

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