

Received(Date): 6 FEB 2003 14:39:25

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Subject: : Ari Press Briefing 2/6/03 (Response to a question on Estrada)

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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CREATION DATE/TIME: 6-FEB-2003 14:39:25.00

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TO: rfernandez@rnchq.org (rfernandez@rnchq.org [UNKNOWN])

READ: UNKNOWN

TO: Tim Goeglein (CN=Tim Goeglein/OU=WHO/O=EOP@EOP [WHO])

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TO: scastillo@rnchq.org (scastillo@rnchq.org [UNKNOWN])

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TO: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP@EOP [WHO])

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Q Second, unrelated question. Is the President involved in the Miguel Estrada nomination and getting him passed -- is he involved personally, or who's handling that for him here in the White House?

MR. FLEISCHER: Well, the President obviously is monitoring it very closely. The President looks at the judiciary and sees the number of vacancies that exist, and is cognizant of the fact that there's a judicial emergency in America, where a large number of seats in both the appellate level and the district level remain unfilled, particularly at the appellate level.

The nomination of Miguel Estrada has now been passed out of the Senate Judiciary Committee. It will proceed shortly to the floor of the United States Senate, and already a number of important Democrats are distancing themselves from the rare efforts of some in the Democrat Party to filibuster the naming of a judge who obviously has bipartisan support to be confirmed. It is rare; it would be absolutely unprecedented for a filibuster to be successful. It has never, ever happened on this level. Neither party has ever successfully filibustered an appeals court nominee.

So the President understands that there may be some who oppose -- let them have their day on the floor, put it to a vote. And if a majority passes and the finest traditions of our country have been honored, and the President's right to name people in his constitutional role as the Chief Executive to the judiciary will be honored.