

But one particular loss lingers and, Stevens says, brings grim reminders almost weekly: the court's 2008 decision in *District of Columbia v. Heller*, which found the Second Amendment protects a right to individual gun ownership unrelated to possible military service.

"Unquestionably the most clearly incorrect decision that the Court announced during my tenure on the bench," Stevens writes in his new memoir, "The Making of a Justice."

*Heller* and the Second Amendment, Stevens said in the interview, produce "such disastrous practical effects. I think there's no need for all the guns we have in the country and if I could get rid of one thing it would be to get rid of that whole gun climate."

He continued: "Just the other day there was another school shooting in Colorado, and every time it happens, it seems to me we don't have to have this kind of thing in this country, and we should do everything we can to try to change it."

Stevens writes of his efforts to try to make the 5-to-4 decision come out the other way. His 531-page book, to be published Tuesday, details the life and career of a World War II Navy code-breaker from a solidly Republican family, nominated to the federal bench by one GOP president (Richard M. Nixon) and elevated to the Supreme Court by another (Gerald R. Ford) who retired in 2010 as the court's most outspoken liberal. Although, Stevens believes the court changed more than he did.

In the interview, he expressed generalized distress at the state of the world and the nation's politics. "You wake up in the morning and you wonder what's happened," he said. Still, he retains a judge's reticence even years after leaving the bench: "But I shouldn't say more."

He does wonder why it is so challenging for his former colleagues to recognize that partisan gerrymandering is a constitutional violation, as they do with racial gerrymandering. "It's the same issue," he said. "Public officials, including state legislators, have a duty to act impartially. The whole point [of partisan gerrymandering] is to create an unfair result."

And he expressed surprise about Chief Justice John G. Roberts Jr., whom he respects and admires. "I must confess he's more conservative than I realized," Stevens said. "But that doesn't go to his quality as a chief justice."

During the interview, Stevens was preparing for a reunion of his clerks—more than 90 of 125 were expected to attend. He must steady himself with a walker, but he remains active. Tennis has been replaced by ping-pong, he said, but he still plays nine holes of golf each week.

"I don't go in the ocean as much as I used to, and that's really my favorite activity down here," he said. "A strong guy" to help him in and out of the surf is now "an absolute necessity," he said.

It is hard to imagine that at his 1975 confirmation hearing, soon after he became one of the first to receive a heart bypass operation, the main obstacle was "did I have a sufficient life expectancy to justify the important appointment," he writes. He was approved unanimously. The memoir is a tale of a privileged childhood in Chicago, the ravages of the Great Depression and a family scandal, service as a wartime cryptologist and a charmed legal career as a Supreme Court clerk, appeals court judge and the third-longest-serving justice in the court's history.

Stevens was in the stands at Wrigley Field in Chicago when Babe Ruth called his shot in the 1932 World Series—"my most important

claim to fame," he writes—and in the audience at the Democratic National Convention that summer when Franklin D. Roosevelt explained the New Deal on his way to becoming president. His father, Ernest, who took Stevens to the speech, was a Warren Harding Republican, however.

Amelia Earhart told him he was out too late for a school night when she attended the grand opening of the Stevens Hotel in Chicago, at the time the largest in the world. Charles Lindbergh passed along a caged dove someone had given him. On a trip to the South, Stevens and his family attended "Gone With The Wind" the week it opened in Atlanta.

The invitations that come to a Supreme Court justice provide other celebrity tidbits. He was as smitten as others when he met Princess Diana, and an encounter with the composer and conductor Leonard Bernstein provides a surprisingly bawdy anecdote from the mannerly Stevens, who often prefaced his questions on the bench with a courtly, "May I just ask . . . ?"

It was during a dinner at the French Embassy in Washington when Stevens and his wife, Maryan, were seated with Bernstein, who had just conducted the Orchestre National de France at the Kennedy Center. Maryan wondered about the emotions that accompany performing a masterpiece.

"It's like [making love] in a cathedral," Bernstein replied, according to Stevens in the memoir. The justice dutifully used the f-word to authenticate his reporting.

"The Making of a Justice" is Stevens's third book since leaving the court; the others chronicle the chief justices with whom he served and how he would remake the Constitution. He said he is unsure if there is a lesson in it for readers. "I didn't have a specific mission in mind, I just started to write," he said.

One lesson from childhood that informed his career, though, involved his father. The Depression hit after the Stevens Hotel opened, and the place faltered. The hotel borrowed money from an insurance company controlled by Stevens's grandfather, an act that a Cook County prosecutor viewed as embezzlement. Ernest Stevens was found guilty, only to have his conviction overturned by the Illinois Supreme Court, which found not a "scintilla" of evidence of criminal intent.

"Firsthand knowledge of the criminal justice's fallibility" made Stevens skeptical for the rest of his career, he said. "The system is not perfect—it's pretty good, but it's not perfect"

Stevens was part of majorities that handed important victories to gays, limited the death penalty and mostly held the line on abortion rights.

On the latter, he said he is puzzled by "more and more state legislatures" passing restrictive laws in hopes of getting the Supreme Court to revisit the court's rulings.

"I thought that was an issue that had been resolved," he said. "I have no idea what the present court will do."

In the book, he detailed his efforts to derail the *Heller* majority. He adopted Justice Antonin Scalia's originalist approach to show, in his opinion, that historical texts supported the view that the Second Amendment was aimed at preventing federal disarmament of state militias, rather than forbidding efforts at gun control.

He wrote that he circulated his dissent five weeks before Scalia's majority opinion, in hopes of persuading Justice Anthony M. Kennedy and—somewhat surprisingly—Justice Clarence Thomas.

"I think he's an intellectually honest person, and I just thought there was a chance he might be persuaded" on the historical argu-

ments, Stevens said of Thomas. "I guess I was kind of dreaming a little bit."

But Stevens said the effort did succeed in getting Kennedy to insist Scalia include limiting language that states and cities have used to defend their gun-control measures.

In the book, Stevens refers to U.S. v. Nixon, in which the court said the president must turn over White House tapes to congressional investigators, as "the high point for judicial independence."

He wrote the court's unanimous decision in *Clinton v. Jones*, saying that a sitting president does not have immunity from all civil lawsuits for actions when he was not in office.

Both were unanimous and "easy decisions," Stevens said, but he declined to be drawn into the current battle between congressional investigators and President Trump.

He is asked: Nothing to say about the president? "Nothing that you don't know already," he said.

#### TRIBUTE TO BISHOP THOMAS C. ELY

Mr. LEAHY. Mr. President, today I pay tribute to a wonderful friend, Bishop Thomas C. Ely, who is retiring from his leadership position of the Episcopal Diocese of Vermont.

Bishop Ely has been an outstanding servant of the Vermont diocese since his consecration as bishop in 2001. During his tenure in the Green Mountain State, he has served as the leader of the 45 Episcopal congregations in Vermont and one more across Lake Champlain in Essex, NY. He has visited all parishes once a year and counseled many clergy members. Bishop Ely's devotion to human dignity and dignity education influenced every church in the diocese. He demonstrated this as chairman of the board and as an educator of Rock Point School in Burlington, where his wife Ann worked all through his tenure as bishop. Bishop Ely, as a promoter of social justice and equality, also showed leadership in many other ways. He has been active in immigrants' rights, marriage equality, improving the lives of those living in poverty and in Bishops Against Gun Violence. His work on human rights is illustrated in his long commitment to the human rights organization Cristosal, which works in Central America.

Recently, Bishop Ely completed the successful Partnership Campaign for Rock Point, raising over \$2 million to assure the future of the 130 acres owned by the Church on Lake Champlain in Burlington. The funds will improve the trails and facilities in partnership with the city of Burlington and the Lake Champlain Land Trust, preserving 93 acres for public access.

I am proud to say that Bishop Ely lives his faith, through worship, leadership, and through action to improve and enrich the lives of all Vermonters. His journey of faith and action would not have been possible without the love and support of Ann Ely who, in addition to her work at Rock Point School, has also been deeply involved in St. Paul's Cathedral in Burlington.

The outpouring of gratitude and love for Tom and Ann has been enormous, in particular at the May 18, 2019, convention, where Vermont Episcopalians elected their next bishop. The applause would not cease until Bishop Ely motioned for quiet, so that proceedings could continue. Bishop Ely is loved by his people and greatly appreciated by many Vermonters for his principled leadership. He made a difference, helping us to live up to our ideals, and will be fondly remembered, as he and Ann enter a new phase of their lives. Marcelle and I are delighted that Tom and Ann will continue to be citizens of Vermont, living in the beautiful town of Newfane. We both value their friendship.

In honor of Bishop Ely's retirement, I ask that the December 5, 2017, Episcopal New Service article "Vermont Episcopal Bishop Thomas Ely announces plans to retire," be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Episcopal News Service, Dec. 5, 2017]

VERMONT EPISCOPAL BISHOP THOMAS ELY  
ANNOUNCES PLAN TO RETIRE

The Right Reverend Thomas C. Ely, tenth bishop of the Episcopal Diocese of Vermont, recently announced his intention to retire and resign his ministry, no later than September 30, 2019. He has agreed to remain in his position until a successor is chosen and is in place.

Ely, 65, was consecrated as bishop of the Vermont diocese in 2001, having previously served as a priest in the Diocese of Connecticut for 20 years. In a message to the people of the Diocese of Vermont, Ely said that by the time of his retirement he will have served in the priesthood for nearly 39 years.

"There are other interests and ministries to which I am feeling called to devote my time and energy while my health and stamina are still good," Ely said, "including family, community theatre, various justice ministries and a bit more golf."

During his episcopate, Ely has been a leader both within the diocese and throughout the wider Episcopal Church on such controversial issues as marriage equality, the ordination of LGBT clergy, increased gun safety and racial justice. He is also a leading voice on matters of environmental and economic justice.

As part of his global outreach, Ely serves on the board of Cristosal, a nongovernmental agency based in El Salvador that works to advance human rights in Central America. Additionally, he is a co-founder of the Vermont chapter of Kids4Peace, a grassroots interfaith youth movement dedicated to ending conflict and inspiring hope in Jerusalem and divided societies around the world. More locally, Ely is a leading advocate for the Vermont Ecumenical Council and Vermont Interfaith Action.

Ely has been instrumental in the stewardship and revitalization of Rock Point, a 130-acre property in Burlington, owned by the Vermont diocese, known for its natural beauty and peaceful atmosphere. Each year, nearly 10,000 people visit Rock Point, and Ely is overseeing a \$1.7 million partnership campaign aimed at improving facilities, strengthening leadership and expanding public access.

Ely said that he and his wife, Ann, will take up residence in their house in Newfane, Vermont, upon his retirement. In the meantime, he says, "I plan to use these months ahead to continue encouraging full and passionate engagement in our local mission approaches, and I plan to continue my efforts related to a sustainable Rock Point and all that means to our life as the Episcopal Church in Vermont."

RECOGNIZING DARN TOUGH SOCKS

Mr. LEAHY. Mr. President, Darn Tough Vermont says that their factory in Northfield, Vermont, is the "Sock Capital of the World." I'm loath to object to that claim. Over the past 15 years, Darn Tough has steadily grown from a small sock producer for other companies into a world-renowned brand of their own. They've created good paying jobs to Vermont and have a deep commitment to American manufacturing. Darn Tough is a great example of the many hearty small businesses that drive Vermont's economy. It is with pride that I recognize their achievements.

Marc Cabot opened Darn Tough's factory, Cabot Hosiery Mills, in 1978. He started by producing private label socks—other companies sell these under their brand name—for large companies like Brooks Brothers and Old Navy. This was a steady business. But things became difficult in the 1990s when many of those customers began to move their production overseas. By the early 2000s, Cabot Hosiery Mills was struggling.

Marc's son, Ric, who had been involved in the family business from a young age, came up with an idea to save the company. He decided to transition Cabot Hosiery Mills from a private label producer to its own brand: Darn Tough Vermont. Ric envisioned a superior, outdoor-oriented sock that was knit right in Vermont. Its quality would speak for itself.

At first, Ric had to give Darn Tough socks away to get noticed. He gave out 3,500 pairs of Darn Tough socks at the Vermont City Marathon in 2004, and soon after word, began to spread about a mysteriously durable sock with a lifetime warranty produced right in Vermont. Darn Tough's brand and sales have been growing steadily ever since.

Over the past 15 years, the Cabots have rebounded from the brink of bankruptcy to a company nearing \$50 million in sales annually. Ric, who is now the CEO and president, is leading Darn Tough in its latest expansion. They've added over 50 new knitting stations and are in the process of expanding their workforce of over 250 Vermonters. Darn Tough doubled down on American manufacturing when their partners wouldn't—now they're seeing their reward.

I am proud to recognize the contributions and achievements that Darn Tough and the Cabot family has made over their over 40 years in Vermont. I ask consent to enter into the RECORD a VTDigger article titled "Making it in

Vermont: Darn Tough doubles down on Northfield facilities." It describes the hard work that goes into making each Darn Tough sock and highlights Darn Tough's commitment to Vermont and Vermont values.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From VTDigger, March 31, 2019]

MAKING IT IN VERMONT: DARN TOUGH  
DOUBLES DOWN ON NORTHFIELD FACILITIES

Ask Kirk Smith how many colors of yarn are used at Cabot Hosiery Mills, and he'll tell you: "Too many."

The family-owned factory that produces Darn Tough socks will include up to 16 different threads in a single design. The operation spins out 22,000 pairs of socks every single day.

From the outside, the Northfield production facility isn't much to look at—it's big, beige and unmarked. But inside, thousands of spools of multicolored yarn hang from the ceiling, while computerized machines knit the threads into socks.

"If you had seen me when they took me on my tour when I was being interviewed here, I was like a kid in a candy shop," said Smith, the plant's manager of manufacturing operations. "I didn't want to leave the line. I just wanted to keep seeing what was going on."

Lined up in rows with their electronic displays blinking, the mill's 184 knitting stations resemble slot machines at a casino. But they have a more predictable output: roughly every five minutes, each one dispenses a fresh new sock.

Darn Tough is in the midst of an ambitious five-year expansion plan. In order to increase production, they're adding more machines, bringing their total to 236—for now. Ric Cabot, the company's president and CEO, said those machines will increase the mill's production by 1.5 million pairs of socks per year.

"Accommodating the new equipment required moving their packaging and distribution areas to another building about a mile down the road. That means the company's annual "sock sale"—two weekends in November when locals walk the warehouse looking for deals on factory seconds—will take place at the company's satellite location this year.

There are two sock seasons each year, and the factory works about six months ahead of schedule. Right now, they're mainly producing fall socks.

Each piece is knit, washed, dried, boarded, folded, inspected and packaged in Northfield, before being shipped off to the company's distribution center in Cleveland, Ohio.

"The Cabots have always been very dedicated to their Northfield roots," Smith said. "Could there be better places in the state? Maybe, but this is where they started. This is where they have a connection and this is where we'll be."

BUDGET SCOREKEEPING REPORT

Mr. ENZI. Mr. President, I wish to submit to the Senate the budget scorekeeping report for May 2019. The report compares current-law levels of spending and revenues with the amounts the Senate agreed to in the Bipartisan Budget Act of 2018, BBA18. This information is necessary for the Senate Budget Committee to determine whether budgetary points of order lie against pending legislation.