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**Subject:** : 11/2 Radio Address

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 1-NOV-2002 11:12:00.00

SUBJECT: 11/2 Radio Address

TO: Noel J. Francisco ( CN=Noel J. Francisco/OU=WHO/O=EOP@EOP [ WHO ] )

READ: UNKNOWN

TO: H. Christopher Bartolomucci ( CN=H. Christopher Bartolomucci/OU=WHO/O=EOP@EOP [ WHO ] )

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TO: Benjamin A. Powell ( CN=Benjamin A. Powell/OU=WHO/O=EOP@EOP [ WHO ] )

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TO: Kyle Sampson ( CN=Kyle Sampson/OU=WHO/O=EOP@EOP [ WHO ] )

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TO: Bradford A. Berenson ( CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [ WHO ] )

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TO: Alberto R. Gonzales ( CN=Alberto R. Gonzales/OU=WHO/O=EOP@EOP [ WHO ] )

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FYI. Reminder that even the general topic of the radio address is not made public until tomorrow morning.

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File attachment <P\_5U2DB003\_WHO.TXT\_1>

Radio Address  
November 2, 2002  
Draft #6

Good morning.

The federal courts play a central role in American justice – protecting the innocent, punishing the guilty, and upholding the rule of law. Yet our federal courts today are in crisis. The judicial confirmation process does not work as it should. Nominees are too often mistreated. Votes are delayed. Hearings are denied. And dozens of federal judgeships sit empty – endangering the quality of justice in America.

Since coming into office, I have sent to the Senate 32 nominees for the federal courts of appeals. These nominees are men and women with experience, intelligence, character, and bipartisan home-state support. They represent the mainstream of American law and American values. Yet the Senate has confirmed only 14 of these 32 nominees. As of this week, 15 of my appeals court nominees will have been forced to wait over a year for a hearing, which is more than under the previous nine presidents combined.

There is no good reason why any nominee should endure a year, a year and a half, or more, without the courtesy of an up-or-down floor vote. Whatever the explanation, we clearly have a poisoned atmosphere in which well-qualified nominees are neither voted up nor voted down – just left in limbo. If this situation persists and judicial vacancies go unfilled, the federal courts will be unable to act in a timely manner to enforce the criminal laws, environmental laws, and civil rights laws that affect the lives of every American.

The judicial crisis is the result of a broken system, and we have a duty to repair it. I want to work with the Senate to fashion a new approach to filling federal court vacancies – a bipartisan approach that would apply now and in the future. This week, I offered four proposals to break the logjam in Washington, and bring the federal courts to full strength.

First, I called on federal judges to notify the President of their intention to retire at least a year in advance, whenever possible. Because the nomination and confirmation of a federal judge is a lengthy process,



judges who retire without advance notice can unintentionally create a judicial vacancy for many months.

Second, I proposed that Presidents submit a nomination to the Senate within 180 days of receiving notice of a federal court vacancy or intended retirement. This will continue, but speed up, the process of obtaining recommendations and evaluations from home-state Senators and others – while leaving ample time for Presidents to choose nominees of the highest quality.

Third, I called on the Senate Judiciary Committee to commit to holding a hearing within 90 days of receiving a nomination. A firm deadline is the best way to ensure that judicial nominees are promptly considered. And 90 days is more than enough time for the Committee to conduct necessary research before holding a hearing, as Democrat Senators have recognized in the past.

Finally, I called on the full Senate to commit to an up-or-down floor vote on each nominee no later than 180 days after the nomination is submitted. This is a very generous period of time that will allow all Senators to evaluate nominees and have their votes counted.

My proposals are fair to all parties, and would apply regardless of who is President, or which party controls the Senate.

The current state of affairs is not merely another round of political wrangling. It is a disturbing failure to meet a responsibility under the Constitution, and it is harming the administration of justice in America. Our country deserves better, the process can work better, and we can make it better. The Constitution has given us a shared duty, and we must meet that duty together.

Thank you for listening.

*Drafted by: Joe Shattan, Office of Speechwriting*

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