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Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, King of kings and Lord of lords, we thank You today for the gift of exemplary living, particularly as we remember our Supreme Court's 16th Chief Justice, William Rehnquist. We received inspiration from his commitment to public service and from his desire to invest his life in things that flourish beyond his lifetime. We were challenged by his willingness to choose duty over personal comfort.

As many mourn his death, remind us that one day we must all stand before Your judgment seat, for You are the Chief Judge of the universe. May the reality of our accountability to You prompt us to live our lives for Your glory.

Empower each Senator to listen to the whisper of conscience as he or she labors for liberty. May his or her first priority be to live for Your honor. Give all of us the power to rule our spirits so that we may fulfill Your purpose for our lives.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 12 noon with the time equally divided and Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, just a short while ago, the Senate proceeded as a body to the U.S. Supreme Court to pay final respect to the late Chief Justice William Rehnquist. We continue this morning with tributes to the Chief Justice. Senators will be able to come to the Senate floor until 12 noon to make those statements.

ORDER OF PROCEDURE

I ask unanimous consent that at 12 noon today, the Senate proceed to a vote on the adoption of a resolution honoring the life of Chief Justice Rehnquist.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, Senators should be aware that the next vote will occur at noon today. The Senate will also recess early this afternoon during the funeral for Chief Justice Rehnquist as a further mark of respect. If necessary, we will return to session later today to consider any additional Katrina-related legislation or tributes.

This week, we also anticipate a further supplemental appropriations bill relative to the efforts in our Gulf States. We will consider that bill as expeditiously as possible to continue the recovery and rescue efforts.

Finally, I remind my colleagues that tomorrow we will begin consideration

of the Commerce-Justice-Science appropriations bill. The measure has important hurricane-related issues, including small business disaster loans and Justice Department law enforcement assistance grants. Votes will occur during the remainder of the week as we consider these matters.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. FRIST. Mr. President, last Saturday, in the wake of one terrible loss, our Nation suffered another loss, a quiet loss but one that was also deeply felt across the land. We learned that William H. Rehnquist, the 16th Chief Justice of the United States, had passed away. Karen and I and the entire Senate family extend our deepest sympathies to his family and to his friends. Our Nation mourns the loss of a great leader.

William Rehnquist was an American hero—a World War II veteran, a lifelong public servant, a brilliant legal mind, and a jurist of historic consequence. He was an inspiration to all who knew him. This was especially true in his final months as he stoically fought the cancer that would eventually claim his life.

Since October 2004, when the Chief Justice announced he had thyroid cancer, his chin remained up and his mind focused and devoted. Today, that optimism, that determination, that strength of spirit in purpose remain an encouragement to us all.

I feel privileged to have had the opportunity to get to know William Rehnquist during my tenure in the Senate. I am honored to call him a friend. But even more, perhaps the most one can say of any leader, I simply feel blessed to have lived in his time and in the country that so benefited from his wisdom.

William Rehnquist was born on October 1, 1924, in Milwaukee, WI. The son of William Benjamin Rehnquist, a

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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paper salesman, and Margery Peck Rehnquist, a multilingual translator, he spent his childhood in the Milwaukee suburb of Shorewood, WI, where he attended public schools. Even as a young student, William Rehnquist expressed interest in public service, telling others he wanted to “change the government.” Well, he did exactly that.

William Rehnquist grew up in an era marked by grave challenges and extraordinary triumphs. He saw our Nation rise from the depths of the Great Depression to defeat the threat of Nazi Germany and Imperial Japan.

On December 7, 1941, when Pearl Harbor was bombed, William Rehnquist was 17 years old. Shortly thereafter, he signed up to fight, joining the Army Air Corps, serving at home and abroad from 1943 to 1946.

After the Armed Forces, with the help of the GI bill, William Rehnquist went on to college. At Stanford, he earned a bachelor’s and master’s degree in political science and graduated Phi Beta Kappa. But his academic journey was far from over.

He took a brief hiatus from Stanford, heading east to Harvard for a second master’s degree, this time in government. In 1950, he returned to Stanford ready for law school and the defining point in his life. From Stanford, William Rehnquist would graduate first in his class that included none other than his future colleague on the high Court, Sandra Day O’Connor.

As a law student, he was known for his astute ability to defend conservatism and for his bright legal mind. One of his professors described William Rehnquist as “the outstanding student of his law school generation.” This same professor would later introduce him to Supreme Court Justice Robert Jackson. In a private interview, William Rehnquist convinced Justice Jackson to award him with a coveted clerkship with the Supreme Court, despite Rehnquist’s initial thoughts that he had been “written [off] as a total loss” by Justice Jackson.

After completing his clerkship, he married Natalie Cornell. The couple settled in Phoenix, where they raised three children—James, Janet, and Nancy—and where Justice Rehnquist would practice law for 16 years.

As a young lawyer, William Rehnquist was known to wear loud shirts and ties, prompting even President Nixon to refer to him as “the guy dressed like a clown.” But clearly, Nixon was impressed by what he saw on the inside of the young lawyer from Phoenix. President Nixon selected Rehnquist to serve as the Assistant Attorney General for the Department of Justice’s Office of Legal Counsel.

In 1971, President Nixon nominated William Rehnquist again, this time to replace Justice John Marshall Harlan as an Associate Justice on the Supreme Court. William Rehnquist was overwhelmingly confirmed by a Democratic Senate by a vote of 68 yeas and 26 nays.

In 1986, President Regan nominated Justice Rehnquist as Chief Justice, and the Senate, by a wide margin once again, confirmed him to serve as the 16th Chief Justice of the highest Court in the land. Today, I echo what my good friend and former colleague Senator Bob Dole said of the Chief Justice during that confirmation debate now two decades ago. He was a man of “unquestioned integrity, incorruptibility, fairness, and courage.”

During my tenure in the Senate, I had the privilege of getting to know the Chief Justice, or “the Chief” as the law clerks called him. And since our first introduction, I found William Rehnquist to be thoughtful, intelligent, and, I must say, quite humorous.

A skilled writer and avid historian, Chief Justice Rehnquist is the author of a number of books on Supreme Court history and the American legal system. Many articles have been written about William Rehnquist and his successes as Chief Justice of the United States, and in almost every one of these articles, he is praised for his superb ability to efficiently manage the Court.

Speaking to this point, Supreme Court Justice Byron R. White once said:

I have never ceased to marvel how one person could possibly carry out all of the tasks given the Chief Justice and yet also decide cases and write opinions as the rest of us do. Yet Chief Justices do them with regularity and, of the three Chief Justices with whom I have served, the man who now sits in the center chair in the courtroom . . . seems to me to be the least stressed by his responsibilities and to be the most efficient manager of his complicated schedule.

A former adviser to the Chief Justice said that Justice White’s comments mirrored his own observations. He said that William Rehnquist’s rigorous work ethic and dedication to efficiency is reflected on his staff, which he, in fact, reduced when he became Chief Justice, relying on only three clerks, although he was authorized to have four.

The former adviser described William Rehnquist as a man who could do twice the work of the average judge in half the time. Having worked alongside William Rehnquist on the Smithsonian’s Board of Regents, I couldn’t agree more. I treasure the days we spent together on this Board of Regents. In his capacity as the chancellor of the Smithsonian, he served as chairman of the Smithsonian’s Board of Regents. I, in that capacity, saw firsthand the Chief Justice’s commitment to that institution, the Smithsonian, attending every meeting despite his very busy day job at the Court. He even hosted planning meetings for board staff and liaisons of the Supreme Court in the Natalie Cornell Rehnquist Dining Room, named after his late wife of 38 years. Recently, he brought the entire Court to the Smithsonian’s American History Museum to see the Brown v. Board of Education exhibit.

As he did on the Court, since the Chief Justice became chancellor, he

emphasized the importance of efficient management in the Smithsonian’s affairs, and he brought a certain sense of distinction to our work for the Smithsonian. Moreover, he inspired me to always be mindful of our duty to history, our place in preserving the strength of this Nation we serve.

In recent months, while the ongoing debate in the Senate regarding judicial nominations was occurring, I thought a lot about our Federal courts and our judges. I have often wondered what are the most important qualities to look for in an individual who is being considered for a lifetime appointment on the courts. I have looked to the Chief, and I have seen those qualities embodied in his approach to the law—commitment to judicial restraint, fairness, integrity, impartiality, even temperament, openmindedness, and respect for the Constitution and the rule of law.

What is more, William Rehnquist was a man not only of high intellect but common sense—a unique combination reflected in the clarity of his opinions.

I witnessed firsthand William Rehnquist’s intelligence, his temperament, and his commitment to equal justice under the law when he became only the second Chief Justice to preside over Presidential impeachment in the trial of President Bill Clinton.

A friend of mine and a former administrative assistant to the Chief Justice said:

What impressed me most about the manner in which he presided over the impeachment trial was his astute and facile recognition of and respect for the traditions and rules of the Senate. I knew he would provide impartial leadership but he also adjusted his superb management skills appropriately to the Senate’s traditions. At the conclusion of the trial he was praised by the Leaders of both parties. It was another demonstration of the rare combination of high intellect and common sense that he possesses.

To this day, my colleagues on both sides of the aisle continue to remember the Chief Justice for his efficient managerial skills and his steadfast respect for the Senate during the impeachment trial. In an atmosphere of partisanship, the Chief Justice was a constant reminder of the solemn legal duties our Constitution requires of the Senate.

The Chief loved the Court. He held a deep respect for the law and its traditions, and in turn his colleagues, even those with different judicial philosophies, held a deep respect for him.

A former colleague who often decided cases differently than the Chief Justice, Justice Harry Blackmun, praised William Rehnquist as a “splendid administrator” and often testified to his fairness and commitment to the coherence and cohesion of the Court.

Once the Court’s leading liberal, Justice William Brennan called Chief Justice Rehnquist “the most all-around successful” Chief that he had known and described him as “meticulously fair.”

Another liberal on the Court, Justice Thurgood Marshall, described him as “a great Chief Justice.”

In his 19 years as Chief Justice of the highest Court in the land, Chief Justice Rehnquist never placed himself on a higher plane than his colleagues. To fellow Justices, his law clerks and secretaries, he was sensitive, humble, and ever respectful.

I am confident that the President's nominee to the Chief Justice's seat, Judge John Roberts, will bring the same dignity to the job and earn the same level of respect from his colleagues. Judge Roberts, after all, learned from the best. From 1980 to 1981, he was clerk to then Associate Justice Rehnquist.

Having come to know John Roberts these last few weeks, there is no doubt in my mind that he has the skill, the mind, the philosophy, and the temperament to lead the Supreme Court.

With his passing over the weekend, the Supreme Court loses one of the most prolific scholars and brilliant legal minds ever to sit on the Federal bench. His passing marks a sad day for America, but it is also a day to reflect on our great fortune to have had William Rehnquist in the service of our Nation.

For over 33 years, Chief Justice Rehnquist generously offered America his brilliant mind, his unwavering leadership, and his fair and impartial judgment. He was the embodiment of all of the ideal qualities of a judge, and his humility, wisdom, and superb managerial skills allowed him to become one of the most memorable, influential, and well-respected Supreme Court Justices in our history.

Many feel that history will remember the Chief for presiding over the Senate during impeachment trials, for his participation in landmark decisions, for his perseverance in fulfilling his duties through ailing health. I believe William Rehnquist will be most remembered for his magnificent leadership and management, his ability to build consensus, his compassion and respect for others, and his fair and impartial review of each and every case that came before the Court. The imprint of William Rehnquist's gavel will not fade fast. No, it is indelibly stamped upon the face of American history and the legacy of the law we uphold. America was blessed to have William Rehnquist as Chief Justice and today he enters the history books as one of the greatest Chief Justices ever to serve on the Supreme Court of the United States.

May God bless William Rehnquist and may God bless the United States of America.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

HONORING CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. REID. Mr. President, I was a high school student in a place called Basic

High School in Henderson, NV. I was a boy about 16 years old, and Mrs. Robinson came into the classroom. She was a part-time counselor and a full-time government teacher. She pulled me out of the class and she said, I have looked at all of your reports and you should go to law school.

I had never met a lawyer, had never even seen a courthouse, let alone been in one, but I accepted Mrs. Robinson's word that I should go to law school. From that day forward, that is what I set my mind to do. I came back here to go to law school. I was a full-time student at George Washington University, went to school in the daytime and worked as a Capitol policeman in the nighttime.

Still having never been in a courthouse, as a law student in an appellate practice course I was taking, the students were invited to go into the Supreme Court to listen to a Supreme Court argument. I can remember going there. The case the professor chose was not one that sounds very exciting. It certainly did not sound very exciting to me at the time. It did not involve some spectacular criminal case. It involved a case called Baker v. Carr. The first time I was ever in a courthouse I listened to one of the most important, significant Supreme Court arguments in the history of the country because those lawyers debating this case, these issues of law, were there to talk about the one man-one vote doctrine, which the U.S. Supreme Court a few months later, after having heard these arguments, decided that we in the United States would be bound by one man, one vote.

As a result of that, reapportionment took place in State legislatures and, of course, in the United States through the Federal courts. In the States where the legislature did not follow the one man-one vote rule, the courts took over.

As I look back, I was so fortunate to be able to have my first exposure to the law in the place where I later became a member of the Supreme Court bar. Having heard that case is something I will always remember.

I was a trial lawyer, and I have argued cases before the Nevada Supreme Court and the Ninth Circuit, but I never argued a case before the U.S. Supreme Court. I wish I had had that opportunity.

Having heard Baker v. Carr those many years ago, I have never forgotten it. That is why it has been so pleasant for me to develop a personal relationship with some of the Supreme Court Justices, one of whom was the man whose funeral I will go to today at 2, William Rehnquist.

I said earlier and I will say again, I had a tour of duty as chairman of the Democratic Policy Committee and every Thursday there is an off-the-record discussion that takes place in the Senate with Democratic Senators, and we always try to come up with things that will interest the Senators.

I said to a number of my colleagues I wanted to invite William Rehnquist to come to the Democratic Policy luncheon and they said, no, he is a dyed-in-the-wool Republican, he is partisan, and he will not come anyway.

I picked up the telephone and in a matter of a minute or two he was on the line. I said, Mr. Justice, would you come to this policy luncheon? You will talk for 5 or 10 minutes, and we will ask questions.

Yes, I would like to do that.

He came over to the LBJ Room, one of the best luncheons we ever had. He answered all the questions. As I reflect on Justice Rehnquist coming to that Democratic Policy luncheon, the thing I remember more than anything else is how funny he was. He was a man physically large in stature with a biting sense of humor.

I felt so comfortable having him preside over the impeachment trial. That was also kind of an awkward time for me. I had just been selected as the assistant Democratic leader. I had this seat right here. I had never sat so close to what was going on before and I felt so uncomfortable sitting here. My first tour of duty in the Senate in that seat was as a Senator as part of the impeachment trial of President Clinton.

Of course, I visited with him, talked to him when he kept getting up. He had a bad back and he suffered a lot from physical pain for many years as a result of his back. He would get up every 20 minutes or so and stand and walk around his chair. I had a number of very nice, warm conversations with him at that time.

The conversation I will remember beyond all other conversations with the Chief Justice, there was so much speculation in the newspapers about he was sick and he was going to step down and would it be this Monday or the next Monday or when was it going to be. So in that I felt comfortable and had spoken to him on the telephone a number of occasions, I called him at his home and I said, I am sorry to bother you at home. He was not well. I said, the simple reason I have called you is to say, do not resign.

He said, I am not going to.

I am not going to talk about all that was said during the call, but I would say he told me he was not going to resign. I will always remember that telephone conversation with the Chief Justice of the United States. I am confident I did the right thing in calling him. I did not tell any of my colleagues. I did not tell my family. I did not tell anybody, but I picked up the telephone and I called him, and I am glad I did.

So I join with the distinguished majority leader in spreading on the record of this Senate the accolades for this good man. He was very politically conservative, so I understand. He served as a lawyer for 16 years after he graduated first in his class at Stanford Law School and I have a great amount of affection for that law school. One of my