

what the Court wanted them to say when the police searched criminals. It is no exaggeration to assert that, at that time, the rights of criminals were placed before the rights of victims—not to mention before the wellbeing of society in general.

This period ended when President Reagan elevated William Rehnquist to Chief Justice. Chief Justice Rehnquist did his level best to return our Constitution to its original understanding, an understanding that gives law enforcement officials the freedom they need to protect society from criminals. Over the last decade, we have witnessed an historic decline in violent crime all across America. This is due, in no small part, to the efforts of Chief Justice Rehnquist.

The second area, one equally, if not more important than the first, was the effort to restore the federal-state partnership known as “federalism” envisioned by our Founding Fathers. Our Founding Fathers believed that States and the Federal Government should be equal partners. Indeed, it was the view of our Founding Fathers that the Federal Government should have limited and enumerated powers, and, in fact, the primary authority to legislate should be left to State governments. I know this might come as a surprise to some, but not all wisdom emanates from Washington DC. State governments, after all, are closer to the people than the Federal Government is. Our Founding Fathers realized this fact.

Unfortunately, many Supreme Court Justices did not. Over the years, many of these Justices had interpreted the Constitution to give the Federal Government unlimited powers. These Justices characterized everything the Federal Government wanted to do as a regulation of “interstate commerce.”

This was a fiction, of course, but over the years the Federal Government grew bigger and more powerful, the State governments grew smaller and less powerful, and the American people became less free.

Chief Justice Rehnquist did his part to stem this tide. He tried to stand for our Constitution and the founding vision that not everything should be left to the Federal Government. Although this project is still unfinished, Chief Justice Rehnquist made impressive strides, and there is no question that our Nation is better off today for his efforts.

Chief Justice Rehnquist’s passing also reminds us that Supreme Court Justices are, after all, human beings—and that they should be treated with civility and respect, not as political pawns. Thus, perhaps the best way that we in the Senate might pay tribute to Chief Justice Rehnquist’s legacy is to put partisanship aside in the judicial confirmation process.

President Bush has now fittingly nominated one of Rehnquist’s former law clerks, Judge John Roberts, to replace him as Chief Justice. We should

do the right thing by Chief Justice Rehnquist and vote on Judge Roberts’s nomination as expeditiously as possible—and without some of the political posturing that has greeted other well-qualified nominees.

My thoughts and prayers are with Chief Justice’s Rehnquist’s family. The Nation suffered a profound loss on Saturday night. I am confident, however, that we in the Senate will do our part to proceed in a manner that honors the memory of our late Chief Justice and in a manner that would make him proud.

Mr. KYL. Mr. President, the death of William Hubbs Rehnquist leaves us saddened but also grateful for his more than three decades of service to his country as a Justice of the U.S. Supreme Court, including 19 years as its Chief Justice.

I first met Chief Justice Rehnquist when he was a lawyer in Phoenix. He spent most of the 1950s and 1960s practicing law in our State, and raising a family there with his wife, Natalie, who passed away in 1991. He made an annual return to Arizona from 1994 until last year, to teach a course on Supreme Court history at the University of Arizona College of Law, my alma mater.

Appointed to his seat by President Nixon in 1972, and elevated to Chief Justice by President Reagan in 1986, he provided steady leadership at the Court through turbulent decades. He showed that one man of integrity really can make a difference.

He was a conservative whose philosophy did not always carry the day, especially in his early years on the Court. More recently, there has been greater acceptance of his notion of balance between the authority of States and the Federal Government. His decisions helped prevent the rights of criminal suspects from being overemphasized to the point that law enforcement was hampered in doing its job. They curbed the Government’s use of racial quotas, deemed by most Americans to be a squandering of the moral authority of the civil rights movement. They reaffirmed the religious freedom clause of the first amendment. They upheld restrictions on the practice of abortion, again in keeping with the views of most Americans.

On a personal level, William Rehnquist had a quick, dry wit and a manner that was warm and courteous. He was a straight shooter, devoid of pretentiousness, yet deeply learned in the law and many other things. The legacy he leaves includes the histories he wrote, namely his four books on the Court and the American legal system: “The Supreme Court: How It Was, How It Is,” 1987; “Grand Inquests: The Historic Impeachments of Justice Samuel Chase and President Andrew Johnson,” 1992; “All the Laws But One: Civil Liberties in Wartime,” 1998; and “Centennial Crisis: The Disputed Election of 1876,” 2004.

Notice those titles. We had, during his tenure as Chief Justice, a Presidential impeachment—over which he presided with a dignity and good sense that were reassuring to all, in and out of the Senate Chamber. We had a disputed election—in which he led the Court in delivering the U.S. Government and the country from a nightmare of litigation and partisan combat.

His death has left mourners even among those who disagreed with him. The liberal law professor Laurence H. Tribe offered words of praise for his brilliance, his honesty, and his calm leadership. He called Chief Justice Rehnquist “a master” at enabling the Court to “earn the respect of all who take part in its proceedings or are affected by its rulings.” Justice Ruth Bader Ginsburg said he “was the fairest, most efficient boss I have ever had.”

The admiration he inspired in people all across the political spectrum is due also to the superb job he did as the Federal judiciary’s top administrator, which is part of the role of Chief Justice. He staunchly asserted the independence of the Federal court system and fought to see that those who worked in it were adequately compensated.

William Rehnquist loved his family; he loved the law; he loved America and its history; and he loved the Supreme Court as an institution. The courage and tenacity he showed, despite suffering from thyroid cancer, were typical of him. He presided over oral arguments in the spring and continued his work on that group of cases until just last month.

It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit.

So said the Massachusetts Constitution of 1780, which influenced the writing of the U.S. Constitution. William Rehnquist was a free, an impartial, and an independent judge. His combination of strong-mindedness and meticulous fairness made him perfect for the position he held. He makes Americans, and especially Arizonans, very proud. We mourn his loss.

#### HURRICANE KATRINA

Mr. MCCAIN. Mr. President, at times we come to the floor of the Senate not to debate policy but to mark the death of fellow Americans. I am deeply saddened to note that this is one such occasion.

By some estimates, Hurricane Katrina has taken what may be thousands of lives throughout the southeastern United States. The storm not only ended lives but it also displaced hundreds of thousands of our fellow citizens. They have now been scattered throughout the Nation, hoping to one day return to the homes and lives they were forced to leave behind. Our work to help the victims of this national

tragedy has just begun, and Congress must do all that is necessary to fund essential relief and recovery efforts and help those in need.

#### HONORING CHIEF JUSTICE WILLIAM REHNQUIST

Mr. MCCAIN. Mr. President, while the Nation's attention is rightly focused on the ongoing tragedy in the South, I would also like to say a few words about the passing of a great American. After a long and extraordinary life, William Rehnquist died this past weekend. The 16th Chief Justice of the United States leaves us with an unmatched legacy of service to our Nation.

Born 80 years ago in Milwaukee, WI, William Rehnquist lived a truly remarkable life. Like many in his generation, he served in World War II and was stationed in North Africa. With the support of scholarship money from the G.I. Bill, Justice Rehnquist attended college at Stanford University. He then went on to earn his law degree from Stanford Law School. At law school, the Chief Justice began to establish his reputation as a brilliant legal thinker and an able scholar. He graduated at the top of his class, just ahead of Sandra Day O'Connor.

After clerking for Supreme Court Justice Robert Jackson, Rehnquist married his late wife Natalie Cornell and moved to Phoenix, AZ. There, Justice Rehnquist and Nan raised their three children—James, Janet, and Nancy—while he built a long career as one of Arizona's leading attorneys.

In 1969, Chief Justice Rehnquist became a public servant as an assistant U.S. attorney general. Two years later, he was nominated by President Nixon to the Supreme Court. After being confirmed by the Senate, he took his seat as an Associate Justice of the Court—at 47, he was the Court's youngest member. In 1986, President Reagan nominated and the Senate confirmed Justice Rehnquist as the Chief Justice of the United States.

During his 33 years on the Court, Justice Rehnquist gained respect for his sharp intellect, his strong sense of fairness, and his profound devotion to the Court and to public service.

The Chief Justice's extraordinary legal career was surpassed only by the courage that he showed in his final year of life. During that time, he battled bravely against thyroid cancer. Through radiation and chemotherapy treatments, he continued to serve on the Court and stated that he would continue to perform his duties as Chief Justice as long as his health permitted. He did just that, with the dignity and dedication that characterized his tenure on the Court.

William Rehnquist truly was first among equals. May he rest in peace.

Mr. OBAMA. Mr. President, today I speak in honor of Chief Justice William Rehnquist. The Chief Justice served this Nation's highest court with dis-

tinction and honor for more than three decades, and his career in public service started years earlier. Even as he battled cancer over the past year, he continued to be an example of personal strength, dignity, and fortitude. I join my colleagues in mourning his passing and offering my prayers to his family.

The Chief Justice was a staunch defender of the Supreme Court and an active, independent judiciary. He was admired as a warm and helpful colleague, a thoughtful mentor, and an extremely effective administrator of the federal court system. The courts were well cared for under his distinguished leadership.

Justice Rehnquist also engaged directly with many of the toughest constitutional controversies of the twentieth century. Although I often disagreed with his decisions, Justice Rehnquist's opinions have been the source of important scholarship and litigation. Like the Chief Justice he followed, the late Earl Warren, Justice Rehnquist will be remembered as an important historical figure whose legacy will impact generations of Americans.

I knew the Chief Justice only at a distance. As a lawyer and a constitutional law instructor, I was required to wrestle intellectually with his ideas and arguments, and to press my students to divine his judicial instincts and motivations. My regret is that I never got to know him personally, or even to join one of his legendary walks around the Capitol or monthly poker games. I know that his warmth and humor have touched many of my colleagues, and he will be missed.

Of course, the strength of our constitutional structure—is that it is greater than any individual. Each of us plays but a small role in designing or building or repairing that structure it is greater and more important than any of us. We mourn the passing of Justice Rehnquist and now look to the future and the important work to be done.

Mr. JEFFORDS. Mr. President, I rise today to honor Chief Justice William Rehnquist, who was a brilliant jurist, a devoted public servant, and a person who shared my love of Vermont.

Though most Americans knew Chief Justice Rehnquist for his years of service on the Supreme Court, many Vermonters knew him as a neighbor and a friend. Like most who visit our great State, Chief Justice Rehnquist fell in love with Vermont's natural beauty and rural character and purchased a home in Greensboro in 1974.

For over 30 years, Chief Justice Rehnquist escaped the humidity and stress of Washington every summer in favor of the picturesque surroundings and quiet charm of Caspian Lake. Whether it was playing cards, visiting Willey's Store, or worshipping at the Greensboro United Church of Christ, Chief Justice Rehnquist immersed himself in the community with a remarkable subtlety and modesty for a man of

his stature and prominence. The Chief Justice would also share his knowledge of history, politics, and the law with community members in a lecture that became a much-anticipated summer tradition in Vermont's Northeast Kingdom.

Each year, before the State of the Union, I would usually have a chance to chat with the Chief Justice about his time in Vermont. Amidst the chaos and cameras of the Capitol on such a busy night, Chief Justice Rehnquist always found time to reminisce about the summer months he spent in our State. I always enjoyed these brief discussions with such a kind and engaging man who valued life's simple pleasures so dearly.

On September 5, the Burlington Free Press, describing the reaction in Greensboro to the Chief Justice's passing, wrote:

It wasn't a dignitary that was mourned; it was a guy who liked to walk everywhere and call people by their first names (and expected them to return the favor). It was a guy who had an affinity for Hershey's Special Dark Chocolate bars and Donna Gerow's homemade pumpkin bread.

As millions of Americans mourn the loss of one of the most influential people of our time, Vermonters in Greensboro, and around Caspian Lake, mourn a good neighbor, a great friend, and a fellow Vermonter.

#### RELATIVE TO THE DEATH OF WILLIAM H. REHNQUIST, CHIEF JUSTICE OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on the resolution honoring the life of Chief Justice William Rehnquist, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 234), relative to the death of William H. Rehnquist, Chief Justice of the United States.

Mr. HATCH, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows: