Senate in eight prior elections speaks volumes of the love and affection and respect they feel for him as their Senator who serves them most effectively.

When I first came to the Senate in 1990 from the other side of the Capitol, Senator BYRD was one of the first Senators I met with to get advice and counsel, which he generously shared with me. Of course, he gave me a copy of a pocket edition of the Constitution, the document upon which our country is based and one that is ever-present in his pocket. Over the years, he has been most generous with his friendships, and indeed I feel a sense of kinship and aloha with him. In Hawaii, this feeling of kinship is often referred to as being part of the ohana, or family, and used with love and endearment.

With stewards like Senator ROBERT C. BYRD, we can rest assured that our country is in good hands. I look forward to his continuing friendship and serving with him for many years to come.

Mrs. MURRAY. Mr. President, I do want to talk for a minute about Senator BYRD and recognize he has set a record in the Senate, as many of my colleagues have noted on the floor.

He marked his 17,327th day in office yesterday and became the longest serving Senator in history. That is truly a remarkable accomplishment, and I personally have many fond memories of working with Senator BYRD and look forward to many more.

I remember well when I came here as a freshman Senator 13½ years ago. Senator BYRD at the time brought in all of us freshmen Senators to sit across from him in his very important office and looked down at us and told us that we would be presiding, as is the Presiding Officer today, and told us about our responsibilities and made it very clear he would be watching from his office, and if we were reading any other material or talking to anyone, it would be noted.

I certainly did remember that during the many hours I spent in the Presiding Officer's chair because I knew he was watching. But I think it was a simple reminder to all of us as to the importance of the office we hold here and the respect we have to have for our colleagues.

I remember as well that he invited me to lunch several months later with the Senator from Oregon, Mr. Hatfield, a Republican, to sit down and talk with me about the responsibilities I had as a Senator. And I was so impressed sitting in the room with Senator BYRD and Senator Hatfield, never in my life expecting to have that kind of opportunity. At that meeting they impressed upon me the importance of working across the aisle and respect for the minority and how important everybody's voice is here. It was an important lesson and one I think we all should be reminded of more often.

But just that simple act of inviting me to lunch with two incredible leaders in the Senate is a memory I hold dear, and I thank my colleague for doing that.

But, frankly, I think what I most will remember Senator BYRD for—and is a good reminder to all of us, too—is several years ago when my husband came out here to Washington, DC—he lives in Washington State. I go home every weekend. But he came out here because it was our wedding anniversary, and instead of me having to fly home, he flew out here. He was coming up the steps of the Capitol, and I met him as Senator BYRD was walking out to his car.

Senator BYRD saw my husband, and he said: Welcome. Nice to have you here at this end of the country. What brings you here?

And my husband said: Well, it is our wedding anniversary.

And Senator BYRD, who, as we well know, lost his beloved wife just a few short weeks ago, was about to celebrate I think it was his 67th wedding anniversary. He looked at my husband and said: Which anniversary is this?

And my husband said: It is our 32nd.

Senator BYRD paused and said: Well, it is a good start.

I think the message of that is important for all of us in our everyday lives, in our responsibilities as spouses, and as Senators, to remember it is a good start every day, and you can't rest on your laurels and think back: Well, we have done this for 32 years. The next 32 will be easy. Every day you have to come out and work hard at whatever role you are in at the time.

I certainly say to my good friend, Senator BYRD, how much I respect him and admire him. And today, as he marks his 17,328th day in office, I say to him: It is a good start.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Alaska is recognized.

TRIBUTE TO CHIEF JUSTICE WILLIAM H. REHNQUIST

Mr. STEVENS. Mr. President, today the Chief Justice and associate Justices of the Supreme Court held a memorial observance honoring Chief Justice William H. Rehnquist. It was a really grand event. I am sorry I could not be there the whole time.

At 2 p.m., resolutions in tribute to the Chief Justice were presented for consideration by members of the Supreme Court bar. There were presentations made by the Solicitor General and by the Attorney General of the United States during a special sitting of the Court, which commenced at 3:15 p.m. this afternoon. Following that, the Supreme Court held a reception for friends of the former Chief Justice.

I think one of the great joys of my life was to be able to say that I was a long-time friend of our former Chief Justice. He and I met here as young lawyers the year we got out of law school. We were very friendly. As a matter of fact, we double-dated during those days. And as the years went on, as I went to Alaska and came back as U.S. Attorney and had various other functions, we kept in touch. We were divided by a continent, but we remained friends.

Years later, when I came to the Senate, he was with the Department of Justice. I can say it was one of the longest friendships I have had, and I was sad when he passed away. I am here really to ask that the Senate review some of the comments made about my friend and former Chief Justice of the United States.

I ask unanimous consent that the schedule of the Supreme Court for today, Thursday, June 15, 2006, and also the resolution of the bar of the Supreme Court of the United States in gratitude and appreciation for the life, work, and service of Chief Justice William H. Rehnquist presented to the Supreme Court today be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

SUPREME COURT OF THE UNITED STATES

CHIEF JUSTICE WILLIAM H. REHNQUIST MEMORIAL

THURSDAY, JUNE 15, 2006

Meeting of the Supreme Court Bar—Upper Great Hall, 2:00 p.m.

Call to Order—Paul D. Clement, Solicitor General of the United States.

Introduction of Speakers—Ronald J. Tenpas, Associate Deputy Attorney General, Clerk to Chief Justice Rehnquist (1991 Term), Chairman of the Meeting.

Remarks—Allen R. Snyder, Partner (retired) at Hogan & Hartson LLP, Clerk to Justice Rehnquist (1971 Term).

Remarks—James C. Rehnquist, Son of the Chief Justice.

Remarks—Maureen E. Mahoney, Partner at Latham & Watkins, Clerk to Justice Rehnquist (1979 Term).

Remarks—Courtney Simmons Elwood, Deputy Chief of Staff and Counselor to the Attorney General, Clerk to the Chief Justice (1995 Term).

Remarks—James C. Duff, Partner at Baker, Donelson, Bearman, Caldwell & Berkowitz PC, Administrative Assistant to the Chief Justice (1996–2000).

Motion to Adopt Committee Resolutions—Honorable Steven M. Colloton, Court of Appeals for the Eighth Circuit, Clerk to the Chief Justice (1989 Term), Chairman of the Committee on Resolutions.

Call for Second and Closing Remarks—Ronald J. Tenpas, Chairman of the Meeting.

Special Session of the Supreme Court—Courtroom, 3:15 p.m.

Presentation of Resolutions—Paul D. Clement, Solicitor General of the United States.

Request to Accept Resolutions—Paul McNulty, Deputy Attorney General of the United States.

Response—John G. Roberts, Jr., Chief Justice of the United States.

RESOLUTION OF THE BAR OF THE SUPREME COURT OF THE UNITED STATES IN GRATITUDE AND APPRECIATION FOR THE LIFE, WORK, AND SERVICE OF CHIEF JUSTICE WILLIAM H. REHNQUIST, JUNE 15, 2006

Today, the members of the Bar of the Supreme Court honor the life and legacy of a

gifted lawyer, a selfless public servant, and a treasured teacher, mentor, and friend. Those who knew William Rehnquist will remember him as one who, in the words of Justice Oliver Wendell Holmes, ''lived greatly in the law.'' To his credit, however, Bill Rehnquist cared less about being ''great'' than about doing and living well. As President George W. Bush remarked on the occasion of his funeral, ''to work beside William Rehnquist was to learn how a wise man looks at the law and how a good man looks at life.''

Rehnquist was born in Wisconsin, on October 1, 1924, the son of a paper salesman and a homemaker who also worked as a translator. Christened William Donald Rehnquist at birth, the future Chief Justice changed his middle name to Hubbs—a family name—in high school. His mother, Rehnquist later explained, had once met a numerologist on a train, and Mrs. Rehnquist was advised that her son would enjoy great success in life if his middle name were changed to begin with the letter ''H.''

Rehnquist was raised in Shorewood, a Milwaukee suburb on Lake Michigan. Early on, he displayed his love of the friendly wager, betting his sister on a Memorial Day weekend that he could dive into the lake more often than she. He won, and contracted pneumonia in the bargain. Rehnquist graduated from high school in 1942, and after a year at Kenyon College, he joined the United States Army Air Corps. Consistent with his lifelong interest in the weather—a fascination that would be the stuff of many jokes and memories among his friends and law clerks—he signed up for a premeteorology program. He was reassigned to work as a weather observer when, as he later put it, ''the brass realized that someone had mistakenly added a zero to the number of weather forecasters that would be needed.'' His war-time service took him not only to Oklahoma, New Mexico, Texas, New Jersey, and Illinois, but also to more exotic destinations such as Casablanca, Marrakesh, Tripoli, and Cairo.

Rehnquist's assignment in North Africa impressed upon him that ''if you lived in the right place, you didn't have to shovel snow for four months a year.'' Accordingly, after discharging from the service as a sergeant, he headed west, and matriculated as an undergraduate at Stanford University in 1946. There, he supplemented the financial assistance he received through the G.I. Bill with odd jobs, including working as a ''hasher'' in the dormitory of his future colleague, Sandra Day.

After graduation, Rehnquist thought he wanted to become a professor of political science, so he studied government for a year at Harvard and earned his master's degree. But he later decided against continuing his graduate work, and instead took a standardized occupational examination, the results of which suggested that he might thrive as a lawyer. He then returned to the west, and to Stanford's law school, where he flourished. As he recalled, some fifty years later, in his typically understated manner, ''the law curriculum came more easily to me than it did to some others.'' His friend and classmate, the future Justice O'Connor, was more definitive: ''[H]e quickly rose to the top of the class and, frankly, was head and shoulders above all the rest of us in terms of sheer legal talent and ability.''

One of Rehnquist's professors had been a law clerk for Justice Robert Jackson, and thought highly enough of Rehnquist to recommend him to Jackson as a prospective clerk. When Jackson hired the young lawyer, the position was Rehnquist's first ''honest-to-goodness job as a graduate lawyer'' and, more significantly, his first exposure to the institution to which he would dedicate thirty-three years of his professional life. Rehnquist later described his clerkship during the 1951 and 1952 Terms as ''one of the most rewarding experiences of my life.'' His time in Washington proved doubly rewarding, for during this period he began dating Natalie ''Nan'' Cornell, a San Diegan he had met at Stanford. They started with ''Thursday night'' dates, until Nan was convinced that she liked the young lawyer enough to move on to Saturdays.

After the clerkship, Rehnquist kept in his study a photograph of his boss, inscribed ''To William Rehnquist, with the friendship and esteem of Robert H. Jackson.'' Later, as a member of the Court, Rehnquis would make the same inscription for his law clerks, recounting Jackson's remark, ''You may not be impressed, but it might impress your clients.'' Perhaps most telling, the personal attributes that the young William Rehnquist admired most in Justice Jackson include many of the same qualities his own law clerks remember and appreciate about him: ''[H]is own ego or view of his own capacities was never unduly elevated by any of the successes which he achieved''; he ''never succumbed to the temptation,'' so common in Washington, to ''become . . . isolated in high public office''; and ''[h]e did not have to read the view of some particular columnist, commentator, or editorial writer in order to know what he thought about a particular factual situation.''

Characteristically unconventional, Rehnquist passed up opportunities at lucrative East Coast law firms. He thought California too big and too populated, and decided to look for a home in the southwestern United States, hoping to find the American equivalent of the North African climate he so enjoyed. Rehnquist married his beloved Nan in August 1953, and the couple ultimately settled on Phoenix. He later told his law clerks that the descent into Phoenix, without air conditioning, in his 1941 Studebaker, was like ''driving into Hell.''

He was the ninth lawyer at one of the ''large'' law firms in Phoenix, and he was paid $300 per month. Two years later, hoping for more courtroom experience, he opened a two-lawyer office, and for a time, Rehnquist took whatever clients came in the door. He volunteered to represent indigent criminal defendants in federal court, but suffered a series of defeats, leading a federal prosecutor to joke that a cell block at Leavenworth had been named after Rehnquist. He delighted in telling stories of his practice before eccentric jurists in Arizona's remote ''cow counties.'' A favorite involved the representation of state legislators in a lawsuit adverse to the state's attorney general, during which Rehnquist made pointed reference to an inconsistency between his adversary's litigating position and previous public statements. Summoned to the judge's chambers after oral argument, young Rehnquist remembered that his ''heart almost stopped'' as he prepared himself for a trip to the woodshed, only to hear the jurist from Cochise County remark: ''I was sure glad to see you tee off on the Attorney General in your argument on that last motion. He's a worthless son-of-a-bitch, and the sooner this state gets rid of him the better off we'll all be.''

During his 16 years of private practice, Rehnquist represented a broad array of clients and handled a wide range of litigation matters. He was also active in politics, providing legal advice and draft speeches for the 1964 Goldwater presidential campaign. He wrote op-ed pieces and bar journal articles, spoke before bar and civic groups, served as President of the Maricopa County Bar Association, and was a favorite at continuing legal education seminars. He spent four years as the town attorney for Paradise Valley, was special counsel to the Arizona Department of Welfare, served as Special Assistant Attorney General for the Arizona Highway Department, and represented the State Bar of Arizona in attorney disciplinary matters. In 1971, the Board of Governors of the State Bar of Arizona praised Rehnquist for having ''continually demonstrated the very highest degree of professional competence and integrity and devotion to the ends of justice.''

Through it all, Rehnquist maintained a balanced life. He would work typically from 8:30 a.m. to 5:00 p.m., then close the law books, and go home for a family dinner. He and Nan were blessed with three children, Jim, Janet, and Nancy. Even when Rehnquist was in trial, the family dinner was sacred, and he would either bring work home or make the ten-minute drive back to the office after dinner. Keeping a schedule that was unusual then, and virtually unheard of today, for the family of a top litigator, the Rehnquists managed to take a month's vacation every year. Rehnquist especially loved camping vacations across the West, visits to a small cabin in the Bradshaw Mountains of Arizona, and driving fast on country roads, telling his children that a double yellow line was ''just a recommendation.'' The Rehnquists also maintained an active family-oriented social life, including bridge, charades, cookouts, and hikes. Later in life, Rehnquist reminisced that he ''had the good fortune to realize long ago, instinctively, what I now see very clearly—and that is that time is a wasting asset.'' Rehnquist spent abundant time with his wife and young children, ''not out of any great sense of duty, but just because I enjoyed it so much.''

After the 1968 presidential election, Rehnquist's involvement in politics resulted in an opportunity to serve as Assistant Attorney General for the Office of Legal Counsel in the United States Department of Justice. Upon receiving word of this job offer, Rehnquist visited the Phoenix public library to see what he could learn about the office, and he was sufficiently intrigued by what he read to accept the position. The family moved to Washington, but Rehnquist never lost his deep affection for Arizona or his fond memories of these earlier years. He left Phoenix, as he put it, ''very much richer for the experience, but having accumulated very little of the world's goods.''

As Assistant Attorney General, Rehnquist was ''in effect, the President's lawyer's lawyer,'' as President Richard Nixon would later say. Rehnquist served in the Justice Department during challenging years in the midst of the Vietnam War. He helped to hone the position of the Executive Branch on delicate legal issues and carried the message of the Administration around the country in numerous public appearances. He discharged his responsibilities with such great distinction that President Nixon would declare that ''among the thousands of able lawyers who serve in the Federal Government, he rates at the very top as a constitutional lawyer and as a legal scholar.'' When Justice John Marshall Harlan II retired in 1971, Rehnquist was the President's choice to be the 100th Associate Justice of the Supreme Court.

Confirmed in 1972 at age 47, Rehnquist was one of the youngest Justices of the Supreme Court in modem history. Yet his views on important matters of constitutional law were remarkably well formed. Rehnquist once wrote that ''[p]roof that a Justice's mind at the time he joined the Court was a complete tabula rasa in the area of constitutional adjudication would be evidence of lack of qualification, not lack of bias,'' and Rehnquist's mind certainly was no blank slate.

In 1976, he summed up his judicial philosophy in an essay entitled, ''The Notion of a

Living Constitution.'' He rejected the notion that judges ''are a small group of fortunately situated people with a roving commission to second-guess Congress, state legislatures, and state and federal administrative officers concerning what is best for the country.'' That elected representatives had not solved a particular social problem, he wrote, did not necessarily authorize the federal judiciary to act: ''Surely the Constitution does not put either the legislative branch or the executive branch in the position of a television quiz show contestant so that when a given period of time has elapsed and a problem remains unsolved by them, the federal judiciary may press a buzzer and take its turn at fashioning a solution.'' Rehnquist was critical of a mode of constitutional interpretation that would allow ''appointed federal judges'' to impose on others a rule that ''the popularly elected branches of government would not have enacted and the voters have not and would not have embodied in the Constitution.'' This approach, he warned, was a ''formula for an end run around popular government,'' and ''genuinely corrosive of the fundamental values of our democratic society.''

As an Associate Justice, Rehnquist emerged as a powerful intellectual force. He authored a number of significant opinions for the Court, but also did not hesitate to express his position in solitary dissent, thus inspiring an early group of law clerks to bestow upon him a Lone Ranger doll as a mantlepiece. When Chief Justice Warren Burger resigned in 1986, it was precisely Rehnquist's powerful intellect, his stellar record on the Court, and his consistent judicial philosophy that made him President Ronald Reagan's pick to lead the Court. But no less important were Rehnquist's leadership qualities and the respect he garnered from all of his colleagues, owing to his pleasant and down-to-earth nature, quiet confidence, quick wit, and basic fairness.

On June 17, 1986, the President announced his nomination of Justice Rehnquist to become the sixteenth Chief Justice of the United States. During the ensuing confirmation hearings, numerous witnesses testified glowingly to Rehnquist's distinguished service on the Court and his high-powered legal mind. Former Solicitor General Rex Lee, for instance, stated: ''Of all the lawyers with whom I am acquainted, I know of literally no one who is better qualified to be Chief Justice of the United States.'' A representative of the American Bar Association reported the ''genuine enthusiasm'' felt by other Justices and Court employees about Rehnquist's nomination to be Chief Justice: ''There was almost a unanimous feeling of joy. . . . [H]e is regarded as a close personal friend of men who are diametrically opposed to him philosophically and politically.''

As Rehnquist took his new seat as the leader of the Court in 1986, President Reagan presciently remarked that he ''will be a Chief Justice of historic stature.'' Rehnquist served as Chief Justice for nearly 20 years, and together with his service as an Associate Justice for more than 14 years, this tenure made him one of the Supreme Court's seven longest-serving members. In that time, Rehnquist left an indelible mark on the Supreme Court, on the functioning of the federal Judiciary, and on the face of American law.

Rehnquist's jurisprudential legacy cuts a broad swath, but it is undoubtedly substantial in the areas of criminal procedure and the constitutional rights of criminal defendants. Rehnquist was appointed to the Court shortly after a series of decisions by the Warren Court had expanded the constitutional rights of the accused in criminal cases, and his early opinions made clear that he believed the pendulum had swung too far in that direction. Dissenting from the denial of a stay in California v. Minjares, he called for re-evaluation of the ''exclusionary rule'' applied to the States in Mapp v. Ohio in 1961. Complaining that evidence was suppressed ''solely because of a good-faith error in judgment'' on the part of arresting officers, Rehnquist disputed that the exclusionary rule was necessary to preserve the ''integrity'' of the courts: ''[W]hile it is quite true that courts are not to be participants in 'dirty business,' neither are they to be ethereal vestal virgins of another world, so determined to be like Caesar's wife, Calpurnia, that they cease to be effective forums in which both those charged with committing criminal acts and the society which makes the charge may have a fair trial in which relevant competent evidence is received in order to determine whether or not the charge is true.'' In another early opinion, explaining the controversial 1966 decision in Miranda v. Arizona, Rehnquist wrote for the Court in Michigan v. Tucker that the procedural safeguards recommended by Miranda ''were not themselves rights protected by the Constitution but were instead measures to insure that the right against compulsory self-incrimination was protected.''

Neither Mapp nor Miranda was overruled during Rehnquist's long tenure on the Court. Indeed, in Dickerson v. United States, the Chief Justice wrote for the Court in 2000 that ''[w]hether or not we would agree with Miranda's reasoning and its resulting rule, were we addressing the issue in the first instance, the principles of stare decisis weigh heavily against overruling it now.'' Yet the pendulum surely swung back, with the Court affording the States more latitude in developing procedures for the prosecution of criminal cases, recognizing the practical needs of the police in investigating crime, and fashioning clearer rules for law enforcement officials and citizens alike. The exclusionary rule remains in effect, but the suppression of evidence seized in ''good faith,'' decried by Rehnquist in his Minjares dissent, is far less common in light of the good-faith exception to the exclusionary rule adopted during Rehnquist's tenure. Miranda remains a ''constitutional decision,'' but exceptions and limitations adopted by the Court ensure that it gives way to competing concerns such as the protection of public safety and the strong interest in making available to the trier of fact all relevant and trustworthy evidence. Testifying in support of Rehnquist's appointment as Chief Justice, former Attorney General Griffin Bell aptly observed that Justice Rehnquist had joined in making the right to counsel, Miranda rights, and the exclusionary rule ''more workable,'' and cited the good-faith exception as ''a good example of saving the exclusionary rule from its own excesses.''

Another area where Rehnquist's work had a powerful effect on the shape and development of the law is religious freedom and church-state relations. In First Amendment cases, Rehnquist consistently endorsed the idea that governments may, consistent with the Constitution, do quite a bit to accommodate and acknowledge religion, but are not required by the Constitution to provide religious believers with special exemptions from generally applicable laws. It is not an ''establishment'' of religion, he maintained, for politically accountable actors to act in ways that benefit religious believers and institutions or to recognize religious traditions and teachings. That governments may not ''establish[]'' religion does not mean, he believed, that religion has no place in public life or civil society. At the same time, he insisted, it is rarely a violation of the free-exercise guarantee for those same actors to apply to religious people and religiously motivated conduct the same rules that apply generally.

As it turned out, Rehnquist's last opinion was for a plurality in Van Orden v. Perry, in which the Justices ruled that Texas had not ''establish[ed]'' religion by including a Ten Commandments monument among the nearly 40 monuments and historical markers on the grounds surrounding the State Capitol. He wrote: ''Our cases, Janus like, point in two directions in applying the Establishment Clause. One face looks toward the strong role played by religion and religious traditions throughout our Nation's history. . . . The other face looks toward the principle that governmental intervention in religious matters can itself endanger religious freedom. 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[.]'' In this last opinion, Rehnquist returned to themes that he had developed at length in one of his most famous opinions, a dissent in Wallace v. Jaffree.

A third area where Rehnquist's legacy is both striking and significant involves the structure and powers of the federal government created by our Constitution and the role and retained powers of the States. From his earliest to his final days on the Court, Rehnquist was committed to what he called ''first principles:'' Ours is a national government of limited, delegated, and divided powers, and the government's structure, no less than the Bill of Rights, is a safeguard for individual liberty. Rehnquist's dedication to these principles, and to enforcing the limits and boundaries that our Constitution imposes on federal power, reflected his understanding that our constitutional design leaves ample room for diverse policy experiments and different answers to pressing social questions.

Rehnquist's commitment to judicial enforcement of enumerated powers and the federal-state balance was perhaps most discernible in the Court's cases interpreting the Commerce Clause. As early as 1975, dissenting alone, Rehnquist argued that the federal government must treat the States like sovereign entities, rather than like individuals. Even when Congress has authority under the federal commerce power to regulate private conduct in a particular area, it could not apply that regulation to the States if doing so would interfere with what he called ''traditional state functions.''

As happened a number of times during his tenure, Rehnquist's position in dissent ultimately was embraced by a majority of his colleagues. In National League of Cities v. Usery, a majority of the Court adopted his ''traditional governmental functions'' test. Although the Court ultimately overruled National League of Cities nine years later, Rehnquist, in a pithy reply, thought it not ''incumbent on those of us in dissent to spell out further the fine points of a principle that will, I am confident, in time again command the support of a majority of this Court.'' And true to his prediction, Rehnquist's promotion of federalism forged ahead, serving as the basis for the Court's declaration of an anti-commandeering principle, its strengthening of the States' sovereign immunity, and

its reaffirmation of the existence of ''judicially enforceable outer limits'' on the commerce power itself, in United States v. Lopez in 1995.

Rehnquist's dedication to judicial restraint and popular government is perhaps most evident in his writings on the subject of ''substantive due process.'' At his death, Rehnquist was the last remaining member of the Court that had decided Roe v. Wade. He had dissented from the opinion of the Court, comparing the majority's reasoning to the discredited doctrine of Lochner v. New York, and commenting that the Court's opinion in Roe ''partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment.'' While Rehnquist garnered only four votes for his later view that Roe should be overruled, the Court ultimately did adopt his restrained approach to substantive due process. In Washington v. Glucksberg, Chief Justice Rehnquist wrote for the majority and recognized that ''[b]y extending constitutional protection to an asserted right or liberty interest, we, to a great extent, place the matter outside the arena of public debate and legislative action.'' The Court declared that it would ''exercise the utmost care'' whenever asked to ''break new ground in this field, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the Members of this Court.'' Thus, Rehnquist's opinion was consistent with the view articulated more than 20 years earlier, in his essay on the ''living Constitution,'' that judicial review under the Fourteenth Amendment should not be employed as an ''end run around popular government,'' in a way that is ''genuinely corrosive of the fundamental values of our democratic society.'' Running through his opinions on any number of questions—from assisted suicide and abortion to Christmas displays, campaign finance, and the death penalty—is a deep commitment to the idea that our Constitution leaves important, difficult, and even divisive decisions to the people.

Rehnquist's legacy on the Supreme Court involves much more than doctrinal contributions and particularly noteworthy decisions. He encouraged and exemplified collegiality, fairness, and graciousness among the Justices, urging them towards greater consensus where possible, and thereby enhancing the respect enjoyed by the Court in American society. To some degree, Rehnquist's achievements as the leader of the Court were the result of a subtle transformation in Rehnquist himself—from Justice Rehnquist, ''The Lone Dissenter,'' to Chief Justice Rehnquist, the consensus-builder.

In his 1986 confirmation hearings, Rehnquist alluded to the role of a Chief Justice in gaining consensus, and allowed that deviation from his personal judicial philosophy may be proper ''where there are constraints that there ought to be a court opinion rather than a plurality opinion.'' Rehnquist later acknowledged, in a 2001 interview, that while his legal philosophy had never changed, since becoming the Chief Justice he had ''become a lot more convinced of the need for the Court to get a Court opinion in each case. . . . I'm more conscious of the need for that and also conscious of the . . . lack of need for a lot of concurring opinions.''

For those attorneys privileged to argue before the Supreme Court during Rehnquist's long tenure, his legacy is probably as much about his commanding presence on the Bench as his approach to the Constitution or the Conference. Rehnquist's view of oral argument was emblematic of his no-nonsense approach to judging and life. He wrote that oral argument ''forces the judges who are going to decide the case and the lawyers who represent the clients whose fates will be affected by the outcome of the decision to look at one another for an hour, and talk back and forth about how the case should be decided.''

Rehnquist preferred plain-spoken arguments to flowery rhetoric or pretense. Although he was a kind and easygoing man, he adopted a stem and no-nonsense demeanor on the Bench, running arguments with Nordic precision. The moment the red light came on, the Chief thanked counsel for the presentation, even if the lawyer was in midsentence, and then called the next lawyer or case. When one lawyer rose to present his rebuttal, the Chief ended the argument by stating, while breaking a wry smile, ''the Marshal says you have 5 seconds left, and under the principle of de minimis non curat lex, the case is submitted.''

Rehnquist's dry sense of humor often was on display during argument sessions. During one argument, a lawyer gave what he described as an ''honest and principled answer'' to another Justice's question, and the Chief quickly replied, ''we hope all your answers will be principled.'' When a lawyer responded to Rehnquist's recitation of a case by saying ''you are correct, Chief Justice,'' the Chief said, ''I'm glad to know that.'' During his last public session on the Bench, Rehnquist observed that seven different opinions had been written in a case, then remarked, ''I didn't know we had so many Justices.''

As the Chief Justice, Rehnquist presided over not only the Bench and the Conference, but over the entire Judicial Branch as well. He brought to this role the same collegiality, wisdom, effectiveness, and clarity of purpose that marked his leadership of the Supreme Court itself. As with so many things he did, he impressed all with his ability to perform so effortlessly the myriad tasks of running the Judiciary. His colleague Justice Byron White remarked in 1996 that ''of the three Chief Justices with whom I have served, the man who now sits in the center chair. . . seems to me to be the least stressed by his responsibilities and to be the most efficient manager of his complicated schedule.'' Rehnquist, he said, ''reminds me of a highly conditioned cross between a quarter horse and racing thoroughbred.''

Rehnquist brought his penchant for innovation and efficiency to management of the judicial branch. He adopted changes that dramatically improved the efficiency and operation of the Judicial Conference, including what he termed a ''notably strengthened Executive Committee,'' which became the senior executive arm of the Judicial Conference. He fostered inclusiveness by requiring, for the first time, that members of Judicial Conference committees rotate regularly, and he never asserted his authority as Chief Justice to govern with a heavy hand. A vigorous defender of the Third Branch, Rehnquist effectively used the pulpit provided by his position to support and defend the Judiciary and to improve inter-branch relations. He wisely understood that Congress had an important role to play in overseeing the Judiciary, and he communicated often with congressional leaders, in both formal and less formal settings, to advance the goals of the Judiciary. As he put it, ''Judges. . . have no monopoly of wisdom on matters affecting the Judiciary. . . . Legislators and executive officials, no less than judges, are committed to an effective Judiciary.''

But Rehnquist also understood full well the importance of an independent and vibrant Judiciary, and he staunchly defended the Judiciary from attacks, often resorting—as he did in other areas—to lessons from history. In 2004, he addressed congressional suggestions for impeachment of federal judges who issue unpopular decisions by explaining that ''our Constitution has struck a balance between judicial independence and accountability, giving individual judges secure tenure but making the federal Judiciary subject ultimately to the popular will because judges are appointed and confirmed by elected officials.'' His leadership engendered great loyalty from the members of the federal Judiciary, and in the end, one judge captured the sentiment of a great many, saying that Chief Justice Rehnquist ''was our wise leader, our strongest supporter and our true friend.''

Above and beyond his demanding official duties, Rehnquist pursued and cultivated a rich array of interests and passions. Family, friends, and law clerks remember well his dedication to afternoon swims and weekly tennis matches, his friendly wagering on football, horse races, or even the amount of snowfall, his love for trivia and charades, and his interest and voluminous knowledge of literature, geography, history, and art. Rehnquist also served as Historian-in-Chief, writing books on the history of the Supreme Court, the impeachment trials of Chase and Johnson, the controversial Hayes-Tilden presidential election of 1876, and civil liberties in wartime. Remarkably, Rehnquist himself became the second Chief Justice in history to preside over an impeachment trial, confronted a disputed presidential election in 2000, and led the Court as it decided pressing questions involving civil liberties and security in the context of the war on terror and the attacks of September 11, 2001.

For those who knew, worked with, learned from, and cared about William Rehnquist, his personal qualities—the unassuming manner, the care he took to put people at ease, and his evident desire to serve as a teacher and mentor—are as salient in memories of him as his re-invigoration of the ''first principles'' of our federalism, his re-focusing of the Fourth Amendment on reasonableness, or his conviction that the religion clauses of the First Amendment do not require a public square scrubbed clean of religious faith and expression. Rehnquist never forgot what it felt like to arrive at the Court as a slightly awestruck and appropriately apprehensive law clerk. He never lost his sense of gratitude for the opportunity to learn and serve the law in that great institution. And he never outgrew or got tired of teaching young lawyers how to read carefully, write clearly, think hard, and live well.

William Rehnquist served well his country, his profession, and the Constitution. All the while, he kept and nurtured a healthy focus on real things and places, and he embraced the value, interest, and importance of ordinary, everyday life. We are reminded of how the Chief had taken to heart Dr. Johnson's dictum that ''[t]o be happy at home is the end of all human endeavor.'' In a 2000 commencement address, he invoked the wonderful old Jimmy Stewart movie, You Can't Take it With You, to urge the assembled, ambitious young lawyers to ''[d]evelop a capacity to enjoy pastimes and occupations that many can enjoy simultaneously—love for another, being a good parent to a child, service to your community.'' He instilled in so many of his friends, colleagues, and law clerks a commitment to building and living an integrated life as a lawyer, a life that is not compartmentalized, atomized, or segregated but that pulls and holds together work, friends, family, faith, and community. Rehnquist understood that the need for such a commitment is particularly acute among lawyers, and he worried that the profession he so thoroughly enjoyed and in which he thrived had become marked, for many, by brutally long hours of well-paid stress and drudgery.

In the final years of his life, he recalled happily that the ''structure of the law practice'' in Phoenix when he practiced there ''was such that I was able to earn a decent living, while still finding time for my wife and children and some civic activities. Lawyers were not nearly as time conscious then as they are now; this meant that they probably earned less money than they might have, but had a more enjoyable life.'' He exhorted law school graduates to realize that because of their abilities and opportunities, they would have ''choices,'' and that ''how wisely you make these choices will determine how well spent you think your life is when you look back at it.'' Gathered here together, looking back at his life, the Members of the Bar of the Supreme Court are pleased and honored to announce the opinion that his was a great life, and well spent.

Wherefore, it is Resolved, That we, the Bar of the Supreme Court of the United States, express our great admiration and respect for Chief Justice William H. Rehnquist, our deep sense of loss upon his death, our appreciation for his contribution to the law, the Court, and the Nation, and our gratitude for his example of a life well spent; and it is further

Resolved, That the Solicitor General be asked to present these resolutions to the Court and that the Attorney General be asked to move that they be inscribed on the Court's permanent records.

Mr. STEVENS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT FROM THE PRESIDENT OF THE UNITED STATES

Mr. STEVENS. Mr. President, as President pro tempore, I ask unanimous consent that the attached statement from the President of the United States be entered into the record today pursuant to the War Powers Resolution (P.L. 93–148) and P.L. 107–40.

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

THE WHITE HOUSE,
Washington, DC, June 15, 2006.

HON. TED STEVENS,
President pro tempore of the Senate.

DEAR MR. PRESIDENT: I am providing this supplemental consolidated report, prepared by my Administration and consistent with the War Powers Resolution (Public Law 93–148), as part of my efforts to keep the Congress informed about deployments of U.S. combat-equipped Armed Forces around the world. This supplemental report covers operations in support of the war on terror, Kosovo, and Bosnia and Herzegovina.

THE WAR ON TERROR

Since September 24, 2001, I have reported, consistent with Public Law 107–40 and the War Powers Resolution, on the combat operations in Afghanistan against al-Qaida terrorists and their Taliban supporters, which began on October 7, 2001, and the deployment of various combat-equipped and combat-support forces to a number of locations in the Central, Pacific, and Southern Command areas of operation in support of those operations and of other operations in our war on terror.

I will direct additional measures as necessary in the exercise of the U.S. right to self-defense and to protect U.S. citizens and interests. Such measures may include short-notice deployments of special operations and other forces for sensitive operations in various locations throughout the world. It is not possible to know at this time either the precise scope or duration of the deployment of U.S. Armed Forces necessary to counter the terrorist threat to the United States.

United States Armed Forces, with the assistance of numerous coalition partners, continue to conduct the U.S. campaign to pursue al-Qaida terrorists and to eliminate support to al-Qaida. These operations have been successful in seriously degrading al-Qaida's training capabilities. United States Armed Forces, with the assistance of numerous coalition partners in Combined Forces Command, Afghanistan, ended the Taliban regime and are actively pursuing and engaging remnant al-Qaida and Taliban fighters in Afghanistan. Approximately 200 U.S. personnel also are assigned to the International Security Assistance Force (ISAF) in Afghanistan. The U.N. Security Council authorized the ISAF in U.N. Security Council Resolution 1386 of December 20, 2001, and has reaffirmed its authorization since that time, most recently for a 12–month period beginning October 13, 2005, in U.N. Security Council Resolution 1623 of September 13, 2005. The mission of the ISAF under NATO command is to assist the Government of Afghanistan in creating a safe and secure environment that allows reconstruction and the reestablishment of Afghan authorities. Currently, all 26 NATO nations contribute to the ISAF. Ten non-NATO contributing countries also participate by providing military and other support personnel to the ISAF.

The United States continues to detain several hundred al-Qaida and Taliban fighters who are believed to pose a continuing threat to the United States and its interests. The combat-equipped and combat-support forces deployed to Naval Base, Guantanamo Bay, Cuba, in the U.S. Southern Command area of operations since January 2002 continue to conduct secure detention operations for the approximately 460 enemy combatants at Guantanamo Bay.

The U.N. Security Council authorized a Multinational Force (MNF) in Iraq under unified command in U.N. Security Council Resolution 1511 of October 16, 2003, and reaffirmed its authorization in U.N. Security Council Resolution 1546 of June 8, 2004. In U.N. Security Council Resolution 1637 of November 8, 2005, the Security Council, noting the Iraqi government's request to retain the presence of the MNF, extended the MNF mandate for a period ending on December 31, 2006. Under Resolutions 1546 and 1637, the mission of the MNF is to contribute to security and stability in Iraq, as reconstruction continues. These contributions have included assisting in building the capability of the Iraqi security forces and institutions as the Iraqi people drafted and approved a constitution and established a constitutionally elected government. The U.S. contribution to the MNF is approximately 131,000 military personnel.

In furtherance of our efforts against terrorists who pose a continuing and imminent threat to the United States, our friends and allies, and our forces abroad, the United States continues to work with friends and allies in areas around the globe. These efforts include the deployment of U.S. combat-equipped and combat-support forces to assist in enhancing the counterterrorism capabilities of our friends and allies. United States combat-equipped and combat-support forces continue to be located in the Horn of Africa region, and the U.S. forces headquarters element in Djibouti provides command and control support as necessary for military operations against al-Qaida and other international terrorists in the Horn of Africa region, including in Yemen. In addition, the United States continues to conduct maritime interception operations on the high seas in the areas of responsibility of all of the geographic combatant commanders. These maritime operations have the responsibility to stop the movement, arming, or financing of international terrorists.

NATO-LED KOSOVO FORCE (KFOR)

As noted in previous reports regarding U.S. contributions in support of peacekeeping efforts in Kosovo, the U.N. Security Council authorized Member States to establish KFOR in U.N. Security Council Resolution 1244 of June 10, 1999. The mission of KFOR is to provide an international security presence in order to deter renewed hostilities; verify and, if necessary, enforce the terms of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia (which is now Serbia); enforce the terms of the Undertaking on Demilitarization and Transformation of the former Kosovo Liberation Army; provide day-to-day operational direction to the Kosovo Protection Corps; and maintain a safe and secure environment to facilitate the work of the U.N. Interim Administration Mission in Kosovo (UNMIK).

Currently, there are 24 NATO nations contributing to KFOR. Eleven non-NATO contributing countries also participate by providing military personnel and other support personnel to KFOR. The U.S. contribution to KFOR in Kosovo is about 1,700 U.S. military personnel, or approximately 11 percent of KFOR's total strength of approximately 16,000 personnel.

The U.S. forces have been assigned to the eastern region of Kosovo. For U.S. KFOR forces, as for KFOR generally, maintaining a safe and secure environment remains the primary military task. The KFOR operates under NATO command and control and rules of engagement. The KFOR coordinates with and supports the UNMIK at most levels; provides a security presence in towns, villages, and the countryside; and organizes checkpoints and patrols in key areas to provide security, protect minorities, resolve disputes, and help instill in the community a feeling of confidence.

In accordance with U.N. Security Council Resolution 1244, UNMIK continues to transfer additional competencies to the Kosovar Provisional Institutions of Self-Government, which includes the President, Prime Minister, multiple ministries, and the Kosovo Assembly. The UNMIK retains ultimate authority in some sensitive areas such as police, justice, and ethnic minority affairs.

NATO continues formally to review KFOR's mission at 6-month intervals. These reviews provide a basis for assessing current force levels, future requirements, force structure, force reductions, and the eventual withdrawal of KFOR. NATO has adopted the Joint Operations Area plan to regionalize and rationalize its force structure in the Balkans. The UNMIK international police and the Kosovo Police Service (KPS) have full responsibility for public safety and policing throughout Kosovo. The UNMIK international police and KPS also have begun to assume responsibility for guarding patrimonial sites and established border-crossing checkpoints. The KFOR augments security in particularly sensitive areas or in response to particular threats as needed.