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**Subject:** RE: Judge Gonzales letters

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From Ari's briefing today:

Q Ari, there is a new 30-second radio spot which was reported in its entirety by the Washington Times, which notes -- to summarize it -- in 1998, Pat Leahy said he opposed any filibuster against any judge, even somebody he opposed, and he said the Senate has a duty to give every judicial nominee a vote, and allowing a minority of senators to block a vote on a judicial nominee shamed all senators.

Now that was 1998. Today, Pat Leahy is blocking a Senate vote on Miguel Estrada. Shame on you Pat Leahy, shame. The question, does the President -- the President doesn't disagree with this shame on Leahy spot by American Renewal, does he, Ari? He agrees with it, doesn't he?

MR. FLEISCHER: I think there is no question that you have accurately quoted Patrick Leahy. Patrick Leahy, in 1998, did say, emphatically, that it was wrong to engage in filibuster of judges and that it should not be done and that he would not do it. And, frankly, I do --

Q And that's shameful, isn't it, Ari? Isn't that shameful?

MR. FLEISCHER: I do think it's also accurate to say he has gotten away with changing his position scott-free.

Q Ari, some experts in the Senate are now saying the Miguel Estrada nomination is dead, that there is no way there will be sufficient votes for cloture. How long does the President intend to leave the nomination on the floor? And would he consider a recess appointment?

MR. FLEISCHER: The President has said that he will do this for as long as it takes. The President believes very deeply in the importance of the Senate taking action to confirm Miguel

Estrada, and not to engage in these obstructionist tactics that Chairman Leahy said he would never engage in, in the first place, which he is now the leader of the engagement.

And just yesterday, another letter was sent from Judge Gonzales to Democrat leaders on the Hill, suggesting ways to break the impasse if only they would avail themselves of it.

-----Original Message-----

**From:** Kavanaugh, Brett M.

**Sent:** Friday, February 28, 2003 11:50 AM

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**Subject:** Judge Gonzales letters

Gonzales letter of 2/27 reiterating sources of information available to Democrat Senators:

<< File: 2 27 03 Senators Estrada letter-LH.pdf >>

Previous Gonzales letters:

<< File: Gonzales letter to Sen. Schumer 2 24 03.pdf >> << File: Gonzales letter to Sens. Daschle-Leahy 2 12 03.pdf >> << File: Gonzales letter to Sen. Feinstein 2 3 03.pdf >>