

right now for the technology to help speed up the reunification of families. We are asking for more personnel on the ground and more resources so that we can put FEMA personnel in units like the Prince Center on Jensen Drive, doing an excellent job, just open their doors and allow people in; the Thurgood Marshall Center is a school in the North Forest Independent School District; and St. Peter Clavier.

Mr. Speaker, I know that we can do better for the children. We can do better for our community. But certainly America knows that we can do better in the future. But right now, as we work toward this, we must draw together. We must insist, as we work together in the Congressional Black Caucus, that the people know that we have not abandoned them.

I rise tonight with my colleagues eight days after Hurricane Katrina devastated parts of Louisiana, Mississippi and Alabama. I want to especially thank Congressmen JEFFERSON and THOMPSON who have displayed great courage and resolve to help their constituents through the aftermath of this natural disaster. In my Congressional District in Houston tens of thousands of evacuees are being sheltered and fed. In fact, Americans throughout this country are stepping up to help those affected by this disaster. It demonstrates that once again in our darkest hour that we have united as a nation to help our brothers and sisters who now seek to rebuild their lives.

As we stand here tonight in Congress we must find steps to move forward to help those affected by this disaster and to try to prevent such an ineffective response from taking place again. I plan to introduce a number of legislative measures that will seek to alleviate the suffering of the survivors of the most devastating natural disaster in modern American history. I along with my Judiciary colleagues led by Ranking Member CONYERS will introduce legislation to protect the hundreds of thousands of families and small businesses financially devastated by Hurricane Katrina from being penalized by debtor provisions contained in the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, scheduled to take effect on October 17, 2005. This legislation is based in part on an amendment I offered at the markup of the Bankruptcy bill. We expect a Senate counterpart to be introduced this week as well.

We are concerned that just as survivors of Hurricane Katrina are beginning to rebuild their lives, the new bankruptcy law will result in a further and unintended financial whammy. Unfortunately, the new law is likely to have the consequence of preventing devastated families from being able to obtain relief from massive and unexpected new financial obligations they are incurring by forcing them to repay their debt with income they no longer have, but which is counted by the law.

Our bill makes several important adjustments. First, it would specify that individuals who are victims of natural disasters, and who incurred a substantial portion of their debt as a result of that disaster, are not subject to the "means test" and therefore cannot be forced into burdensome repayment plans. Although the current law includes an exception to the means test if the debtor can demonstrate "special circumstances," qualifying for such an

exemption will be quite costly and burdensome, and require numerous detailed filings and legal certifications. This is the last thing a hurricane victim should need to worry about. Since the current bankruptcy law counts all income earned in the six months prior to the bankruptcy as part of future income, this means that hurricane victims who have lost their jobs will be considered high income debtors who are presumed to be abusing the bankruptcy system. This is obviously absurd; so our bill gives the hurricane victims an automatic carve out, as we already do for certain categories of veterans.

Second, it would specify that disaster relief payments are not counted as part of income for purposes of calculating repayment plans. These are one time, limited payments, and should not result in a hurricane victim being treated as a high income debtor. Just as we excluded Social Security, compensation for victims of war crimes, and terrorism payments from current monthly income, we also should exclude these payments as part of the calculation of relevant income.

Third, our bill would give the court the discretion to extend certain deadlines for businesses devastated by Hurricane Katrina, to insure that a business is not inadvertently forced to liquidate—and lay off workers—as a result of an arbitrary deadline. Other key provisions of our bill would:

Exempt from the requirement of completing credit counseling and credit education in order to get a discharge debtors who cannot complete those requirements because of a natural disaster (a similar exemption is provided under the bankruptcy law for individuals serving in military combat zones and people who are disabled or incompetent);

Exempt victims of natural disasters from the provisions of the new law that make it easier for landlords to lift the automatic stay and evict their tenants who are in bankruptcy;

Exempt victims of natural disasters whose records are likely lost or destroyed from the more onerous paperwork and documentation requirements of the new law; and

Provide additional filing options for debtors who have relocated or are otherwise unable due to a natural disaster to file in the venue designated by law.

The legislation we plan to introduce will prevent new bankruptcy provisions from having adverse and unintended consequences for the hundreds of thousands of individuals now facing financial ruin by providing needed flexibility for victims of natural disasters in bankruptcy proceedings.

I also plan to introduce a bill that will provide tax breaks for individuals who take in evacuees into their home. These people are stepping up to provide shelter and relief to their fellow Americans and I believe it is certainly proper to encourage this behavior through the implementation of tax breaks.

In addition, I propose legislation that will grant a minimum of 20,000 two-year tenant-based housing assistance vouchers for Katrina's victims, together with transportation and relocation assistance to be used where necessary. These vouchers should be administered by local housing agencies presently administering HUD-funded Section 8 Housing Choice Voucher assistance, which are located in or near the areas hardest hit by Katrina. These agencies are already positioned to provide housing assistance and can play an ex-

tremely helpful role meeting the immediate housing needs of Katrina's victims. This legislation would also allow the Secretary of Housing and Urban Development to issue a wide range of statutory and regulatory waivers in order to most effectively and flexibly utilize HUD resources to meet the needs of victims.

Finally, I am calling for the establishment of a Commission to study the genesis of the devastation caused by the hurricane. We need a 9/11 style commission to know everything that took place. In addition, I am calling for the establishment of a position of an ombudsman for FEMA in order to provide proper oversight. Without a proper investigation we can not get all the answers and without the answers we can not provide the necessary legislation and oversight needed to try to prevent this kind of human suffering from happening again in the future.

#### HONORING CHIEF JUSTICE WILLIAM REHNQUIST

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I appreciate the recognition, and I rise this evening to discuss a man and a history on the bench, judicial bench, that probably will be recorded as one of the great careers in the legal profession in the history of the United States. I am referring to Chief Justice William Rehnquist.

Today we laid to rest Chief Justice William Rehnquist, who has served this country and served it well for many, many years. Justice Rehnquist is going to be sorely missed by the citizens of this country. His wisdom and his leadership and his all-around ability to unite and work with every faction of the Supreme Court has been an inspiration to all of the citizens of this country.

He served tirelessly with great wisdom, judgment, and leadership. He leaves behind a legacy as one of the most influential Chief Justices in our Nation's history; and today, in sadness, we bid him farewell, and we say to Justice Rehnquist, job well done.

A native of Milwaukee, Wisconsin, William Rehnquist grew up in the nearby suburb of Shorewood. His father, the son of Swedish immigrant parents, worked as a paper salesman, and his mother as a multilingual professional translator.

I come from a part of Texas which has a large Swedish heritage, and I am sure that Justice Rehnquist got his base principles established by that Swedish heritage that he grew up in.

After service in World War II with the Army Air Corps from 1943 to 1946, and with the assistance of the GI Bill, Rehnquist earned bachelor's and master's degrees in political science from Stanford University, finishing in 1948. In 1950 he received a master's degree in government from Harvard. Rehnquist later returned to Stanford University

to attend law school, where he graduated first in his class in 1952, even ahead of Justice Sandra Day O'Connor, currently serving on the Court. He also served as the editor of the Law Review.

Rehnquist served as a law clerk for Associate Supreme Court Justice Robert Jackson both in 1951 and 1952. Following his clerkship, he settled in Phoenix, Arizona, where he was in private practice from 1953 to 1969.

In 1964 he also served as a legal advisor to the Barry Goldwater Presidential campaign.

When President Nixon was elected in 1968, Rehnquist returned to Washington, D.C. to serve as Assistant Attorney General in the Office of Legal Counsel. In this position Rehnquist served as the chief legal counsel to the Attorney General. He served as Assistant Attorney General in the Office of Legal Counsel until 1971, when President Nixon nominated him to replace John Marshall Harlan on the Supreme Court.

During his time in the Court, Chief Justice Rehnquist authored countless landmark decisions and thought-provoking dissents. He carefully reasoned his opinions and insisted that the principle of federalism is an integral part of our Nation's constitutional structure. His opinions recognized that our government is one of enumerated rights and dual sovereignty, with certain functions and powers left to the States.

His jurisprudence has shown that the first amendment establishment clause does not dictate government hostility toward religion. Rather, the government should act in a manner which respects our freedom to worship as we please, neither favoring nor disfavoring religion.

The last 19 years have shown that Chief Justice Rehnquist was a terrific choice to lead the Supreme Court. Though some of his colleagues on the Court disagreed with him at times, there is no doubt that they admired his strong leadership and his likable personality and his ability to build a consensus. While always a forceful advocate for his views, the Chief Justice consistently strove for consensus on the Court and treated his colleagues with courtesy and respect.

It is thanks to his personal attributes that even in an age of 5 to 4 decisions, the Court never descended into bitter infighting. Instead, Justice Rehnquist led a court united by friendship, committed to the law and service to our country.

One example of Chief Justice Rehnquist's commitment to the law is his opinion in *Dickerson v. The United States*. Although a long-time critic of *Miranda v. Arizona*, Rehnquist nevertheless placed his past position aside and wrote an opinion in *Dickerson* effectively affirming *Miranda*.

In 1999 Justice Rehnquist lent his services to the Senate when he became only the second Chief Justice in history to preside over a Presidential im-

peachment in the trial of President Clinton. During that difficult time, with the Nation and some of its Senators locked in partisan struggle, the Chief Justice's very presence reminded us of the solemn legal duties the constitution requires of the Senate.

A historian of the Supreme Court, Chief Justice Rehnquist, had authored three books on the history of the Court and the American legal system.

As Chief Justice, Mr. Rehnquist led not only the Supreme Court but the entire third branch of government. In that role he was an eloquent advocate for a strong and independent judiciary. In his annual reports on the judiciary and other public pronouncements, Chief Justice Rehnquist championed the interest of the judicial branch, earning praise from judges of all jurisdictional stripes.

At all times Chief Justice Rehnquist performed his duties of office with nobility and courage. Even in his recent sickness, he found the strength to administer the oath of office to President Bush and to consider the challenging cases that came before the Court.

Peggy Noonan wrote of President Bush's inauguration, "And the most poignant moment was the manful William Rehnquist, unable to wear a tie and making his way down the long marble steps to swear in the President. The continuation of democracy is made possible by such gallantry."

Our Nation is deeply indebted to William Rehnquist. Above all, the rule of law was paramount for Chief Justice Rehnquist. He understood that our government cannot survive without a judiciary that places the rule of law above politics.

Justice Rehnquist has tirelessly served our Nation for the last 3 decades, and he serves a permanent legacy as one of the great Supreme Court Justices. The next Chief Justice will surely have big shoes to fill.

At this time, Mr. Speaker, I would like to yield as much time as he wishes to consume to my colleague, the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Thank you, Mr. Speaker, and thank you. We call you Judge Carter here in this institution. Mr. Speaker, the gentleman from Texas (Mr. CARTER) has earned a great deal of respect in this institution because he is not only a man that brings judicial experience to this body, but he is someone that we can all trust. He is someone that we know has a heart that burns with patriotism, for love for his country, for love for his fellow human beings and just a commitment to human freedom.

And I want you to know, Mr. Speaker, that it is my precious honor to serve with a man like Judge Carter, we call him. You know, and perhaps that is all too appropriate tonight as we speak of judges, because we talk sometimes of judges legislating from the bench. Maybe Judge Carter comes to this body with just the kind of experience he needs to have. But we are

grateful that he is a man that did not legislate from the bench, and that he understands the difference between the judiciary and the legislative body.

And with that, Mr. Speaker, I would just like to pay a few words tonight of tribute to a towering figure in our country, Chief Justice William Rehnquist.

The era of the Rehnquist Court has come to a close, and William H. Rehnquist has stepped quietly into the arms of God. Chief Justice Rehnquist was one of America's great Chief Justices. This Nation has suffered a great loss with his passing, and as twilight falls upon this remarkable man's career, the most notable elements of his extraordinary legacy must not be lost to revisionist history, Mr. Speaker, because in his tireless defense of the United States Constitution, Chief Justice Rehnquist strongly advocated for a judiciary that applies the law rather than legislates from the bench.

We, as Americans, should be very grateful for our Founding Fathers and for the genius of the constitutional system that they left to us. It was a framework that protects human dignity and individual freedom by enforcing limits on government power. It is incumbent upon ours and future generations to jealously guard that precious gift bestowed upon us by our forebears.

Chief Justice Rehnquist spent decades on the highest Court in the land acting as the Constitution's protector. He was a constitutional originalist, defending the process of interpretation of the law that is constrained by the text and the original meaning of that great document.

Mr. Speaker, there is a fundamental reason why we, as a self-governing people, so carefully put pen to paper to memorialize our Constitution and our laws and our great founding documents. They are written words that have become an agreement between the people and the government. We write it all down to keep a record and an understanding of the limits placed on government by the will of the people.

□ 2115

Chief Justice Rehnquist's efforts to advance this understanding that at times the Federal courts must enforce limitations on Federal power while recognizing the preeminent role of democratically elected institutions at both the State and Federal levels, Chief Justice Rehnquist was a valiant defender of States' rights in recognition of the superiority of a federalist system when governing peoples of divergent views, divergent faith and cultures.

He was an influential man in leading the Court back toward the original intent of the Constitution after decades of abuse by a liberal activist Court born of the Roosevelt era and the New Deal philosophy.

Mr. Speaker, that New Deal activist Court actually delivered such bizarre rulings as in *Wickard v. Filburn*, a ruling that a man in Ohio who was growing wheat in his own backyard as a

means to feed his family and his own livestock had somehow violated the Interstate Commerce Clause of the United States Constitution because of the quantity of wheat that he grew could have actually been sold.

Moreover, in their unanimous decision, this liberal activist Court affirmed, "If we assume it is never marketed, homegrown wheat competes with wheat in commerce. The stimulation of commerce is a use of the regulatory function quite as definitive and quite as definitely as prohibitions or restrictions thereon."

Mr. Speaker, what a circuitous and false logic.

The stage was then set of course by this activist Court for massive expansion of Federal power. Year after merciless year a liberal Supreme Court, drunk with self-imposed power, delivered an unprecedented assault upon the rights of the States and of the people.

During his years on the court, especially his early years, Mr. Speaker, Justice Rehnquist was often called the lone dissenter to outrageous decisions, even once receiving a Lone Ranger doll awarded by his friends. But yet his adherence to the Constitution, faithfully expressed in some of his earliest dissents, had great influence upon the Court as evidenced in later majority opinions where he was vindicated in his previous conclusions.

In 1973, when the Supreme Court illegitimately bestowed its imprimatur on abortion on demand, it was Justice William Rehnquist who wrote a scathing dissent to that majority opinion in *Roe v. Wade*. He said, "To reach its results, the Court necessarily has had to find within the scope of the 14th amendment a right that was apparently completely unknown to the drafters of the amendment." How very eloquent.

Chief Justice Rehnquist was also instrumental in fighting back assaults on religious freedom in his efforts to make clear that the Constitution ensures government neutrality in matters of religious conscience, but not the requirement to move religion altogether from the public square. He understood the Constitution.

In the 1995 case of *United States v. Lopez*, the Rehnquist Court marked the first time in over 50 years, Mr. Speaker, that the Supreme Court upheld the rights of States, ruling against the expansion of Federal power and finding a Federal law in violation of that now woefully distorted commerce clause of the Constitution.

Chief Justice William Rehnquist was often found standing in the breach of defense of the Constitution, endowing this Nation through the years with a noble legacy of resistance to a liberal, activist Court determined to make its own law and enact its own agenda.

Mr. Speaker, he gave the American people his last full measure of devotion and stayed at his post through great personal pain and sacrifice while he was fighting cancer. To the very end,

he led a brave and good-natured effort to restore the Supreme Court to its ethical grounding.

Mr. Speaker, as we bid loving farewell to this stoic champion, I reflect upon the words of Alfred Lord Tennyson in tribute: "Though much is taken, much abides; and though we are not now that strength in which the old days moved earth and heaven; that which we are, we are, one equal-temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield."

Mr. Speaker, when the final battle with illness and physical weakness came to Chief Justice William H. Rehnquist, he resolutely remained at his post for his President, for his country, and for the future of all mankind. He did not yield.

Mr. CARTER. Mr. Speaker, I thank my colleague for that very well-presented picture of this great man that we are talking about here tonight.

The gentleman is right. There was a time when William Rehnquist stood alone for the rule of law and a strict interpretation of the United States Constitution in a world where lots of people actually made jokes about him, that were of the other persuasion.

To us that are conservatives and respected his intelligence, his wit, and his humor, and his bulldoggedness, he was someone that we respected and we loved because when he got ready to do his job, he did it.

One of the things you can look at is, when your colleagues who disagree with you have comments that are positive about you, I think that speaks a lot about not only his ability to stand his ground but his ability to stand it with grace as a man who demanded and received respect because of his behavior and because of the way he handled himself.

Now, Chief Justice William Brennan is well known for the way he uses certain language. I am going to read a quote from Justice Brennan, and some of it is a little rough, but I think we will enjoy it. He is talking about Justice Rehnquist.

"He is just a breath of fresh air. He is so damn personable. He lays his position out, casts his vote. You know exactly where he stands on every goddamn case. And he's meticulously fair in assigning opinions. I can't begin to tell you how much better all of us feel and how fond all of us are of him personally." That is a quote from Justice Brennan.

Another of his colleagues, Justice Louis Powell said, "In many ways he is the best-educated person I have ever worked with, very familiar with the classics. He'll quote them with confidence. Everybody agrees generally, I suppose, that he's brilliant, but he has a good sense of humor and he is very generous and he is principled."

Former Supreme Court Justice Thurgood Marshall said, "Rehnquist is a great Chief Justice."

All these people were people on the other side of most of the issues with

William Rehnquist, and yet they speak of him as a colleague that they highly respect and they believe he handled himself very well.

As we are talking about colleagues that we respect, I see that we are joined today by the gentleman from east Texas (Mr. GOHMERT) and also one of my judicial colleagues, coming to this august body from the judiciary of Texas, which is getting to be a habit for quite a bit of our congressmen, and we are glad to have him. I wonder if the gentleman would like to step up and make a statement about the Chief Justice and join in a colloquy about the Chief Justice.

Mr. GOHMERT. Mr. Speaker, it is a pleasure and an honor to be here to talk about the great Chief Justice William Rehnquist.

The gentleman knows, those of us that really believed in strict constructionism, that the Founders and writers of the Constitution meant what they said, know this to be a great man, a brilliant man. We do mourn in the passing of the Chief Justice, 19 years, as the gentleman pointed out, as the Chief Justice, 34 years as a Justice. That is incredible that he maintained his humility, his sense of purpose, his servanthood-type mentality.

I just want to highlight some things. Under his leadership the 10th and 11th amendments began to have more meaning, as they were intended. For so long they had just been forgotten. The 10th amendment talks about if it is not an enumerated power, basically it is reserved to the people in the States.

This is a man that had an intellect unsurpassed by anybody on the Court, past or present, and yet sometimes the intellect seems to get in the way and you cannot see the forest for the trees. He saw the words in simplistic brilliance. He knew they meant what they said and he said so.

In *Alden v. Maine*, *Seminole Tribe v. Florida*, *U.S. v. Printz*, *U.S. v. Lopez*, that was one the Chief penned himself, those were cases where he pointed these things out.

In the *Lopez* case, it is a great case, one of my favorites, it had the powerful language that reins in the commerce clause power that Congress has. And he explained that commerce clause means what it says. You cannot just keep reaching out and say a school is part of interstate commerce. That is not the intention and everybody knows it. And he helped rein in the Court to where it should be.

Now, the Chief Justice wrote the 2005 opinion *Van Orden v. Perry* that allowed the State of Texas to continue to display a monument containing, among other things, the Ten Commandments. As I sat there and listened to the oral argument before the Supreme Court, and I am a member of the Supreme Court bar, and it was an honor and privilege to be sitting there, you look up and you see Moses holding the Ten Commandment tablets and, here they are trying to decide if it is okay for the

State of Texas to have a monument to the Ten Commandments.

He understood the hypocrisy. He understood how silly it was for people to try to be so intellectual, as a lady back in Mount Pleasant where I grew up used to say, "Some people have a Ph.D. but the truth is they are still P-H-U-L's. They are fools." But the Chief Justice had that kind of delightful sense of humor as well.

In the establishment clause he framed the issue very well when he said, "This case, like all establishment clause challenges, presents us with the difficulty of respecting both faces. Our institutions presuppose a Supreme Being. Yet these institutions must not press religious observances upon their citizens. One face looks to the past in acknowledgment of our Nation's heritage, while the other looks to the present in demanding a separation between church and State. Reconciling these two faces requires that we neither abdicate our responsibility to maintain a division between church and State nor evince a hostility to religion by disabling the government from, in some ways, recognizing our religious heritage."

At times, like the World War II monument where they just did not include the part where Roosevelt said, "So help us God," like that was going to offend somebody, it reminds me, I had a summer in the Soviet Union back in college. Stalin wrote Trotsky completely out of the history books. That is what Chief Justice Rehnquist was saying. You cannot just rewrite history to suit yourself. A Supreme Being, the acknowledgement of God, has been part of our history, and it should not be ignored.

The Chief quoted a case previously decided by the Court in 1952 because he also believed in precedent, like we do, like we did as judges; that is what we are supposed to do. That has been placed as far back as a rule for justices to follow. He understood that just because something, a monument, a speech or a display, contains religious symbols or words, it does not mean that it violates the establishment clause.

□ 2130

On the sensitive issue of abortion, the gentleman from Arizona (Mr. FRANKS) pointed this out, he was steadfast. He said the States have that right. They have the right. So he dissented in *Roe v. Wade*; and again, he dissented in *Parenthood v. Casey*. It was clear to the Chief, he believed, that States had a right to place restrictions unless they were prevented from doing so by clear language of the Constitution, and that simply was not there.

This same usurpation that Members of Congress just talk about daily, this was a man that lived it. He did not believe in usurpation of the State and local governments' rights.

As I reflect on the Court and awe and reference from such a humble man of

peace, man of life, I could not help but think about the words in the Declaration of Independence. We are created equal by our creator, but it is pretty clear a lot of us did not get this equal amount of common sense.

Everybody on the Supreme Court is brilliant, some of the brightest minds in this country; and yet the common sense was not equally passed around those nine Justices. So things that made complete sense, common sense, were so simple that it apparently flew right by some of the pseudo-intellectuals. Here was a man who made the complicated simple, as it should have been. He is a man this country owes a great debt of gratitude to. He is a man that I will always have great respect for. He is a man that should and could be a role model for all Americans. He loved liberty more than self.

He was a servant, and I thank God for Chief Justice William Rehnquist. I thank God for the life he lived. I thank God for the life he tried to make sure that others would have as well, and our thoughts and prayers will continue to be with his loved ones.

I thank the gentleman from Texas (Mr. CARTER) for giving me an opportunity to share in this tribute. It does weigh heavy. It is important that we pay tribute to such a great man.

Mr. CARTER. Mr. Speaker, I was thinking back. The gentleman from Texas (Mr. GOHMERT) and I both served in the Texas judiciary, and I do not know if you were there at the time or not and if you remember. At one point in my 22 years on the bench this took place, but we had a State judicial conference. Our guest speaker was a very, very personable and intelligent professor of law from the University of Virginia. He actually was smart enough to carry two full days of education for judges by himself, and you have got to be pretty good to do that.

In one of these sessions, he was analyzing the President's Supreme Court, and this was prior to Chief Justice Rehnquist becoming Chief Justice, when he was Justice Rehnquist, and he was talking about the makeup of the United States Supreme Court at that point in time.

He started by tracking the liberals on the Court, which at that time was the vast majority; and he talked about their capabilities and what direction they wanted to take things and all this stuff. Finally he got down and he said those of you who are feeling very depressed because you do not have a liberal bend towards the law, do not lose heart because you have a champion, and he is equal to the task of all those we have just discussed put together in his ability to analyze and take forward his view of the United States Constitution.

He said never sell short William Rehnquist. He knows what he is doing; he knows where he wants to take the law; and he will take it there. And believe me, as long as it is a Republican in office, he should and will be the next

Chief Justice of the United States Supreme Court, and at that time he will turn the corner on many of the decisions which we have found to be very strange and not very well directed towards the trial courts and the trial courts' abilities. So do not lose heart. You have a champion and he is a white knight and he will deliver for the conservative view, the rule-of-law view of the Constitution.

He certainly did. Even though he wrote dissents, sometimes those dissents were so telling that they moved the Court slowly. Absolutely a phenomenal intelligence and ability to wordsmith, to word things so that they led us in a direction we needed to go.

Mr. GOHMERT. Mr. Speaker, if the gentleman will yield, I think about one of the last cases the Court decided under his Chief Justice administration, the *Kelo* case. He was in the dissent, and it brings to mind the quote, "The price of liberty is eternal vigilance." He did a great deal. He was able to help turn the Court back toward having the Constitution mean what it said.

Yet, here again, the *Kelo* case, he dissented. He was, as you say, very clear, very precise. He had Justices Scalia, Thomas, and O'Connor with him on that in dissenting. They all four dissented, and yet a majority of the Court turned around, said you know what, we are going back to the day of fiefdoms and kings and dukes. So whoever is better friends with the ones in power, well, they can just flat take land away from those that have, if they are going to promise to provide more bounty to the ones in power. Phenomenal decision, just an embarrassment. It should be for everyone who sits on the bench anywhere.

Yet, to the very end, he maintained his integrity, he maintained his principle, he maintained the clarity of mind to understand not only is that not right, not only is that not fair, not only is that un-American, it violates the Constitution.

Mr. CARTER. Mr. Speaker, if I can reclaim my time, I noticed that the gentleman from Iowa (Mr. KING), our friend, has arrived in the Chamber. I would really like to hear what he has to say about Justice Rehnquist. So I yield to our colleague and good friend from Iowa.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman. It is an honor for me to stand on the floor here with two of the three judges that we have from Texas to help guide us down through this constitutional path and my good friend, the gentleman from Arizona (Mr. FRANKS), who is a pure constitutionalist and whom I have the honor to serve on the Subcommittee on the Constitution with.

I have a lot of things to say about Chief Justice Rehnquist, and it is an honor for me to have an opportunity to say a few words here, but I would like to first start by recapping some of his life. That is a life just so well-lived and so impressive to see what he has done

and how he put it together piece by piece, almost without flaw.

Looking back through that life, we know that we have lost a great public servant just last Saturday, and it happened in the middle of the disaster down in the gulf coast. So some of the media was swamped by those current events, and this happened underneath that shell in a way that we need to raise this up and commemorate this man's life in a special way.

He was just a month short of his 81st birthday. He battled cancer that eventually took his life, but he battled it with the same determination that he battled for principles that we all here hold so dear.

The Chief Justice awed the Nation by never giving up, and he never retired. He continued his service to our Nation until the very end. He was consistent with his lifetime of service, and he also was consistent with the vision of the Founding Fathers in that these Justices would be appointed for life. They were expected to serve for life or until retirement. He served a full, full lifetime for this country and 33 years, and he was consistent and true to his principles all the way through. He was a noble and honorable American who was part of the Greatest Generation. Examining his lifetime and career gives us insight into this powerful figure.

He devoted the majority of his life to serving this country in numerous capacities, and I take you back to 1943 to 1946 where he served in the U.S. Army Air Corps, and there is no question he had an incredibly deep intelligence.

He attended top schools, earning numerous advanced degrees, and was consistently at the top of his class, and unquestionably served as a model for his fellow students.

He received a BA and an MA in political science from Stanford and another master's in government from Harvard. He graduated first in his class from Stanford in 1952, just two places ahead of Justice Sandra Day O'Connor. He served as a law clerk for Justice Robert Jackson on the Supreme Court of the United States in the 1951 and 1952 terms and practiced law in Phoenix, AZ, from 1953 until 1969.

He served as Assistant Attorney General in the Office of Legal Counsel from 1969 until 1971. As Assistant Attorney General for the Justice Department's Office of Legal Counsel, it was one of his primary functions to screen potential Supreme Court candidates.

When Justice John Marshall Harlan retired, a search went out for a replacement, and Attorney General John Mitchell, who many of us remember, he was Rehnquist's boss at the time, announced he had found someone suitable for the job. That person was Justice Rehnquist whom Nixon appointed to the Court. So at the tender age of 47, which at that time was a young age for those appointments, and at this time as well, he was confirmed as Associate Justice on December 10, 1971, by a vote of 68 to 26. I can only imagine there are

26 votes out there that would like to have the opportunity to reconsider that vote.

His first day on the job was January 7, 1972. He served on the Nation's highest court throughout seven Presidencies. In 1986, Chief Justice Warren Burger retired, and President Reagan nominated Justice Rehnquist through to the reins of the Court as Chief Justice. There was a confirmation debate and deliberation that ensued. He was confirmed as Chief Justice on September 17, 1986, by a vote of 65 to 33, another 33 that I believe would like to have a chance to reconsider that vote in light of the historical 33 years of service of Chief Justice Rehnquist.

We have gotten to know a little bit more about him in the last few days. His management style, his effort to be fair, to be a giving and forgiving boss, but one that was also a task master. As a result he was able to form a cohesive Supreme Court body. Even though they had a lot of different personalities and a lot of different kinds of common sense they brought to their jurisprudence, Justice Rehnquist pulled them together. He left quite a legacy.

In elementary school, he was asked about his career plans by his teacher, and what I think is one of the best prophesies I have heard of a career in some time, he replied, "I'm going to change the government." Now some people say, I am going to change the government, they mean they are going to grow government or they are going to adapt government in light of modern contemporary values.

Chief Justice Rehnquist did change the government. He fought a rear guard action to preserve our Constitution, the text of the Constitution. He was a constitutionalist. He was a model of judicial restraint. He stayed true to the principle and the paramount principle which is strict construction. No matter what path the other members of the Court took, at the beginning of his career on the Supreme Court, Justice Rehnquist was often a dissenter on a Court filled with judicial activists. He held firm to the guidance that the Constitution itself provides and was eventually joined by allies who helped him hold on to some of the meaning of our Constitution's text.

He led the Court in preserving States' rights, which was referenced here, and I appreciate that discussion; but it started with *U.S. v. Lopez*, which struck down a Federal law banning guns near local schools. Now I approve of the policy, but I more approve of his constitutional decision in dissenting from the Congress's policy. In *U.S. v. Morrison*, which struck down substantial parts of the Violence Against Women Act, again something, a policy, that I approved of, but a constitutional decision that I agreed with, and I appreciate that restraint.

He was not yet there on the Court when *Griswold v. Connecticut* in 1965 established a right to privacy. I wish

he had been there on that day because that was the day that the Court turned to an extreme activist Court, established this right to privacy that had never been found in the Constitution before. It was discovered in the emanations and penumbras of the Constitution, meaning that we laypersons could not divine that. In fact, maybe some of the judges here could not have found that right in the Constitution either.

He was a staunch defender of the right to life. He authored *Rust v. Sullivan*, where the government can withhold funds from clinics that advocate abortion. He strongly dissented in *Roe v. Wade*; *Planned Parenthood v. Casey*, which reaffirmed *Roe v. Wade*; and in *Stenberg v. Carrhart*, which was the constitutional decision that found a right to partial birth abortion. Justice Rehnquist held the line against that. He needed more help on the Court. Most every day he was there he needed more help on the Court. He firmly rejected the extra constitutional right to privacy that his colleagues created.

□ 2145

Chief Justice Rehnquist also did something many shy away from today. He recognized that the free exercise clause of the first amendment is just as important as the establishment clause.

He authored the 2002 case that upheld school vouchers in *Zelman v. Simmons-Harris*, and strongly dissented in the 2000 case that held that public schools could not allow organized prayer at sporting events, even if the speaker is a student, and that was *Santa Fe Independent School District v. Doe*.

He joined the majority in *Agostini v. Felton* in 1997, which allowed public school teachers to provide remedial education in parochial schools.

Rehnquist dissented from the Court's 1985 decision that moments of silence in public schools are unconstitutional. That was *Wallace v. Jaffree*.

And in 2003, he strongly dissented in the Court's affirmative action cases, *Strutler and Gratz*, which we remember.

And I sat in on those cases and I remember watching him sitting on the bench as he deliberated on those presentations and oral arguments. He condemned the racial preference policies as a sham and a naked effort to achieve racial balancing. His position in 2003 matched that of the majority he joined in the 1978 *Bakke* case, which held that Federal law does not permit a university's consideration of race in admissions.

He was consistent from 1978 until 2003. He was consistent until the last day of his life. Justice Rehnquist opposed the reading of "public use" as being substituted for "public benefit" in this summer's *Kelo* eminent domain decision, which we have had much discussion about here on the floor of this Congress. And I think all of us have engaged in that. He argued the fifth amendment means what it says.

And I would support that statement that those 12 words in the fifth amendment of the Constitution, "nor shall

private property be taken for a public use without just compensation," are some of the clearest and cleanest words that we have in the entire Constitution, yet the majority of the Court, with Justice Rehnquist and Justice O'Connor dissenting, held otherwise. I do not believe that the fifth amendment could be written more precisely, more concisely, and I would challenge the attorneys that we have across this country to write that better than it has been written.

Both the personal and case histories I have discussed here show that Chief Justice Rehnquist, whose passing we mourn, whose legacy we celebrate tonight, was a man of great principle and honor. I firmly believe that without Chief Justice Rehnquist's presence on the Court for the last 33 years, our Constitution would be unrecognizable. It is to him that we owe our deepest thanks for preserving our Constitution for future Americans to fully restore to its original text.

I would say that there was a time in my life when I had the privilege and honor to sit in the presence of this great man. I am not going to pose the question here into this RECORD tonight, but I posed a question to Justice Rehnquist that caused him to deliberate for quite some time, and he finally answered, "I am going to elect not to answer that question." Now, I do not believe he elected not to answer the question because he did not know the answer. I believed he elected not to answer the question because of how the answer would reflect on the other members of the Court.

He had an ability to do a calculation on a question or a problem and boil it down to the root quicker than anyone that I have watched process these heavy legal questions.

He was a giant of a man. He lived a life that was well lived, and we are here to celebrate tonight and give great honor to a man who hung on to this Constitution as dearly and as strongly as anyone has been charged with when they take the oath to uphold this Constitution.

It has been an honor to be a citizen of this country for the 33 years that he has served us so well. It has been an honor to have worked with him, to have been in his presence, and to deliberate with him on those occasions, and an honor to be in the courtroom to hear the oral arguments and an honor to read the opinions that he has given us. He has left us a legacy.

He has also left us a duty and a responsibility to pick up this ball now, and where he has held onto this Constitution, it is our job to carry forward and reestablish the text of this Constitution that he held so dear, and that we all hold so dear.

Our prayers go out to the family. Our prayers of gratitude for the lifetime, the legacy of Chief Justice William Rehnquist will continue into the future.

As I say, it has been an honor to be serving in this government with a man

like that, and I hope and pray that we will be able to carry on the legacy that he left for us.

Mr. CARTER. Mr. Speaker, I thank the gentleman for his comments, and I was thinking as he was speaking, and he gave an excellent presentation of the Chief Justice, but we are joined here in the Chamber today by two men who basically made their entire life a part of dealing in the justice system both as members of the bar, members of the bench, and who also built, basically from scratch, from what I know of both of them, very successful businesses, overcoming insurmountable obstacles. And then, when they had the ability to continue to go out and make those businesses thrive, they volunteered to come to Washington and become a part of the justice system, a part of the legislative branch of our government. This kind of defines the kind of man that Justice Rehnquist personally reached out to, kind of everybody.

He wrote the opinions of those of us who honor our heritage, who honor the language that our forefathers wrote into the Constitution and think that if that is what it says, that is what it says. It does not take a genius to read the paper and say that is what it says. And with all his skill and writing ability, really you can cut it down to the fact that that is the way he looked at it. He said, Wait a minute, let us read the Constitution. That is what it says. It speaks volumes that Justice Rehnquist was able to do that in such a talented manner and in such a manner that challenged legal scholars across the country.

One of his opponents from Harvard University made a comment about him, something to the effect that no matter what you thought of him, whether you agreed with his ideology, he said, I have to give Rehnquist an A. That is the kind of talent that he had. He could take the causes that those of us working in the trenches, the trial judges, and we liked to say there is a difference between trial judges and appellate judges. We shoot from the hip and make those decisions and then they get to grade our papers. Of course, Judge Gohmert has been both, so he has experience in both those areas, but I am just an old trial judge.

Mr. GOHMERT. If the gentleman will yield, I might just say that it is easier to grade papers after people have shot from the hip.

Mr. CARTER. Well, at least you know they are shooting from the hip.

Mr. GOHMERT. But we all loved, I think, his simplicity. Even towards the end of this great man's life, I remember seeing on television the reporters all after him, asking are you going to resign or are you going to retire? And he came back, this man of brilliance yet simplicity, and said, It is for me to know and for you to find out. That is the kind of man he was even to the end, cute, humble, and a lot of fun.

Mr. KING of Iowa. Mr. Speaker, if the judges would yield, there is another

anecdote that is worth mentioning, and I do not know if it has been passed along here tonight, but I think it demonstrates his sense of humor. And sometimes it was self-deprecating and sometimes it was succinct.

Several years after he had been appointed to the bench, he was asked what it is like to serve here on the Supreme Court. He said, Well, you spend the first 2 years here wondering how you got here, and the rest of your time wondering how they got here.

Mr. CARTER. Mr. Speaker, I thank the gentleman for sharing that, and I now yield to my colleague, the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I think my primary reason for being here tonight was just to not let this man's towering contribution to the judicial process slip away into history. There is an old quote by Dostoevski. He said, "He who controls the present, controls the past. And he who controls the past, controls the future."

Of course, as somebody was saying, there are a lot of revisionists out there trying to rewrite history in order to affect the future, but this man's history is very important to our country. I will make a prediction tonight that a lot of the decisions, where he found himself in dissent, in the next 20 or 30 years will turn in the other direction, and we will see that this man was before his time.

There is a saying that if you fail without succeeding, if you struggle without succeeding, it is so someone else might succeed after you. And if you succeed without struggling, which I think some of our modern-day justices are going to do, it is because someone has struggled and succeeded before you. This man, I believe, is going to be vindicated in society, because he did not find a lot of these hidden things that the gentleman from Iowa (Mr. KING) talked about.

We have seen judges say that somehow the words in the Pledge of Allegiance, "under God," might be unconstitutional; or that it is unconstitutional to protect a 9-year-old girl from Internet pornography, or it is unconstitutional to protect an unborn child from partial-birth abortion. With regard to all of these insane notions, he did not see them.

One woman said, Maybe these judges who find all these things ought to be out looking for Osama bin Laden if they are that good at finding things that are not there.

This judge saw the Constitution for what it was. He did not try to make a new revolution. He simply tried to affirm the one we already had. I think that tonight we celebrate the life of a man that many justices of the future will stand on his shoulders and look back and say, you know, Judge Rehnquist was right, Justice Rehnquist was correct.

The ship of state turns slowly sometimes, but this man had his hand on the rudder long before the rest of us

even knew. And I again just wanted to join with all of my colleagues and honor this man's life.

Mr. CARTER. Mr. Speaker, I thank the gentleman for his comments, and let me say this. As we discuss Chief Justice Rehnquist and what he has accomplished and the legacy he brings to the United States of America, we are doing this on the very eve of the beginning of the new selection of a Chief Justice of the United States Supreme Court. It is, I think, appropriate to realize that as Judge Rehnquist was serving 33 years on the highest court in this land, he also was writing history books to record history.

He knew just what my colleague said, the gentleman from Arizona (Mr. FRANKS), that it is important that we remember the history as it was, not revise it to make it what we want it to be. So he wrote three history books about the Court so we could say, Well, what does history tell us about that event at that time? And so the judge, the great researcher, has given us the research and a direction on the history as it pertains to the Court, something the other justices of the Court that will follow can turn to as additional information to get a picture of where the Court was coming from as it made rulings.

It is very important, and I hope our colleagues in the Senate, as they look at the confirmation of Judge Roberts, I hope that they are looking at the history of the United States Supreme Court and the legacy of William Rehnquist.

Mr. KING of Iowa. Mr. Speaker, there is a point that comes to mind, and I can get it quickly made. This right to privacy that was in the emanation's penumbras, in the shadows, was something that was never recognized by Chief Justice Rehnquist. That right to privacy will be presented to Judge Roberts, and he will be asked. In fact, he will be demanded to recognize that right to privacy as a condition of his confirmation over in the Senate, a very right to privacy that Chief Justice Rehnquist never recognized.

That is how they are going to try to amend the Constitution and the confirmation process over in the Senate. I think it is important to recognize that the legacy of Justice Rehnquist should be preserved in the confirmation process in the Senate as well.

Mr. CARTER. I wonder how you can be unqualified to serve by not recognizing that right, when there are members sitting on the Court at this time who do not recognize that right.

The point of a Supreme Court is that there are multiple points of view, and you should not be requiring only one point of view on the United States Supreme Court. To make a confirmation hearing dependent upon one point of view absolutely flies in the face of justice in America.

Mr. GOHMERT. Mr. Speaker, I appreciated hearing from my colleague from Iowa regarding his saying in elemen-

tary school that he wanted to change the government. I think about the example of the emperor who had no clothes, yet all the crowd got swept up in seeing clothes that were not there and saying, Oh, are the clothes not beautiful? They were not there. Chief Justice Rehnquist was one of those if he had to stand alone and say they are not there, there are no clothes, he did it.

Just in conclusion, I think about the end of Frost's poem: Two roads diverged in the woods for Chief Justice Rehnquist many years ago, and he took the one less traveled by, and that has made all the difference. It has, in fact, changed a Nation for the good.

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Mr. CARTER. Mr. Speaker, reclaiming my time, I thank the gentleman. One of the downfalls of appearing in the Congress with the gentleman from Texas (Mr. GOHMERT) and the gentleman from Arizona (Mr. FRANKS) and the gentleman from Iowa (Mr. KING) is these guys are great in quoting all these things off the top of their head, and that is hard for an old trial judge who is just used to shooting from the hip. I do enjoy the wonderful quotes these guys pull out and quote them right. It is a blessing to have them as Members of our Congress.

Mr. Speaker, you have been very patient today as we honor our passing Chief Justice of the Supreme Court, as we laid him to rest today. We thank you for your patience in allowing us to express our opinions about him.

#### ISSUES AFFECTING AMERICA IN THE AFTERMATH OF HURRICANE KATRINA

The SPEAKER pro tempore (Mr. KUHLMANN of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again. I am glad that we are here back in the people's capital of the United States to represent those that sent us up here to represent them.

This hour is designated by the Democratic Leader, the gentlewoman from California (Ms. PELOSI), and the rest of our leadership on the Democratic side, the gentleman from Maryland (Mr. HOYER), also the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from South Carolina (Mr. CLYBURN), our vice chair of our caucus; and week after week we come to the floor to share with Americans issues that are facing not only them, but also this country.

I can tell you that we appreciate the fact that the leader had enough foresight and insight to know that not only those of us that are in the 30-something Working Group, but young Americans, have to have a voice in this process.

As you all know, in the aftermath of Hurricane Katrina and a number of

other issues that have faced the Nation since we recessed for the summer to go back to our districts to also take care of other congressional business, there is a lot that has happened for and to Americans. I think it is important for us to just reflect a little bit on what has happened as it relates to Hurricane Katrina.

Tonight I am joined not only by the gentleman from Ohio (Mr. RYAN), but also the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), who is my neighbor in Florida and representing south Florida. The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and I, both our districts were touched by Hurricane Katrina as a Category 1 storm, but not as a Category 5, some may say 4, that hit the gulf coast area; and our hearts go out to those individuals that are going through the process.

I think tonight not only are we going to talk about the issues that are facing many of these families, but many of them are young families, many of them are elderly; and because of the mistakes and the failures in some part of our emergency management agency and other responding agencies, there was loss of life that could have been prevented. I think we should take this in a very serious way. The responsibility of this Congress, one, is to ask the questions and to make sure it does not happen again.

I do commend not only the Democratic leader for recommending that there be a task force or a select committee to deal with the issue of the recovery process and to be able to review the whole Hurricane Katrina experience, but I am glad that the Speaker has taken her recommendation and moved on it and they will appoint a task force to deal with this issue, because I think it needs the kind of oversight to make sure that we do not make the victims victims over again because we thought that it was important to appropriate some \$50 billion-plus towards the recovery effort without the appropriate oversight to make sure that it gets where it is supposed to be.

Mr. Speaker, I also feel, before I yield to my colleagues, that it is important that we all understand that we are in the first 2 minutes of the first quarter, if this were a football game, as it relates to the recovery process. I think the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and other Members from States that are constantly hit by hurricanes understand that we are in the very early stages.

We know that a number of Americans have been turned off by the recovery and the response, and there will be a time and place to be able to identify that. That time is now, that time is also in the future, but also to make sure that we do not continue to fumble the ball.

When I say "we," I think it is important to understand that we do have an