. His friends were from all walks of life. He counted law clerks, Senators, Congressmen, and Presidents among his friends.

He embodied the lines in the Rudyard Kipling poem, "If." Bill Rehnquist could "walk with kings" without losing "the common touch."

Those of you who knew him will miss the Chief's wry sense of humor. As a matter of fact, inspired by a costume from his favorite Gilbert and Sullivan operetta, he is the only Justice who added four gold stripes to each sleeve of his black Supreme Court robe.

He also loved a practical joke. One of my favorite stories is an April Fools' prank played on Chief Justice Warren Burger, with whom I also served at the Department of Justice. Bill put a life-

size photo of Warren Burger on the front steps of the Supreme Court building with a sign asking tourists to pay \$1 to get a picture with the Chief Justice. Remember, it was April Fools' day. He then drove the Chief Justice by those steps so he could see his reaction to this prank.

But he said once to me, "The Chief Justice brings to the office no one but himself." This may be true, but this Chief Justice leaves office with the gratitude of our entire Nation. You can see it today in those long lines over by the Supreme Court. The Supreme Court has lost a great legal mind, the country has lost a devoted public servant, and I have lost another good friend.

Catherine and I extend our deepest sympathies to Bill's family and friends. He will be missed by all—greatly by me.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I know the Senator from Alabama is waiting to speak. I would like to ask him how long he would like to speak so we can set up a time arrangement with the Senator from California.

Mr. SESSIONS. I am thinking 7 to 10 minutes.

Mr. DURBIN. If it meets with the Chair's approval, I ask unanimous consent that after I finish speaking, the Senator from Alabama speak for 10 minutes and the Senator from California for 15 minutes.

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

Mr. DURBIN. Thank you, very much. I will try to be brief and to the point.

Chief Justice Rehnquist was a person I probably disagreed with in most political arguments. I read his opinions, and I realized that we just looked at the world in a different way. Yet I liked him. I liked him a lot.

I had two direct contacts with him as U.S. Senator, the first as a new Member of Senate and as a member of the Senate Judiciary Committee, and I received an invitation to come across the street, which is unusual, from the Senate to the Supreme Court for lunch. It was with a Federal judicial council. I was flattered and accepted the invitation. I then started asking the staff: Who are these people? They said: They are Federal judges from all across the United States. They gather together infrequently across the street for lunch in the Supreme Court, in a large chamber with the Chief Justice. They have invited you to come and speak to them.

Reflecting on my storied legal career as a small-town lawyer in Springfield, IL, and the fact that I didn't set the world on fire in law school, I wondered why they would ever invite me. Then it dawned on me. I was the ranking member on the court administrations subcommittee of the Judiciary Committee which had responsibility for determining the salaries of Federal judges. So they were going to entertain me for lunch and pay close attention to all of

my views in the hopes that I would listen carefully when they recommended increases in judicial salaries. That is exactly what happened. But the circumstances of that meeting were amazing.

It was a large room and a huge table. There were two chairs empty as I walked into the room with all of these federal judges in every direction. I sat in one of them. Then we waited quietly, and the door of the back room opened and everyone stood as Chief Justice Rehnquist came in to sit next to me. As he sat down, I thought to myself: There isn't a single law professor I ever had in school who would ever dream I would be sitting next to the Chief Justice, but I am certain my mother looking down from heaven thought it was entirely appropriate that her son was sitting next to the Chief Justice of the United States.

The second time was the impeachment trial in the Senate, which was presided over by Chief Justice Rehnquist. There is a small room called The President's Room. It is a historic chamber, and people often go in there for quick meetings off the floor. It became the Chief Justice's office when he was here for the impeachment trial. It was a curious setup because as you walked by there, he had a desk that was literally smack dab in the center of the room with the chair behind it, and I do not recall that there was any other furniture in the room. He just kind of sat there isolated, like this little island. I would walk by and glance in there from time to time.

Finally, I got the courage to walk in and talk to him. He dropped what he was doing and started talking right away. I was impressed. The man was entirely approachable, personable, and funny. He had a ton of questions about the Senate because he had been for over 30 years at the Supreme Court and the Senate was brand new to him. He asked basic questions and joked about the rollcalls. He said, "I love it when we have a rollcall, and it will be BAYH 'aye' and SNOWE 'no.'" He said, "I just love to listen as you call the roll here in the Senate."

We had a great conversation. He gave me a book he had written about the impeachment process. He agreed to autograph a few things. I really liked him a lot personally.

I can understand why those who disagreed with him politically still thought the world of Chief Justice William Rehnquist. He was a man dedicated to public service. I respected him so much for that.

As others have said, when he showed up in frail health at the second inauguration of President George W. Bush on a blustery, cold day to administer the oath, it was a great gesture on his part. It showed his personal commitment to his job as Chief Justice, his love of his Nation, and his responsibility. We are going to miss him. Very few men and women ever get the chance to serve as Chief Justice.

The Rehnquist Court was a Court which because of his leadership will be remembered for many years to come.

SENATE BUSINESS

Mr. DURBIN. Madam President, I wish to follow up the statement by our minority leader, HARRY REID. It is time to get down to business. We will finish this afternoon, after the funeral of Chief Justice Rehnquist. I hope the Senate will return immediately, come right back to the Senate and not waste any time. Let's start moving on important legislation.

The Department of Defense authorization bill was pulled from the calendar over 6 weeks ago by the Republican leadership so they could bring a bill sponsored by the gun lobby on the immunity of gun dealers from being sued in a court of law for wrongdoing. It was hard to believe we would take away from consideration a bill that dealt with our troops and our veterans, that tried helping, in the right way, the war in Iraq. We took that off the calendar so we could help a special interest group. Let's get back on the calendar to the Department of Defense authorization bill. That is something we can start this afternoon, and we should. Let's get it done this week, if we do nothing else, to make certain we are responsive to a very real concern we all share.

We have lost 1,886 American soldiers, as of today, in Iraq. Over 14,000 have suffered serious injuries. We need to get back on that bill, and then as soon as we finish that, focus on Hurricane Katrina.

All are stunned to see on the television each night, and to read in the newspapers, the accounts of the suffering that continues. Some of it is not as acute as it was just a few days ago, but consider the circumstances. These poor families were yanked out of their homes—in many cases their homes were destroyed—and now have been cast into other communities, in my State and other States, to try to keep it together while they search the whereabouts of their loved ones, put their kids in school, try to get a roof over their head, and try to get back to a normal life.

We need to do our part in Washington, DC, on a bipartisan basis, to deal with it. First, we need to provide the resources. The \$10.5 billion from last week will be gone quickly because this is such an expensive undertaking. Senator HARRY REID said yesterday, and I agree with him, let us not underestimate the cost of what this means: \$100 billion or \$150 billion is not unrealistic when considering the gravity of this hurricane and the damage it did. I fear some do not want to mouth those words—\$100 billion or \$150 billion—because they reflect the reality of what this is going to cost.

If we face the reality of the cost of Katrina, we are going to have to be honest about other decisions. How

could we possibly turn to a reconciliation bill, another bill we consider in the Senate, and cut spending for food stamps, cut spending for Medicaid, the health insurance program for poor in America, in this time of great national need? Yet that is what is planned. How could we conceive of the notion of going to a bill that would cut taxes on the wealthiest people in America, when we are at war with our children losing their lives every day, and we are facing Katrina and its aftermath where hundreds of thousands of Americans are in distress? How could we turn at that moment and say our highest priority is to give a tax break to wealthy people? That is not what America is all about. That is not what our values are all about.

For those who come to the Senate and speak in terms of their religious commitment, the basic reality is this: If you care for the least among you, you have to show it in your life's work. The Senate has that responsibility as well and more than others who do their work each day.

Two things come out of this crisis with Katrina. First, we understand what E.J. Dionne wrote on September 2 of this year in an article for the Washington Post entitled, "When Government is Good." He quoted a former Member of the Senate, Bill Cohen of Maine, who was also a Defense Secretary, and what he said was "Cohen's Law." Cohen's Law was this: Government is the enemy until you need a friend.

That is what we are learning with Katrina. We certainly learned it with September 11. We have learned it when it comes to the war on terrorism. Those who condemn Government and say, Let's keep shutting down agencies and Government employees right and left, have to understand the day may come, and soon, when we will need the American family working together as a government to do things that individuals cannot accomplish.

The second part of this is Hurricane Katrina has opened a door which has remained shut for too long. It is a door which reflects the reality of being poor in America. This door is now open 24/7 for all to see through. The poorest among us in America were the worst victims of Hurricane Katrina. Many others suffered, too, but as a group the poor suffered the most. We have to be mindful and sensitive to our responsibility to make this a great Nation of opportunity for the least among us, as well as those who have been blessed with prosperity and wealth. It is important our agenda, in the closing months of this session, reflect that reality as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask unanimous consent that when Senator BOXER completes her remarks, our distinguished colleague, Senator HATCH, the former chairman of the Ju-

diciary Committee, be recognized for remarks on Chief Justice Rehnquist's death.

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

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. SESSIONS. Madam President, I will share a few personal thoughts about Chief Justice Rehnquist. I came to appreciate Justice Rehnquist as a young prosecutor. I was assistant U.S. attorney, tried a lot of cases and was involved in a lot of cases and had to read Supreme Court opinions on criminal law. I was impressed with his writings. It touched me in many ways. I felt he was speaking the truth when other Justices were missing and not understanding the reality of law enforcement in America.

This was in the mid-1970s, when our crime was increasing at an exponential rate. We had double-digit percentage increases in crime in the 1960s and 1970s. In the 1950s, we did not lock the door of our house, and we left our keys in the car. People did not worry about crime. It became a growing problem. At the same time crime was surging, the Warren Court handcuffed the police and their ability to deal with it.

Justice Rehnquist, during the Warren Court years, would often write dissents. Sometimes he would be the lone dissenter. I distinctly remember being in the U.S. Attorney's Office in Mobile, Alabama, reading an opinion and calling my colleagues to say: Look at this. At least one Justice understands the reality of crime and law enforcement in America.

He helped create a different approach to law and order in America. Instead of ruling on emotion and politics, he made his decisions based on the law and facts. In fact, before he left office, cases he was dissenting 8 to 1, he was winning a number of them 5 to 4 and 6 to 3. What an accomplishment to see that happen over a lifetime. I never would have thought it possible. I thought the trends were against that. Being young, I never thought we would see the pendulum swing back, but it did, and he played a key role in that.

From my observations as a member of the Department of Justice for nearly 15 years, as a member, now, of the Senate Judiciary Committee for 8 years, where I currently chair the Subcommittee on Administrative Oversight and the Courts, my humble opinion is Chief Justice Rehnquist is one of the greatest chief Justices ever to serve. Senator MCCONNELL said after John Marshall, but I don't know. I am not sure any have served more ably.

He was also a great Associate Justice. He wrote clean, succinct opinions that made sense. They were consistent with the law of our country and our heritage.

He came to the Court when the Warren Court was in full bloom and judicial activism was at its apex. In case