realistic field exercises and increasing the use of simulation has made the Army ready for what the 21st century may bring. General Sullivan has put forth a vision of the Army for the 21st century that will be both the guidepost for years to come. He can take great pride in both the Army's past accomplishments and future preparedness. General Sullivan has essentially led the Army into the 21st century.

Throughout his career, General Sullivan has distinguished himself in numerous command and staff positions with U.S. forces stationed both overseas and in the Continental United States. In Asia, he served a tour of duty in Korea and two tours of duty in Vietnam. In Europe, his assignments included 3d Armored Division's Chief of Staff and the VII Corps operations officer. From July 1985 to March 1987 General Sullivan served on the NATO staff as the Deputy Chief of Staff for Support of Central Army Group in Germany.

General Sullivan's stateside assignments included serving as the assistant commandant of the Armor School at Fort Knox, KY, and deputy commandant of the Command and General Staff College at Fort Leavenworth, KS. In addition, he served as the commanding general of the 1st Infantry Division, ''The Big Red One,'' at Fort Riley, KS. Since June 1991, General Sullivan has served in his present assignment as the U.S. Army Chief of Staff.

Mr. President, I ask my colleagues to join me in thanking General Sullivan for his honorable service to the people and Army of the United States. We wish him and his family Godspeed and all the best in the future.●

TRIBUTE TO THE NEW JERSEY DEVILS

● Mr. BRADLEY. Mr. President, I rise today with great pleasure to congratulate New Jersey's very own Devils. As you may know, the New Jersey Devils have defeated the Detroit Red Wings to become the Stanley Cup Champions of the National Hockey League. This past Saturday night at the Meadowlands Arena in East Rutherford, NJ, the Devils concluded their courageous quest for the Stanley Cup with a 5 to 2 victory to sweep the four-game series.

The New Jersey Devils may not have superstar players like Detroit. However, it is clear that through their classic gritty team play and a foundation of discipline, unity, and hard work, they overcame all adversity to achieve their ultimate goal. After last year's heart-breaking exit from the playoffs at the hands of the New York Rangers, this year's team forged through the playoffs with a vengeance to complete their mission.

New Jersey's key players came through in the playoffs to inspire their team with clutch performances. Although it was forward Claude Lemieux who took the Conn Smythe Trophy as the Most Valuable Player throughout the Stanley Cup playoffs, there were a host of other heroes without whom the Devils would never have made it as far as they did. Captain and defenseman Scott Stevens, who shut down the opposition's superstars, goaltender Martin Brodeur, the second-year phenom who has emerged as one of the best goaltenders in the NHL, and native New Jerseyan Jim Dowd from Brick, who scored a clutch goal to win game two, are just a few examples.

The Devils played ultimate team hockey in winning the Stanley Cup. Their now infamous neutral-zone trap defensive system put the Red Wings in a stranglehold tighter than any octopi their fans could throw onto the ice.

In closing, Mr. President, I would like to once again offer congratulations to our Devils. Success in the professional sports arena, like many other endeavors, requires a great deal of dedication, hard work, and courage. And that is our New Jersey Devils. I am very proud to have them represent our State.●

THE DEATH OF FORMER CHIEF JUSTICE BURGER

● Mr. MOYNIHAN. Mr. President, yesterday's newspapers reported that former Chief Justice Warren E. Burger died on Sunday here in Washington. He was 87 years old.

Twenty-six years ago, President Nixon nominated Warren Burger to be Chief Justice with the hope of reversing the activism of the Warren Court. Yet history was not entirely cooperative: Chief Justice Burger presided over a 17-year period in which many of the era's most profound controversies had to be decided by the High Court. A number of those issues, including school busing to achieve desegregation: Swann versus Charlotte-Mecklenburg Board of Education, 1971; the separation of church and state as applicable to government aid to parochial schools, Lemon versus Kurtzman, 1971; and Executive privilege, United States versus Nixon, 1974, were decided in opinions written by Chief Justice Burger himself.

The Chief was somehow able to take all of this and more in stride. He relished his additional statutory duties as chancellor of the Board of Regents of the Smithsonian Institution, and as chairman of the board of trustees of the National Gallery of Art. Although my service as a regent of the Smithsonian Institution began just after Chief Justice Burger's tenure as chancellor ended in 1986, I did have the exhilarating honor, in September of 1985, to be presented the Joseph Henry Award by then-Chancellor Burger on one memorable evening at the Hirshhorn Museum and Sculpture Garden.

Following his retirement from the Court in 1986, Chief Justice Burger devoted himself on a full-time basis to his work as Chairman of the Commission on the Bicentennial of the U.S. Constitution, to which President Reagan had appointed him the previous year. Characteristically, the Chief threw himself into that effort with the great energy and enthusiasm he applied to all of his pursuits. I recall corresponding with him about the Commission's progress and his many ideas for increasing public appreciation for the Constitution in its bicentennial year. Among its good works, the Commission produced the excellent pocket-sized Constitutions that are available in Senate offices. I have taken to carrying a copy with me, and I know the distinguished Senator from West Virginia has as well.

In his Foreword to the pocket Constitution, Chief Justice Burger wrote that our constitutional system:

> [D]oes not always provide tidy results; it depends on a clash of views in debate and on bargain and compromise. For 200 years this Constitution's ordered liberty has unleashed the energies and talents of people to create a good life.

Warren Burger created just such a good life through his own indomitable energies and talents. He came from humble roots in St. Paul, MN, attended college and law school at night, and ultimately rose to become Chief Justice of the United States.

Chief Justice Burger was a distinguished jurist and a patriot in the finest sense of the word. He was also a wonderful husband and father and, although it is not much in fashion to say so today, he was a gentleman. He was my friend for more than a quarter century, and he will be greatly missed.

Mr. President, I ask that the obituary by Linda Greenhouse from the New York Times of June 26th be printed in the RECORD.

The obituary follows:

[From the New York Times, June 26, 1995]

WARREN E. BURGER IS DEAD AT 87; WAS CHIEF JUSTICE FOR 17 YEARS

(By Linda Greenhouse)

Washington, June 25—Warren E. Burger, who retired in 1986 after 17 years as the 15th Chief Justice of the United States, died here today at age 87. The cause was congestive heart failure, a spokeswoman for the Supreme Court said.

An energetic court administrator, Chief Justice Burger was in some respects a transitional figure despite his long tenure. He presided over a Court that, while it grew steadily more conservative with subsequent appointments, nonetheless remained strongly influenced by the legacy of his liberal predecessor, Chief Justice Earl Warren. The constitutional right to abortion and the validity of busing as a remedy for school segregation were both established during Chief Justice Burger's tenure, and with his support.

The country knew Chief Justice Burger as a symbol before it knew much about him as a man or a judge.

He was President Richard M. Nixon's first Supreme Court nominee, and Mr. Nixon had campaigned on a pledge to find ''strict constructionists'' and ''practitioners of judicial restraint'' who would turn back the activist tide that the Court had built under Chief Justice Warren, its leader since 1953.

The nomination on May 21, 1969, immediately made Mr. Burger, a white-haired, 61-year-old Federal appeals court judge, lightening rod for those who welcomed as well as

those who feared the end of an era of judicial activism.

It was a central contradiction of Mr. Burger's tenure as Chief Justice that long after he became one of the most visible and, in many ways, innovative Chief Justices in history he remained, for many people, the symbol of retrenchment that Mr. Nixon had presented to the public on nominating him.

In fact, the Supreme Court in the Burger years was in its way as activist as the Court that preceded it, creating new constitutional doctrine in areas like the right to privacy, due process and sexual equality that the Warren Court had only hinted at.

''All in all,'' one Supreme Court scholar, A. E. Dick Howard, wrote in the Wilson Quarterly in 1981, ''the Court is today more of a center for the resolution of social issues than it has ever been before.''

While there were some substantial changes of emphasis, the Burger Court—a label liberals tended to apply like an epithet—overruled no major decisions from the Warren era.

It was a further incongruity that despite Chief Justice Burger's high visibility and the evident relish with which he used his office to expound his views on everything from legal education to prison management, scholars and Supreme Court commentators continued to question the degree to which he actually led the institution over which he so energetically presided.

His important opinions for the Court included the decision that validated busing as a tool for school desegregation, the one that struck down the ''legislative veto'' used by Congress for 50 years to block executive branch actions, and the one that spurred President Nixon's resignation in 1974 by forcing him to turn over White House tape recordings for use in the Watergate investigations. Yet Chief Justice Burger was just as often in dissent on major decisions. In that, he differed from Chief Justice Warren, who voted with the majority in nearly all important cases.

Those seeking to identify the sources of intellectual leadership on the Court usually pointed to William H. Rehnquist, another Nixon appointee to whom Chief Justice Burger assigned many important opinions, and to William J. Brennan Jr., the Court's most senior and, with Thurgood Marshall, most liberal member.

As the senior Associate Justice, Justice Brennan had the right to assign the opinion in any case in which he was in the majority and the Chief Justice was in dissent, and he often exercised that prerogative by assigning major opinions to himself, particularly in the area of individual rights.

As the years passed, Chief Justice Burger seemed to assign himself the opinions in relatively straightforward and uncontroversial cases, avoiding those in which the Court was deeply split and in which it would have required considerable effort to marshal or hold a fragile majority. As a result, his personal imprint on the Court's jurisprudence was not always readily identifiable.

AN INNOVATOR IN ADMINISTRATION

But his imprint was distinct in the area to which he gave his most sustained attention, judicial administration.

Mr. Burger liked to say that he took his title seriously. He was Chief Justice of the United States, not just of the Supreme Court, and he took as his mandate the stewardship of the entire judicial system, state as well as Federal.

An array of institutions were created under his aegis, including the National Center for State Courts, the Institute for Court Management and the National Institute of Corrections. The common purpose of those organizations was to improve the education and training of participants in nearly all phases of the judicial process, whether judges, court clerks or prison guards.

The Chief Justice turned the small Federal Judicial Center, for which he served by statute as chairman of the board, into a major center for research and publishing about the courts.

He believed that judges could be helped to be more efficient if professional management techniques were imported to the courts, from clerks' offices to judges' chambers. The Institute for Court Management set up a six-month program for training court managers and administrators.

The Supreme Court itself became one of the first fully computerized courts in the country; in 1981, the Justices all received computer terminals on which to compose their opinions.

The Chief Justice campaigned tirelessly for better pay for judges, better education for lawyers and help for the Court's evergrowing caseload. From his earliest years in office, he warned that the Federal courts and the Supreme Court in particular were becoming dangerously overworked.

In 1983, he asked Congress to create an appellate panel that could relieve some of the Supreme Court's caseload by resolving conflicting opinions among the Federal appeals courts.

MANY ADMIRERS, BUT DETRACTORS AS WELL

Judges and others interested in these long-ignored administrative issues responded with gratitude. One of the Chief Justice's warmest admirers on the Federal bench was Frank M. Johnson Jr., a Federal appeals court judge from Alabama who won praise from civil rights advocates for his orders on prison issues and other rulings.

''Warren Burger has redefined the nature of his office,'' Judge Johnson wrote in the early 1980's. ''He has concentrated his energy not simply on exploring the subtleties of constitutional doctrine but on reforming the mechanics of American justice. More than any of his 14 predecessors, he has invested the prestige of the Chief Justiceship in efforts to make the American judicial system function more efficiently. He has used his position not as an excuse to withdraw from public affairs but as an opportunity to furnish public leadership.''

But the priority that Chief Justice Burger assigned to administration also had its detractors, who complained that he trivialized his office by emphasizing the mechanics of justice at the expense of its substance.

Occasionally, too, his enthusiastic lobbying was seen as overbearing by those at whom it was directed. In 1978, for example, he became deeply involved in the effort in Congress to overhaul the bankruptcy system.

One Democratic Senator, Dennis DeConcini of Arizona, whose subcommittee had jurisdiction over the bill, complained publicly that a ''very, very irate and rude'' Chief Justice had telephoned him to object to a legislative development and ''not only lobbied but pressured and attempted to be intimidating.''

The Chief Justice could also be rather intimidating from the bench, particularly when a relatively inexperienced lawyer was arguing a position with which Mr. Burger disagreed. While Chief Justice Warren's favorite question from the bench was, ''Yes, but was it fair?'' Chief Justice Burger often asked: ''Yes, but why is this case in the courts? Isn't this a matter for the Legislature to address?''

WORKING TO LIMIT THE JUDICIARY'S SCOPE

Chief Justice Burger believed in a limited role for the courts and reserved some of his sharpest criticism for those who looked to them to resolve social and political problems that, in his view, were not the province of judges. ''If we get the notion that courts can cure all injustices, we're barking up the wrong tree,'' he liked to say.

A speech he gave while he was still a judge on the Court of Appeals for the District of Columbia provided a useful summary of the view he held throughout his career: ''That courts encounter some problems for which they can supply no solution is not invariably an occasion for regret or concern. This is an essential limitation in a system of divided power.''

Some of the more important decisions while he was Chief Justice were those that limited litigants' access to Federal court by using the doctrines of standing, mootness and deference to state courts.

He seemed to regard suits for small monetary stakes as a waste of judges' time, and many of his speeches complained about the disproportionate cost to the system of trying the lawsuits brought by prisoners or consumers over modest losses of money or property.

His questioning of one lawyer, who argued in 1982 on behalf of 168,000 consumers, each with a claim for $7.98 against the Gillette Company, was the talk of the Court for weeks, ''What is the economic justification for this kind of lawsuit in the Federal courts under any circumstances?'' the Chief Justice demanded.

''We are in state court, judge, in this case,'' the lawyer, Robert S. Atkins, replied.

''In state or Federal court?'' the Chief Justice persisted.

''The problem,'' Mr. Atkins said, ''is that if you cheat people a little bit but do it a lot, you can go free——''

The Chief Justice interrupted to interrogate him about the proportion of the recovery that would go for legal fees.

INVITING ATTENTION, SOME OF THE TIME

Chief Justice Burger's effort to police the moral character of lawyers who sought to become eligible to argue before the Court rankled some of the other Justices and in 1982 provided a rare public glimpse of internal disagreements over the Chief Justice's administrative approach.

He singled out several applicants by name and accused them of seeking membership in the Supreme Court bar to ''launder'' tarnished credentials. But he failed to persuade a majority of the Court to block the admissions and provoked one Justice, John Paul Stevens, to write that the Court should grant applicants with questionable credentials a ''fair hearing'' before publicly labeling them as unworthy.

There were contradictory strains in Chief Justice Burger's attitude toward the public, including the press. At times he seemed to welcome and even invite public attention. He took pride in having made the Supreme Court a more attractive place for tourists to visit, transforming the cold marble ground floor into an area for historical exhibits.

Yet he alone of all the Justice refused, when announcing one of his opinion from the bench, to provide tourists and lawyers in the audience with a brief oral description of the case and the decision.

The other Justices either read aloud from a memorandum explaining the case or gave a more casual oral account. When the Chief Justice's turn came, he would simply announce that in a case with a particular name, the judgement of the lower court was affirmed, or reversed. When asked why he refused to join the others in explaining his opinions, he once said, ''It's a waste of time.''

He was adamant about preserving the secrecy of the Court's internal operations,

even to the extent of refusing to make public the names of his four law clerks. A law firm recruiter or other member of the public who called the Court's public information office seeking a list of the current law clerks would receive the names of all the clerks except the Chief Justice's.

He mailed copies of his speeches to hundreds of journalists around the country and would telephone particular columnists to make sure his message was clear.

DEFINING THE LIMITS OF SPEECH AND PRESS

Occasionally, usually in connection with his annual ''State of the Judiciary'' address to the American Bar Association, a tradition that he inaugurated, he would invite journalists for informal ''deep background'' briefings, sessions that were often relaxed and informative.

But he seemed to hold much of the press corps in low repute. Asked by a lawyer at a Smithsonian Institution symposium what he thought of the reporters who covered the Court, he replied, as he often did: ''I admire those who do a good job, and I have sympathy for the rest, who are in the majority.''

His special scorn was reserved for television, which he regarded as an intrusive annoyance. He once knocked a television camera out of the hand of a network cameraman who followed him into an elevator. He vowed that he would never allow oral arguments at the Supreme Court to be televised.

Yet he wrote the opinion for the Court in the 1981 case Chandler v. Florida, holding that a state could permit a criminal trial to be televised, even over the defendant's objection, without depriving the defendant of the constitutional right to a fair trial.

Chief Justice Burger wrote several of the Court's most important opinions interpreting the free speech and free press guarantees of the First Amendment.

His opinion in a 1976 case, Nebraska Press v. Stuart, effectively prohibited judges from ordering the press not to publish information in its possession about the crime, a confession or the like. The opinion said that judges could take less drastic steps to protect criminal defendants from negative pretrial publicity, like sequestering the jury or changing the site of the trial.

A 1973 opinion by the Chief Justice ended roughly 15 years of turmoil over the legal definition of obscenity by changing the focus to local communities, rather than the entire country.

That opinion, in Miller v. California, said obscene materials were ''works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way and which, taken as a whole, do not have serious literary, artistic, political or scientific value.'' The Chief Justice added that it was up to local juries applying ''contemporary community standards'' to decide whether a particular work fit that definition.

''It is neither realistic nor constitutionally sound to read the First Amendment as requiring that the people of Maine or Mississippi accept public depiction of conduct found tolerable in Las Vegas or New York City,'' he wrote. ''People in different states vary in their tastes and attitudes, and this diversity is not to be strangled by the absolutism of imposed uniformity.''

RELIGION, RIGHTS AND VETO POWER

Chief Justice Burger was also one of the Court's most prolific writers on another aspect of the First Amendment, the clause prohibiting an establishment of an official national religion. In a 1971 opinion, Lemon v. Kurtzman, he set forth the test for deciding whether a given law or government program that conferred some benefit on religion nonetheless passed muster under the First Amendment.

''First,'' he wrote, ''the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster an excessive government entanglement with religion.'' This ''three-part test,'' as it came to be known through later refinements and elaborations, defined the Court's approach to the establishment clause in a variety of contexts.

The 1983 decision that struck down the legislative veto, Immigration Service v. Chadna, altered the balance of power between the executive and legislative branches.

It invalidated a procedure, which Congress had incorporated into some 200 laws, permitting one or both Houses to block executive branch action. The procedure, Chief Justice Burger wrote, was not within Congress' constitutional authority because it did not follow the rules the Constitution set out for ''legislation'': passage by both Houses and presentment to the President for his signature.

The Chadna opinion in many ways summarized the Chief Justice's view of American Government. He wrote, ''With all the obvious flaws of delay, untidiness and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.''

Chief Justice Burger wrote relatively few of the Court's criminal law decisions, and some of the more important decisions on the rights of criminal suspects found him in bitter dissent.

For example, in the 1977 case Brewer v. Williams the Court ruled, in a 5-to-4 opinion by Justice Potter Stewart, that the police had violated a murder suspect's constitutional right to counsel. The police officers, knowing that the suspect was deeply religious, delivered what came to be called the Christian burial speech, musing aloud on the wish of the victim's parents to give their daughter a Christian burial. The suspect, who had previously said he would talk only after seeing a lawyer, then led the officers to the victim's body.

The majority's decision overturning the murder conviction was ''bizarre,'' the Chief Justice wrote in a dissent that was a stinging attack on the so-called exclusionary rule barring the use at trial of illegally seized evidence.

''The result reached by the Court in this case ought to be intolerable in any society which purports to call itself an organized society,'' he said. ''Failure to have counsel in a pretrial setting should not lead to the 'knee-jerk' suppression of relevant and reliable evidence.''

A CONSERVATIVE ON CRIME ISSUES

Although Chief Justice Burger's views on criminal law did not always garner a majority on the Supreme Court, those views had probably been more responsible for his being nominated to the High Court than any other factor.

He dissented from the Court's 1972 decision that invalidated all death penalty laws then in force. After the Court permitted executions to resume four years later, the Chief Justice grew increasingly impatient with the legal obstacles that lawyers and judges continued to place in the way of executions.

When the Court refused to block the execution of a murderer whose appeals had lasted 10 years, Chief Justice Burger wrote a concurring opinion excoriating lawyers for condemned inmates. He said the lawyers sought to turn the administration of justice into a ''sporting contest.''

In 13 years on the United States Court of Appeals for the District of Columbia Circuit, he was known as a conservative, law-and-order judge. He enhanced that reputation with speeches and articles. A speech in 1967 at Ripon College in Wisconsin came to Richard Nixon's attention after it was reprinted in U.S. News & World Report.

The White House distributed copies of the speech at the time of Judge Burger's nomination, and the Supreme Court press office handed it out for years when asked for information about his views. In the speech, he compared the American system of justice with the systems of Norway, Sweden, Denmark and the Netherlands.

''I assume that no one will take issue with me when I say that these North European countries are as enlightened as the United States in the value they place on the individual and on human dignity,'' he said.

Yet, he continued, those countries ''do not consider it necessary to use a device like our Fifth Amendment, under which an accused person may not be required to testify.''

''They go swiftly, efficiently and directly to the question of whether the accused is guilty,'' he added.

''No nation on earth,'' he said, ''goes to such lengths or takes such pains to provide safeguards as we do, once an accused person is called before the bar of justice and until his case is completed.''

A MODEST START IN MINNESOTA

Chief Justice Burger's speechmaking style changed little in subsequent years. He often returned to the theme and imagery of the Ripon speech and often used the Scandinavian countries, which he visited frequently, as benchmarks against which to compare the American system.

Warren Earl Burger was born Sept. 17, 1907, in St. Paul. His parents, of Swiss-German descent, were Charles Joseph Burger and the former Katharine Schnittger. His paternal grandfather, Joseph Burger, emigrated from Switzerland and joined the Union Army at the start of the Civil War, when he was 14. He was severely wounded in combat and received both a battlefield commission and the Medal of Honor.

Warren Burger was one of seven children. The family lived on a 20-acre truck farm on the outskirts of St. Paul. In addition to farming, his father sold weighing scales; the family's financial circumstances were modest.

At John A. Johnson High School, from which Warren Burger graduated in 1925, he edited the school newspaper, was president of the student council and earned letters in hockey, football, track and swimming. He earned extra money by selling articles on high school sports and other news to the St. Paul newspapers.

The rest of his formal education took place in night school while he worked days selling insurance for the Mutual Life Insurance Company of New York. He attended the night school division of the University of Minnesota for two years, then began night law classes at the St. Paul College of Law, now known as the William Mitchell College of Law. He received his degree with high honors in 1931.

He joined the faculty of the law school and taught for 12 years while practicing law with the firm of Boyesen, Otis & Faricy. He remained with the firm, one of the oldest in the state, for 22 years; after he became a partner, the firm was known as Faricy, Burger, Moore & Costello. He handled probate, trial and appellate cases, arguing more than a dozen before the United States Supreme Court and many more in the Minnesota Supreme Court.

He married Elvera Stromberg in 1933. They had a son, Wade Allen, and a daughter, Margaret Elizabeth.

As a young lawyer, Mr. Burger became active in community affairs. He was president of the Junior Chamber of Commerce and the first president of the St. Paul Council on Human Relations. That group, which he helped to organize, sponsored training programs for the police to improve relations with minority groups. For many years, he was a member of the Governor's Interracial Commission.

He also became involved in state politics, working on Harold E. Stassen's successful campaign for governor. He went to the 1948 Republican National Convention to help Governor Stassen's unsuccessful bid for the Presidential nomination.

MAKING THE MOVE TO WASHINGTON

In 1952, he was at the Republican convention again, still a Stassen supporter. But he helped Dwight D. Eisenhower's forces win a crucial credentials fight against Senator Robert A. Taft of Ohio. On the final day, with General Eisenhower lacking nine votes for the nomination, Mr. Burger helped swing the Minnesota delegation and gave Eisenhower the votes that put him over the top. Cheers broke out on the convention floor as an organ played the University of Minnesota fight song.

His reward was a job in Washington, as Assistant Attorney General in charge of the Civil Division of the Justice Department. He supervised all the Federal Government's civil and international litigation. He told a young Justice Department lawyer years later that he would have been content to continue running the Civil Division for the rest of his career.

One of his assignments was somewhat unusual for the Civil Division chief. He agreed to argue a case in the Supreme Court, usually the task of the Solicitor General's Office. The case involved a Yale University professor of medicine, John F. Peters, who had been discharged on loyalty grounds from his job as a part-time Federal health consultant.

The Solicitor General, Somin E. Soboloff, disagreed with the Government's position that the action by the Civil Service Commission's Loyalty Review Board was valid and refused to sign the brief or argue the case. Mr. Burger argued on behalf of the board and lost. Among the lawyers who filed briefs on the professor's behalf were two who would precede Mr. Burger on the Supreme Court, Abe Fortas and Arthur J. Goldberg.

After two years, Mr. Burger resigned from the Justice Department and was preparing to return to private practice in St. Paul when Judge Harold Stephens of the United States Court of Appeals for the District of Columbia Circuit died. President Eisenhower nominated him for the vacancy, and he joined the court in 1956.

His elevation to the Supreme Court 13 years later was made possible by President Lyndon B. Johnson's failure to persuade the Senate to accept Abe Fortas as Chief Justice.

A BENEFICIARY OF '68 ELECTION

On June 13, 1968, Earl Warren had announced his intention to resign after 15 years as Chief Justice. President Johnson nominated Mr. Fortas, then an Associate Justice, as Chief Justice. But the nomination became a victim of the 1968 Presidential election campaign and was withdrawn on Oct. 2, the fourth day of a Senate filibuster that followed acrimonious confirmation hearings.

Chief Justice Warren agreed to delay his retirement, and it was clear that whoever won the Presidential election would choose the next Chief Justice. Justice Fortas remained on the Court until May 1969, when he resigned after the disclosure that he had accepted a $20,000 fee from a foundation controlled by Louis E. Wolfson, a friend and former client who was under Federal investigation for violating securities laws.

On May 21, a week after the Fortas resignation, President Nixon nominated Warren Burger to be Chief Justice. The nomination went smoothly in the Senate, and he was sworn in as Chief Justice on June 23, 1969.

The Chief Justice and his wife lived in a renovated pre-Civil War farmhouse on several acres in McLean, Va. According to the annual financial disclosure statements required of all Federal judges, he had assets of more than $1 million. His largest investment was the common stock of the Minnesota Mining and Manufacturing Company.

He was a gardener and a serious wine enthusiast who took pride in his wine cellar and occasionally sponsored wine-tasting dinners at the Supreme Court.

By statute, the Chief Justice is Chancellor of the Smithsonian Institution and chairman of the board of trustees of the National Gallery of Art, duties that, as an art and history buff, he enjoyed. He visited antiques stores to look for good pieces for the Court and took an active role in the Supreme Court Historical Society.

He and his wife led an active social life in Washington and spent part of nearly every summer in Europe, usually in connection with a conference or other official appearance.

Chief Justice Burger cut an imposing figure, and it was often said that he looked like Hollywood's image of a Chief Justice. He was nearly 6 feet tall, stocky but not heavy, with regular features, a square jaw and silvery hair.

Proper appearance was important to him. He once sent a note to the Solicitor General's Office complaining that a Deputy Solicitor General had worn a vest the wrong shade of gray with the formal morning attire required of Government lawyers who argue before the Court.

In 1976, he appeared at a Bicentennial commemoration in a billowing robe with scarlet trim, a reproduction of the robe worn by the first Chief Justice, John Jay. He later put the robe on display in the Court's exhibit area.

A book by Chief Justice Burger, ''It Is So Ordered'' (William Morrow), was published earlier this year. It is an account of 14 cases that, in his judgment, helped shaped the Constitution.

Mr. Burger's wife died in May 1994. He is survived by his son, of Arlington, Va.; his daughter, of Washington, and two grandchildren. Funeral arrangements were incomplete today.●

CONGRATULATING THE STUDENTS OF MAINE SOUTH HIGH SCHOOL

● Mr. SIMON. Mr. President, I wish to recognize a group of students from Maine South High School in Park Ridge, Illinois, who won the Unit 1 award for their expertise in the ''History of Rights,'' in the national finals of the ''We the People . . . The Citizen and the Constitution'' program.

As the ranking member of the Senate Subcommittee on the Constitution, Federalism, and Property Rights, I have a keen interest in constitutional issues. It is exciting to recognize achievement in an area which is important both to me personally and to the entire Nation.

Pat Feicher taught the winning class which competed against 49 other classes from across the Nation. The following students participated in the program: Raymond Albin, Julie Asmar, Marla Burton, Kevin Byrne, William Dicks, Nicholas Doukas, Neil Gregie, Conrad Jakubow, Brian Kilmer, Kristin Klaczek, Joe Liss, Robert McVey, Daniel Maigler, Agnes Milewski, Manoj Mishra, Vicky Pappas, Devanshu Patel, Anne Marie Pontarelli, Caroline Prucnal, Todd Pytel, Seema Sabnani, Jennifer Sass, Scott Schwemin, Peter Sedivy, Richard Stasica, Angela Wallace, Andrea Wells, and Stephen Zibrat.

This fine group of students has demonstrated a remarkable understanding of the fundamental element of the American system of government.●

VACLAV HAVEL

● Mr. KERRY. Mr. President, earlier this month, Vaclav Havel, President of the Czech Republic, spoke at a luncheon in his honor at the John F. Kennedy Library in Boston. President Havel spoke eloquently about President Kennedy's New Frontier and the hopes it inspired in his own country and among peoples throughout the world. He quoted the famous words of President Kennedy's Inaugural Address, ''Ask not what your country can do for you, ask what you can do for your country.'' He spoke as well of our failure to live up to those ideals, and of the importance of continuing to strive for them. ''What we can never relinquish is hope,'' he said.

Present in the audience at the Kennedy Library to hear these inspiring words were many members of the Masaryk club in Boston, a nonprofit cultural and social organization for Americans of Czech or Slovak ethnic background. President Havel's own personal courage in leading his country to freedom and democracy after the fall of the Berlin Wall made his visit to Boston an especially moving occasion for them.

I believe President Havel's eloquent address will be of interest to all my colleagues in the Senate. I ask that it be printed in the RECORD, along with Senator KENNEDY'S introduction of President Havel.

REMARKS OF SENATOR EDWARD M. KENNEDY

I want to thank Paul Kirk for that generous introduction. Everyone in the Kennedy family and everyone associated with President Kennedy's Library is proud of Paul and his outstanding leadership as Chairman of the Library Foundation.

I also want to thank John Cullinane for his effective role in our Distinguished Foreign Visitors Program. John has been a dear friend to our family for many years, and we are grateful for all he's done for Jack's Library.

Today is a special day for the Library, and we are delighted that our guest of honor could be here.

The ties that bind the United States and the Czech people go back many years. We're proud to have with us today members of Boston's Masaryk Club, named for the great founder of modern Czechoslovakia.

In 1918, at the end of World War I and the collapse of the Austro-Hungarian Empire, the new independent nation of Czechoslovakia was born. Thomas Masaryk drafted