

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.

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#### RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

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#### 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

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?