

In its consideration of Chief Justice Roberts' nomination, the Senate made it clear that a well-qualified nominee, committed to strictly interpret the law, can be confirmed promptly and by a large bipartisan majority. As the new Chief Justice said at his swearing in last week, "The Senate vote affirmed the bedrock principle that judging is different from politics." I believe that Senators of both parties will find that Harriet Miers's talent, experience, and judicial philosophy make her a superb choice to safeguard the constitutional liberties and equality of all Americans.

Harriet Miers will strictly interpret our Constitution and laws. She will not legislate from the bench. I ask the Senate to review her qualifications, thoroughly and fairly, and to vote on her nomination promptly.

This morning I again thank Justice O'Connor for her 24 years of service on the Supreme Court, including some additional time that she had not planned on.

In selecting a nominee, I've sought to find an American of grace, judgment, and unwavering devotion to the Constitution and laws of our country. Harriet Miers is just such a person.

I've known Harriet for more than a decade. I know her heart; I know her character. I know that Harriet's mother is proud of her today, and I know her father would be proud of her too. I'm confident that Harriet Miers will add to the wisdom and character of our judiciary when she is confirmed as the 110th Justice of the Supreme Court.

Harriet, thank you for agreeing to serve. Congratulations.

NOTE: The President spoke at 8:01 a.m. in the Oval Office at the White House. The transcript released by the Office of the Press Secretary also included the remarks of Associate Justice-designate Miers.

The President's News Conference *October 4, 2005*

The President. Thank you. Good morning. Yesterday I nominated an outstanding individual to serve on the Supreme Court of the United States. Over the past three decades, Harriet Miers has built a stellar record of accomplishment in the law. She's been a model of service to our country and to our citizens. I've known her for more than 10 years. I know her character. She's a woman of principle and deep conviction. She shares my philosophy that judges should strictly interpret the laws and the Constitution of the United States and not legislate from the bench.

I appreciate the reception that Harriet has gotten on Capitol Hill. I expect the Senate to conduct fair hearings and to hold an up-or-down vote on Harriet's nomination by Thanksgiving.

Congress has got other important work to do, starting with our response to the Hurricanes Katrina and Rita. We here in Washington have got a vital role to play in the recovery and reconstruction efforts on the gulf coast. I've made that clear. I've also made it clear we must do so in a fiscally responsible way. Congress needs to pay for as much of the hurricane relief as possible by cutting spending. I'll work with Members of Congress to identify offsets to free up money for the reconstruction efforts. I will ask them to make even deeper reductions in the mandatory spending programs than are already planned. As Congress completes action on the 2006 appropriations bills, I call on Members to make real cuts in nonsecurity spending.

The heart of America is big enough to be generous and responsible at the same time. One of our most important obligations is to ensure that hundreds of thousands of students displaced by the storms can continue with their studies. Congress needs to provide assistance to States and local school districts that have taken these children in, whether the schools are public or private.

As the Federal Government meets its responsibilities, the people of the gulf coast must also recognize its limitations. The engine that drives growth and job creation in America is the private sector, and the private sector will be the engine that drives the recovery of the gulf coast. So I've outlined a set of policies to attract private investment to the affected areas, to encourage small business development, and to help workers in need get back on their feet. These policies are vital to our efforts to help the good folks who've suffered down there in Louisiana and Mississippi and Alabama. And I call on Congress to include these measures in the recovery legislation that they send to my desk.

The storms that hit our gulf coast also touched every American with higher prices at the gas pump. They highlighted a problem I've been talking about since I've come to Washington. We need more refining capacity. It ought to be clear to everybody that this country needs to build more refining capacity to be able to deal with the issues of tight supply. We haven't built a new refinery since the 1970s. And so I look forward to working with Congress to pass reasonable law that will allow current refiners to expand and to encourage the construction of new refineries.

We also got to continue to make sure we meet our obligations to prevent further terrorist attack. One of the most important, effective tools for safeguarding our country is the PATRIOT Act. This good law allows law enforcement officers to hunt down terrorists with many of the same tools they already use to fight organized crime and

drug dealers. The PATRIOT Act is getting results. It's a positive piece of legislation. Parts of it are set to expire. Congress needs to recognize that terrorist threats won't expire, and so they need to send me a bill that reauthorizes the PATRIOT Act.

We've been through a lot, but there's no question in my mind that we're going to accomplish great things. We'll make this country more secure. We'll help the parts of our country that got destroyed rebuild. We'll keep this economy strong. The work of our Government goes on, and I'm looking forward to working with Members of Congress to meet our obligations and responsibilities.

With that, I'll be glad to take some questions. Tom [Tom Raum, Associated Press].

Associate Justice-Designate Harriet E. Miers

Q. Thank you, Mr. President. Mr. President, of all the people in the United States you had to choose from, is Harriet Miers the most qualified to serve on the Supreme Court?

The President. Yes. Otherwise I wouldn't have put her on.

Q. One—

The President. Let me—please. Please. I've known Harriet for over a decade. I've worked with Harriet. She's a woman of principle and character. She's highly intelligent. She has been a pioneer in the field of law in my State of Texas. She was the first woman hired by her law firm—first woman partner, I mean, by the law firm. She managed a law firm. She was the first head of the Dallas Bar—first woman to head the Dallas Bar, first woman to head the State Bar of Texas. She's an enormously accomplished person who's incredibly bright.

Secondly, she knows the kind of judge I'm looking for. After all, she was a part of the process that selected John Roberts. I don't want somebody to go on the bench to try to supplant the legislative process. I'm interested in people that will be strict constructionists, so we—and I've told that

to the American people ever since I started running for office. I said, "Vote for me. This is the kind of judges I'll put on the bench." And there should be no doubt in anybody's mind what I believe a judge—the philosophy of a judge. And Harriet Miers shares that philosophy.

Thirdly, I know her well enough to be able to say that she's not going to change, that 20 years from now she'll be the same person with the same philosophy that she is today. She'll have more experience. She'll have been a judge, but nevertheless, her philosophy won't change. And that's important to me. It was important to me when I picked Chief Justice Roberts. It's important for me in picking Harriet Miers.

Finally, I got some interesting suggestions. I actually listen to the Senators when they bring forth ideas, and they brought forth some really interesting ideas during the course of our conversations, some told me directly, many brought to me by people on my staff. And one of the most interesting ideas I heard was, "Why don't you pick somebody who hasn't been a judge? Why don't you reach outside the," I think one Senator said, the "judicial monastery."

I thought it was an interesting idea, and I thought long and hard about it. I obviously looked at whether or not other Presidents had done—made that decision. They had. And so, recognizing that Harriet will bring not only expertise but a fresh approach, I nominated her. And she'll be a really good judge. And as I said, I appreciate the reception she's gotten at Capitol Hill. After all, they're going to—they'll decide.

Adam [Adam Entous, Reuters].

Q. Thank you, Mr. President. Some conservatives have said that you did not pick someone like Scalia and Thomas because you shied away from a battle with the Democrats. Is there any truth to that? And are you worried about charges of cronyism?

The President. Well, I just described to you why I picked Harriet. I'd be glad to go over it again if you like. In other words,

she's eminently qualified. She shares my judicial philosophy. She is a pioneer when it comes to the law. She's an extraordinary woman.

The decision as to whether or not there will be a fight is up to the Democrats. They get to decide whether or not the special interests will decide the tone of the debate. Look, I'm upbeat about the tone of the hearings but—except I'm mindful of the fact that somebody as eminently as qualified as John Roberts did have half the Democrat caucus voted against him.

I picked the best person I could find. People are going to be amazed at her strength of character and her intellect. But the tone will be set by the people who conduct the hearings and give the speeches and run the television ads. When it's all said and done, the American people are going to know what I know, though: This woman deserves to be on the bench, and she'll be credit—and she'll bring credit to the bench and to the law.

Q. The issue of cronyism?

The President. I just answered. I picked the best person I could find. People know we're close. But you got to understand, because of our closeness, I know the character of the person. It's one thing to say a person can read the law—and that's important—and understand the law. But what also matters, Adam, is the intangibles. To me, a person's strength of character counts a lot. And as a result of my friendship with Harriet, I know her strength of character.

It's important to me—again, I'll repeat to you: I don't want to put somebody on the bench who is this way today and changes. That's not what I'm interested in. I'm interested in finding somebody who shares my philosophy today and will have that same philosophy 20 years from now. And after spending a lot of time thinking about this nomination, there's no doubt in my mind that's the way Harriet Miers—there's no doubt in my mind it's the way Chief Justice John Roberts is as well.

Q. Thank you, Mr. President. You've taken time to express that you know her heart, her character; you've emphasized your friendship. So it seems reasonable that over the course of the years you've known her, perhaps you have discussed the issue of abortion. Have you ever discussed with Harriet Miers, abortion? Or have you gleaned from her comments her views on that subject?

The President. I have no litmus test. It's also something I've consistently said: There is no litmus test. What matters to me is her judicial philosophy: what does she believe the role—the proper role of the judiciary is, relative to the legislative and the executive branch. And she'll be asked all kinds of questions up there, but the most important thing for me is, what kind of judge will she be? And so there's no litmus test.

Q. Sir, you've already said there was no litmus test—

The President. Correct. And I'll say it again: There is no litmus test.

Q. But she is not someone you interviewed for the job that you didn't know. You've known her a long time. Have you never discussed abortion with her?

The President. In my interviews with any judge, I never ask their personal opinion on the subject of abortion.

Q. In your friendship with her, you've never discussed abortion?

The President. Not to my recollection have I ever sat down with her—what I have done is understand the type of person she is and the type of judge she will be.

John [John Roberts, CBS News].

Training Iraqi Troops

Q. Mr. President, thank you, sir. A couple of weeks ago, you stood here in the Rose Garden with Generals Abizaid and Casey, and you cited the accomplishments regarding the standing up of Iraqi troops there. You said that there were 12 battalions that were working out of Fallujah and the western part, 20 in Baghdad, 100 across

the nation. And then that afternoon, Abizaid and Casey went up to Capitol Hill and said, "Well, there's one battle-ready battalion," which led some Republican Senators to say, "Well, the situation is getting worse." So the question is, sir, it appears, between what you said and what they said, something is not adding up here.

The President. Well, what is happening in Iraq is the following: More and more Iraqis are able to take the fight to the enemy. And that's important to achieve our goal, and the goal is for a stable, democratic Iraq that is an ally in the war on terror.

Right now there are over 80 army battalions fighting alongside coalition troops. Over 30 Iraqi—I say, "army battalions"—Iraqi army battalions. There are over 30 Iraqi battalions in the lead, and that is substantial progress from the way the world was a year ago.

Success in Iraq is really important for our future, and to succeed in Iraq we have a dual-track strategy. On the one hand, there's a political strategy, a constitutional process and then elections in December. And the other one is the security strategy that you described.

American troops are—have got two missions. One is to track down the Zarqawis and his affiliates and bring them to justice. We had success doing that, as you might recall, with the fellow in Baghdad. And the second mission is to train Iraqis, and we've got several ways we're doing that. One is, obviously, kind of your basic training route. The other is to embed our troops with Iraqi forces to teach them not only how to fight but how to have a proper command and control structure.

Remember a Rose Garden press conference a while back—I think it was a Rose Garden press conference—where you might have asked me this very type of question. I said one of the concerns we have is the capacity of the Iraqis to develop command and control. In other words, it's one thing to have people able to march;

it's another thing to have the capacity to send them into battle in an organized way. One of the things that our folks measure is whether or not that's taking place. And the answer is, there is progress. There's obviously more work to be done, more units to be stood up, but we've got, as I said, over 30 battalions in the lead, and that's positive progress.

Terry [Terry Moran, ABC News].

Federal Budget

Q. Mr. President, you presided over the largest increase in the size, the power, and the cost of the Federal Government since Lyndon Baines Johnson. A lot of your supporters are wondering what's so conservative about that? And can you answer them and tell the American people, given the budget deficit, the cost of the war, the cost of Katrina, specifically—by naming a specific program or revenue measure—how you're going to pay for all this?

The President. First, let me remind people that we are at war. And I have pledged to the American people and, more importantly, the troops and their families, we'll make sure they have what it takes to succeed.

Secondly, when it comes to discretionary spending, nonsecurity discretionary spending, the budget I submitted to the United States Congress actually reduces nondiscretionary—discretionary, nonsecurity spending. And as a matter of fact, if you look at the trend line for nonsecurity discretionary spending, I think it was 6 percent when I first was elected. It's down to negative now.

Secondly, I have addressed the issue of mandatory spending, and this is an area where I believe we can find substantial offsets to help pay for ongoing Katrina operations or Rita operations. As a matter of fact, we proposed \$187 billion in cuts over a 10-year period of time, that Congress has looked at. Some of that—I would ask them to look at all of the \$187 billion. We proposed to eliminate or streamline 150 pro-

grams in the budget process, saving about \$20 billion this year. I would ask them to make sure, as they consider the budget, that they take a look at those 150 programs.

One of my concerns is that, as they begin to move their appropriations bills, that the appropriations bills don't strictly adhere to the budgets we've agreed to. And there's another area we can show fiscal responsibility.

And in the long run, there's two big issues looming that are budgetary issues. One—and these are the unfunded liabilities inherent in the mandatory programs of Social Security and Medicare. And as you know, I've advocated the need for people to come together to address the Social Security issue. It's an issue that's not going to go away. And I'll continue to talk about it. There seems to be a diminished appetite in the short term, but I'm going to remind people that there is a long-term issue that we must solve, not only for the sake of the budget but, more importantly, for the sake of younger workers who are going to either have to pay a ton of money in order to justify current benefits or to take a look at the underlying causes of the growth of benefits and do something about it—show some political courage.

Conservative Philosophy

Q. Are you still a conservative?

The President. Am I what?

Q. Still a conservative?

The President. Am I still a conservative? Proudly so. Proudly so.

Let's see—Bob [Bob Franken, Cable News Network].

Disclosure of CIA Employee's Identity

Q. Mr. President, as we hop around here, let me move to the Valerie Plame investigation, which many people believe is coming to a close. As you know, some top members of your administration have been named as part of that investigation. Is it

your intention, if anybody in your administration is indicted, to remove that person from your administration?

The President. I am mindful of the investigation. I'll remind you what I said last time I was asked about this: I'm not going to talk about it until the investigation is complete. And it's important that the investigation run its course.

Q. If you won't talk about it, sir—

The President. I think—let's just let the process run its course.

Let's see here. Elisabeth [Elisabeth Bumiller, New York Times].

Federal Response to Hurricane Katrina

Q. Thank you, Mr. President. You said at the time of Hurricane Katrina that you were dissatisfied with your administration's response. You've had some time to think about it now. Is there anything that you yourself, personally, could have done or would have done differently now?

The President. You know, look, as I said the other day, to the extent that the Federal Government fell down on the job, I take responsibility. And I command a large, vast administration, and people I put in place, I take responsibility for the decisions they made. One area where I hope the country takes a look at is the responsibility between Federal, State, and local government when it comes to catastrophic events, highly catastrophic events. In other words, is there a need to move Federal assets more quickly, in spite of laws on the books that may discourage that? That's an area where I think we ought to take a good, hard look.

We have taken a look at FEMA. We've made decisions inside of FEMA. We're continuing to take a look at FEMA to make sure FEMA is capable of dealing with an emergency of this size. And so there's a lot of analysis going on, not only to the response in the immediacy of the hurricane but continuing to analyze to make sure our response is a wise response.

Q. But you yourself, sir, anything you could have done?

The President. I'll take responsibility—I'll take all the responsibility for the failures at the Federal level.

Let's see. April [April Ryan, American Urban Radio Networks].

Race and Poverty/2008 Elections

Q. Thank you, Mr. President. Mr. President, the Bible speaks of good will towards "the least of these." With that, how are you going to bridge the divide of poverty and race in this country beyond economics and homeownership, that after Hurricane Katrina and also the Bill Bennett statements? And also, how can the Republican Party gain the black vote—more of the black vote in 2008, after these public relations fiascos?

The President. Well, first of all, I happen to believe that economics has a lot to do with bridging divides. You mentioned poverty, and there is a divide in our country when it comes to wealth. And one way to bridge that divide is to encourage economic growth, vitality, jobs that pay well, and small business. You can't divorce bridging divides, April, from economic vitality; you just can't. It's a part of how we enable people to realize dreams—by having a growing economy.

Secondly, I don't think you can divorce bridging divides from ownership. In other words, I think it's essential that people own something if they're going to have a stake in the future of the country. I think part of the divide occurs because some people own a home and others don't. I think there's something so powerfully healing about a society in which more and more people have ownership.

Thirdly, education is a vital part of bridging divides. As you know, I came to Washington intent upon challenging a system which, in my view, too often gave up on children; that said, "Let's don't measure, and let's just move them through." It's a system that let a lot of families down, but

more importantly, let a lot of children down. I think education is one of the keys to addressing the issue of divides in our country. So the No Child Left Behind Act, which challenges what I've called the soft bigotry of low expectations, is beginning to make good results. You know why? Because we measure.

I think it's important for us to continue to allow faith-based programs to interface with people to help them have hope. One of the most important initiatives I laid out was the mentoring program for children whose parents may be in prison.

And so you address the racial divide in a variety of ways. And, obviously, the tone matters, from leadership. It matters what leaders say. It matters that somebody, first of all, understands there's a problem and is willing to talk about it. And I will continue to do so as the President.

Q. What about 2008 and the Republican Party?

The President. 2008? My head is not there yet. I'm right here in 2005.

Q. The Republican Party is trying to gain more of the black vote—

The President. Just got to keep asking for the vote. First of all, the Republican Party should never take a vote for granted, and neither should the Democrat Party. And therefore, that means you've got to go out and work hard for the vote and talk about what you believe. And I try to do so, with not a lot of success, although I improved. But I was disappointed, frankly, in the vote I got in the African American community; I was. I've done my best to elevate people to positions of authority and responsibility—not just positions, but positions where they can actually make a difference in the lives of people. I put people in my Cabinet; I put people in my sub-Cabinet. I've elevated people from all walks of life, because I believe there's a responsibility for the President to reach out. And so it's not a matter of tone; it's also a matter of action—and just got to keep working at it, April.

Wendell [Wendell Goler, FOX News Channel].

Hurricane Katrina Recovery

Q. Mr. President, shortly after Hurricane Katrina hit and we saw the ugly pictures from New Orleans, you said that the results of the response were unacceptable. Are the results acceptable yet, sir? Are people getting the aid they need as fast as they need to get it?

The President. In some cases, we've done a good job of getting \$2,000 to people. And in some cases, there's—probably do a better job of getting temporary housing to people. We're dealing with a storm of a massive scale in which millions of people left their homes—over a million people left their homes.

I think that the notion of helping people immediately worked pretty good. It worked good because the Government responded with the checks. It also worked really good because our individual citizens responded in an incredibly generous and compassionate way.

You know, I'm not so sure—I'm not through yet. I'm not so sure how history will judge the movement of people, but I suspect it's going to be—when we actually take an objective look at what took place, people will be amazed at what happened and how it happened. And the responses of thousands of citizens to take in strangers—that's kind of the untold story. I know you've kind of looked at it, but deep down there's a richer story to be told.

There's always going to be frustrations in the immediate aftermath of a storm. I remember going down there and talking to those mayors in Mississippi, that—and the county folks that were just overwhelmed. You're looking at a mayor of Gulfport, Mississippi, who had been in office for 2 months, and that city was obliterated—just gone. Pascagoula, Mississippi, the mayor of that city had been mayor for 2 months—a young guy, you know, wanted to serve his community. The first thing that

came to his desk was the fact that his city got wiped out.

And there was the initial shock. And then there was the reaction about, “How about getting this debris removed?” And there was some bureaucracy, some rules that prevented the debris getting removed right off the bat. And I’ll explain why, if you’re interested. Okay, now that you’re interested, I’ll tell you: Because they didn’t want to be moving federally paid dozers on private property. Imagine cleaning up the debris and a person shows up and says, “Where’s my valuable china?” Or, “Where’s my valuable art?”

So we had to work through all this. The frustration level was building. But we came up with an accord that allowed for the Federal Government to pay for debris removal off private property. It took awhile and there were a lot of frustrations, Wendell, but the fact that we were able to gather the problem and respond to it was positive, and that’s what continues on.

My own judgment, as I said earlier, is that obviously there’s a Federal role, but the true engine for growth is going to be the private sector. That’s where things are going to happen in an expeditious way. That’s where you’ll find a lot of hope and opportunity that will develop. I mean, there’s going to be a lot of construction jobs. And the fundamental question is: Do we have the wherewithal and the skill to train people to do the jobs that will exist? You’ve got people that may not—were—able to be electricians. But we have an opportunity to train them to become an electrician, because that’s where the jobs will be.

So we’re constantly—what I’m telling you is we’re constantly dealing with problems as they arise, Wendell, from one of the largest storms in the Nation’s history. And we’re trying to make it as even a response as possible.

Baker [Peter Baker, Washington Post]. You’re next.

Associate Justice-Designate Miers

Q. Thank you, Mr. President. You said several times now, sir, that you don’t want a Justice who will be different 20 years from now than she is today. Given that standard, I wonder in hindsight whether you think the appointment of Justice David Souter, then, was a mistake? And even—

The President. You’re trying to get me in trouble with my father, Baker. [Laughter]

Q. Well, I’m trying to understand what informed your choice this time?

The President. Call him. [Laughter] Go ahead. Sorry to interrupt you.

Q. Well, the second part of my question is: If there’s no litmus test, regardless of who serves on the Supreme Court, would you like to see the Supreme Court overturn *Roe v. Wade*?

The President. You know, I’m not going to interject that kind of issue in the midst of these hearings. Harriet Miers will stand on her own. I made my position very clear in the course of my campaigns: My position—and I’m a pro-life President. Harriet Miers is going to go up to the Senate, and they’re going to look at her and determine whether or not she’s got the temperament, the intelligence, and the philosophy to be an excellent Supreme Court judge. And she will be—she will be.

Stretch [Richard Keil, Bloomberg News].

Disclosure of CIA Employee’s Identity

Q. Thank you, Mr. President. Getting back to the leak investigation just for a moment, I’m curious, sir, whether you’ve had any conversations with any of your aides, particularly Karl Rove or Scooter Libby, about any of their dealings with reporters poking around on that issue and any strategy that they may have come up with to deal with that issue.

The President. The special prosecutor made it very clear early in the process that those of us in the White House need not—need—should not discuss the case, publicly or privately.

Ed [Ed Chen, Los Angeles Times].

Legislative Priorities

Q. Good morning, Mr. President. Sir, you've talked about a lot of priorities you still would like to see enacted. But Congress is now facing its own elections and reelections a year from now; you're not. To what extent is this divergence of interests—how does that scramble your agenda? And I guess I'm asking, how much political capital have you got left in your—

The President. Plenty.

Q. What do you want to—

The President. Plenty. I'm going to spend it in the short term on getting a budget out that is fiscally responsible, one that decreases nonsecurity discretionary spending—actually decreases it, not increases it. Secondly, I will continue to work with Congress to make sure our soldiers have what they need to win the war on terror. We're making good progress in Iraq, and Iraq is a part of the war on terror. That's what the American people need to understand. That's what General Abizaid made clear when he came back from the theater. He recognized that Iraq is a part of a larger global struggle. And we got to win in Iraq, and we will win in Iraq.

Obviously, I've talked about energy. I want to make sure that Congress continues to focus on energy. Listen, we got a—the storm created a short-term problem, and that is, when they shut down refineries, it creates a bubble in the system. Now, one of the things I did was, I suspended all blending rules, in order to be able to more likely import foreign gasoline. And that helped make up the difference between the refinery capacity shutdown and the demands of the American people. But there's a bubble moving through the system, and one way to deal with it is to be wise about how we use energy.

So another way to deal with it is to recognize we've got tight energy supplies. And one way to deal with tight energy supplies is to increase supply, and the only way to

increase supply is to build refineries. Again, I repeat to you this amazing fact: We have not built a new refinery in America since the 1970s. And then we had the storm, and it took refinery capacity off, and guess what happens? It creates a tight supply situation, which causes price to go up. So Congress needs to deal with that. And I repeat, they need to get the PATRIOT Act to my desk.

So we have a short-term agenda that we're dealing with, that have got consequences for the long term. And once we get this part of the session over with, I, of course, will be preparing a State of the Union address for '06 that will call upon Congress to work to achieve much of what we've talked about here, but some new ideas as well. But right now, let's just get the business of the Congress done, now.

Q. So Social Security is off until next year, sir?

The President. Well, Social Security, for me, is never off. It's a long-term problem that's going to need to be addressed. When the appetite to address it is—that's going to be up to the Members of Congress. I just want to remind people, it's not going away. It's not one of these issues, well, if we don't deal with it now, maybe it will fix itself. It gets worse over time, not better. And I did make some progress convincing the American people there was a problem. And I'm going to continue talking about the problem because I strongly believe that the role of those of us in Washington, one role, is to confront problems. That's what we've got to do.

Yes, ma'am.

Response to Pandemic/Avian Flu

Q. Mr. President, you've been thinking a lot about pandemic flu and the risks in the United States if that should occur. I was wondering, Secretary Leavitt has said that first-responders in the States and local governments are not prepared for something like that. To what extent are you concerned about that after Katrina and Rita?

And is that one of the reasons you're interested in the idea of using defense assets to respond to something as broad and long lasting as a flu might be?

The President. Yes. Thank you for the question. I am concerned about avian flu. I am concerned about what an avian flu outbreak could mean for the United States and the world. I am—I have thought through the scenarios of what an avian flu outbreak could mean. I tried to get a better handle on what the decisionmaking process would be by reading Mr. Barry's book on the influenza outbreak in 1918. I would recommend it.

The policy decisions for a President in dealing with an avian flu outbreak are difficult. One example: If we had an outbreak somewhere in the United States, do we not then quarantine that part of the country, and how do you then enforce a quarantine? When—it's one thing to shut down airplanes; it's another thing to prevent people from coming in to get exposed to the avian flu. And who best to be able to effect a quarantine? One option is the use of a military that's able to plan and move.

And so that's why I put it on the table. I think it's an important debate for Congress to have. I noticed the other day, evidently, some Governors didn't like it. I understand that. I was the commander in chief of the National Guard, and proudly so, and, frankly, I didn't want the President telling me how to be the commander in chief of the Texas Guard. But Congress needs to take a look at circumstances that may need to vest the capacity of the President, to move beyond that debate. And one such catastrophe, or one such challenge could be an avian flu outbreak.

Secondly—wait a minute, this is an important subject. Secondly, during my meetings at the United Nations, not only did I speak about it publicly, I spoke about it privately to as many leaders as I could find, about the need for there to be awareness, one, of the issue; and, two, reporting, rapid reporting to WHO, so that we can

deal with a potential pandemic. The reporting needs to be not only on the birds that have fallen ill but also on tracing the capacity of the virus to go from bird to person to person. That's when it gets dangerous, when it goes bird-person-person. And we need to know on a real-time basis, as quickly as possible, the facts, so that the scientific community, the world scientific community can analyze the facts and begin to deal with it.

Obviously, the best way to deal with a pandemic is to isolate it and keep it isolated in the region in which it begins. As you know, there's been a lot of reporting of different flocks that have fallen ill with the H5N1 virus. And we've also got some cases of the virus being transmitted to person, and we're watching very carefully.

Thirdly, the development of a vaccine—I've spent time with Tony Fauci on the subject. Obviously, it would be helpful if we had a breakthrough in the capacity to develop a vaccine that would enable us to feel comfortable, here at home, that not only would first-responders be able to be vaccinated, but as many Americans as possible, and people around the world. But, unfortunately, there is a—we're just not that far down the manufacturing process. And there's a spray, as you know, that can maybe help arrest the spread of the disease, which is in relatively limited supply.

So one of the issues is, how do we encourage the manufacturing capacity of the country and maybe the world, to be prepared to deal with the outbreak of a pandemic? In other words, can we surge enough production to be able to help deal with the issue?

I take this issue very seriously, and I appreciate you bringing it to our attention. The people of the country ought to rest assured that we're doing everything we can. We're watching it. We're careful. We're in communications with the world. I'm not predicting an outbreak; I'm just suggesting to you that we better be thinking about

it. And we are. And we're more than thinking about it; we're trying to put plans in place. And one of the plans—back to where your original question came—was, if we need to take some significant action, how best to do so. And I think the President ought to have all options on the table, to understand what the consequences are, but—all assets on the table—not options—assets on the table to be able to deal with something this significant.

Deborah [Deborah Orin, New York Post]. Thanks. Good to see you. Mic, please.

Associate Justice-Designate Miers

Q. Thank you.

The President. Unless you don't want to be heard in New York, your question.

Q. Well, there's always that possibility. Many conservative women lawyers have expressed their extreme distress that you chose as a woman nominee for the Court someone whose credentials did not come close, in their view, to the credentials of John Roberts. They feel as though it's kind of old-fashioned affirmative action—women don't have the same credentials. I wonder if you could address that.

The President. Sure, thanks. I would ask them to watch the hearings of Harriet Miers. I think they will become as impressed with her as I have become. She is plenty bright. She—as I mentioned earlier, she was a pioneer in Texas. She just didn't kind of opine about things. She actually led: first woman of the Texas Bar Association; first woman of the Dallas Bar Association; first woman partner of her law firm; she led a major law firm. She was consistently rated as one of the top 50 women lawyers in the United States—not just one year, but consistently rated that way—and as one of the top 100 lawyers.

Secondly, I can understand people not knowing Harriet. She hasn't been one of these publicity hounds. She's been somebody who just quietly does her job. But

when she does it, she performs, see. She's not a person—in Texas—saying, "Look at me; look at how stellar I have been." She just did it and quietly, quietly established an incredibly strong record.

And I know her. I know her heart. I know what she believes. Remember, she was part of the search committee that helped pick Roberts. In other words, she went through the deliberations and the—talking to these different candidates about what they believe. She knows exactly the kind of judge I'm looking for. And I know exactly the kind of judge she'll be, which is an excellent judge.

And so I know people are jumping to all kinds of conclusions, and that's fine; that's part of our process, you know. People are quick to opine. The thing I appreciate is that she's gotten a good reception on the United States Senate. People can opine all they want, but the final opinion is on the floor of the United States Senate. That's where it's going to be decided whether or not she is a Supreme Court judge.

And I'm hopeful she'll get confirmed. I certainly don't want to prejudice the Senators. Somebody asked me about trying to avoid conflict. That's up to them to decide how they're going to treat this good woman. That's up to them, if they're going to be willing to give her a fair look at her credentials, and to listen carefully to her view of what it means to be a judge. That's up to them to make that decision. It's up to them to decide whether or not they want to reject all the special-interest money that seems to want to try to influence the outcome of certain issues here in Washington, DC. It's up to them if they want to bring dignity to the process. I will assure you this: Harriet Miers will bring dignity to the bench.

Ann [Ann Compton, ABC News]. Ann, first.

Executive Privilege/Associate Justice-Designate Miers

Q. Following up on that, for 10 years you've been on the receiving end of paperwork from Harriet Miers, but the rest of the American people haven't seen either her command of constitutional issues or her philosophy. Will you release some of her, or the bulk of her White House legal work, and not claim executive privilege?

The President. Listen, there is a lot of—first of all, this is part of the Roberts debate. People talked about executive privilege and documents. Secondly, it is important that we maintain executive privilege in the White House. That's part of the deliberative process. That's how I'm able to get good, sound opinions from people.

And so, you know, I'm sure they're going to try to bring this up. I happen to view it as—a distraction from whether or not Harriet Miers is capable of answering the questions she's asked. She can—all the questions they want. It's a distraction from whether or not she will be a good judge.

But we—this part of the process was part of the Roberts process. We handled this issue, and I just can't tell you how important it is for us to guard executive privilege in order for there to be crisp decision-making in the White House.

John [John McKinnon, Wall Street Journal]. Yes, you.

Federal Reserve Chairman

Q. Thank you, sir. It may be a little early for this, but now that you've gotten your deliberations for the Supreme Court vacancy out of the way, can you talk about the process you're going to use for determining the next Chairman of the Federal Reserve?

The President. Yes. It's ongoing, by the way. There is a group of people inside the White House who are bringing forth, or who will bring forth nominees. These are people that—the nominees will be people that, one, obviously, can do the job; and secondly, will be independent. It's impor-

tant that whomever I pick is viewed as an independent person from politics. It's this independence of the Fed that gives people not only here in America but the world, confidence.

And so there's an ongoing process, John, right now. I, frankly, haven't seen any—personally haven't seen any names yet, because part of the process is to surface some names internally. But also, part of the process is to reach outside the White House and solicit opinions. And I'll name the person at an appropriate time.

Holly [Holly Bailey, Newsweek].

Financial Disclosure/Government Ethics

Q. Thank you, Mr. President. As you know, ethics has been the hot topic here in Washington. I wonder, as a matter of principle, do you believe that it is ever okay for a member of your administration or a Member of Congress to accept free gifts or travel from lobbyists?

The President. Let me answer your question this way: It's not acceptable for any member of my administration to break the law. And I presume free gifts from lobbyists break the law. And there's all kind of reporting requirements, and I expect my people to adhere to the—people that work here to adhere to the—to what's expected of them.

Joe [Joseph Curl, Washington Times].

Associate Justice-Designate Miers

Q. Thank you, sir. You said a few minutes ago that you're proudly conservative, but there was a lot of hand-wringing when you made your nomination yesterday on Harriet Miers. Bill Kristol said he was "depressed and demoralized," and Rush Limbaugh said it was a "nomination out of weakness." What do you say to these critics, specifically, and how can you convince them that she is as conservative as Justices Scalia and Thomas?

The President. I guess I'll start over. I hope they're listening. First, she's a woman of enormous accomplishment. She is—she

understands the law. She's got a keen mind. She will not legislate from the bench. I also remind them that I think it's important to bring somebody from outside the system, the judicial system, somebody that hasn't been on the bench, and therefore, there's not a lot of opinions for people to look at.

Harriet Miers will testify. There's going to be a lot of attention paid to her testimony. First of all, she will go meet with the Senators, individually, and then she'll answer questions. And people will get to see not only her strength of character but will get a sense of her judicial philosophy. I'm hopeful she'll get confirmed, and then they'll get to read her opinions. And what I believe and what I know is important, is that she doesn't change over the course of time. And had I thought she would change, I wouldn't put her on there.

And I recognize that if you pick somebody from outside the judicial system—in other words, you pick somebody that's not a judge and they didn't—hadn't written a lot of opinions—then people are going to guess, and they're going to speculate. I don't have to guess and speculate about Harriet. I know her character. I know her strength. I know her talent, and I know she's going to be a fine judge.

Bill [William Douglas, *Newsday*].

Steroid Use in Professional Sports

Q. Thank you, Mr. President. You've spoken a lot today about knowing Ms. Miers and knowing her history and knowing what she's about. Earlier this summer, you stood up for Rafael Palmeiro when you were asked about whether or not you thought he took steroids, and then he tested positive. Do you think he should face perjury charges?

The President. I think that steroids ought to be banned from baseball. And Jackson asked me—sitting right over there—about his statement, and I said I believed him when he testified. But let me be very clear about this: Steroids ought to be banned

from baseball. And I'm sure the Congress will look as to whether or not he broke the law.

Richard [Richard Benedetto, *USA Today*].

President's Approval Rating/President's Agenda

Q. Mr. President—

The President. Yes.

Q. —in our latest poll—

The President. The what?

Q. In our latest poll—

The President. Latest poll? [*Laughter*]

Q. Yes, our latest poll.

The President. Okay.

Q. I know you don't pay attention to polls, but, anyway, in our latest poll—

The President. You run one every other day. [*Laughter*]

Q. I know.

The President. You mean yesterday's poll as opposed to tomorrow's poll? Go ahead. It's a good way to fill space, Richard. [*Laughter*]

Q. It is. Eighty-five percent of the Republicans approve of the job you're doing, but only 15 percent of the Democrats approve of the job you're doing. What is it about that the Democrats find so objectionable?

The President. Ask the pollsters. My job is to lead and to solve problems.

I will continue to articulate as best I can the stakes in Iraq. Iraq is a part of a global war on terror. We're facing people who have got a vision of the world which is opposite of ours. I know I've said that endlessly, and I will continue to say it because I know it's true. And they have designs. They like the idea of being able to find safe haven in a country like Afghanistan so they can plot attacks. They like the idea of killing innocent people to shake our will; that's what they're trying to do. We're not leaving Iraq. We will succeed in Iraq.

Secondly, I've got a job to help promote economic vitality. And I was pleased to see

the manufacturing report was strong yesterday. But, clearly, we've got some challenges when it comes to energy, and there are two ways to address the energy issue. One is through better conservation and encouraging technologies, to change how we use energy, and, secondly, to increase supply of energy. One place we need to increase supply is through the refineries; another place we need to do so is through safe nuclear power.

I had an interesting opportunity to go see some research and development being done on solar energy. I'm convinced, someday in the relative near future, we'll be able to have units on our houses that will be able to power electronics within our houses and hopefully, with excess energy, be able to feed them back in the system. That's possible. We're not there yet, but it's coming.

Thirdly, I've got a—we've got to deal with Katrina in a fiscally sound way. And I repeat what I said before: The engine of growth in these areas that have been destroyed is going to be the private sector. And therefore, Congress ought to get a bill to my desk that I can sign that encourages investment. If you want the private sector to thrive, there is a way to do so, and that is to provide tax incentives to people. It's amazing what happens when there is proper tax incentive to encourage investment.

And so these are issues that we're dealing with. And, you know, I'm dealing with them on behalf of everybody. And I'll let you all sort out the politics. My job is to lead this Congress as best I possibly can, to deal with the big problems that we face. And there's no doubt in my mind that we'll succeed in Iraq and lay the foundation for

peace for generations to come. There's no doubt in my mind, this country that puts its mind to it can put energy policy in place that makes sense, that will help continue this economic growth of ours.

There's no doubt in my mind, we can be good fiscal stewards of the budget. It's going to make some hard choices. I just earlier in this press conference talked about \$187 billion over 10 years of mandatory spending reductions. That's going to take some political will by people. But there's a good place to start right there when it comes to offsets—or the 150 programs that can be streamlined or eliminated. There's no doubt in my mind, we can work together to do it. We've got big things to do, and I intend to work with Congress to continue to do them.

Listen, thank you for your time.

NOTE: The President's news conference began at 10:31 a.m. in the Rose Garden at the White House. In his remarks, he referred to senior Al Qaida associate Abu Musab Al Zarqawi; Mayor Gregory Brent Warr of Gulfport, MS; Mayor Matthew J. Avara of Pascagoula, MS; Patrick J. Fitzgerald, U.S. Attorney for the Northern District of Illinois, and Department of Justice CIA leak investigation Special Prosecutor; Gen. John P. Abizaid, USA, commander, U.S. Central Command; author John M. Barry; and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases. A reporter referred to Gen. George W. Casey, Jr., USA, commanding general, Multi-National Force—Iraq; commentators William J. Bennett, William Kristol, and Rush Limbaugh; and former Baltimore Orioles' first baseman Rafael Palmeiro.

Message on the Observance of Ramadan
October 4, 2005

Laura and I send warm greetings to Muslims in the United States and throughout the world as they begin the observance of Ramadan.

The month of Ramadan, which commemorates the revelation of the Qur'an to the prophet Muhammed, is the holiest month of the Muslim year. It is a special time of reflection, fasting, and charity. It is also a time of spiritual growth and prayer and an occasion to remember the less fortunate by sharing God's gifts with those in need.

Throughout our history, America has been blessed by the contributions of people of many different faiths. Our Muslim citizens have helped make our Nation a stronger and more hopeful place through their faith, generosity, and compassion.

May this be a blessed Ramadan for Muslims in the United States and around the world. Ramadan mubarak.

GEORGE W. BUSH

NOTE: An original was not available for verification of the content of this message.

Memorandum on the African Burial Ground in New York City
October 4, 2005

Memorandum for the Secretary of the Interior

Subject: African Burial Ground, New York City

The African Burial Ground, located in New York City, is a National Historic Landmark administered by the General Services Administration (GSA). This site includes objects of historic and scientific significance that may be appropriate for Federal protection through designation as a National Monument under the Antiquities Act of 1906 (16 U.S.C. 431).

The GSA's archaeological research has identified over 400 human remains, along with associated artifacts dating back to the 18th century. Further exploration at the discovered site may provide research on the experience of the African population in Colonial New York.

Accordingly, please provide me with an assessment of the historic and scientific significance of the African Burial Ground and whether it may warrant permanent Federal protection through designation as a National Monument.

GEORGE W. BUSH

Message to the Congress Extending the Period of Production of the Naval Petroleum Reserve
October 4, 2005

To the Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing

you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April