

Sturgell to report back to me about those discussions next month.

My administration will work swiftly to carry out the measures I've announced today. But to reform our aviation system in a way American consumers deserve, we need action from the United States Congress. In February, my administration sent Congress an FAA modernization bill that would improve the aviation system for all involved. The bill would upgrade aviation technology by adopting a safer and more automated air travel control system based on GPS technology, instead of the radar and radio-based systems designed during World War II.

In other words, if we really want to solve this problem, it's time for Congress to modernize the FAA, and we've given them a blueprint to do so. The bill would employ market pricing to reduce congestion and ensure that airports manage their schedules

efficiently. The bill would establish a new financing mechanism and governing structure to ensure that these reforms are carried out in wise and cost-effective ways.

There are people in Congress who understand the need to act, starting with Senators Trent Lott and Senator Jay Rockefeller. They're leaders in this area of modernization of our—of the FAA. They understand that business as usual is not good enough for American travelers. And so do I, and so does my administration.

I look forward to working with them to get a good bill passed as soon as possible. By working together, we can restore the confidence of America's consumers, improve the efficiency of America's airports, and bring order to America's skies.

Thank you very much.

NOTE: The President spoke at 1:26 p.m. in the Roosevelt Room at the White House.

## Remarks at the Federalist Society's 25th Annual Gala Dinner *November 15, 2007*

Thank you all very much. Thank you. So much for the dress code. [*Laughter*] I'm honored to be with you. Thanks. I appreciate being with an organization that understands the value of free speech, so much so that Gene asked if I'd give one. [*Laughter*] I told him I'd be happy, but I warned him that if you invite me back for the 30th anniversary, it's going to cost some billable hours. [*Laughter*]

In just a quarter century, the Federalist Society has transformed itself from a student organization into a vital national institution. You've earned a reputation across the ideological spectrum for open debate and intellectual rigor. Members of the Federalist Society believe in a simple proposition: Our written Constitution means what it says. One would not call that a radical statement. I certainly don't see how holding

such a commonsense view could be considered controversial. I share your devotion to the Constitution, and I'm proud to be standing with you tonight.

I was also proud to stand yesterday at the Department of Justice with America's new Attorney General, Michael Mukasey. Attorney General Mukasey is a decent man, an outstanding lawyer, and a strong leader, and he needs a strong team to support him at the Department of Justice. And so in consultation with the Attorney General, earlier today I announced the individuals I will nominate to serve in five senior positions. And I look forward to working with the United States Senate to fill these positions as quickly as possible.

I'm proud to be in such distinguished company as Justice Antonin Scalia and, of course, Maureen. I'm proud to be here

with Justice Clarence Thomas and his wife Ginni; Justice Sam Alito and Martha. I'm fortunate to have been able to pick two members of the U.S. Supreme Court, and I'm very proud of the service rendered by Justice John Roberts and Justice Sam Alito.

I appreciate the Secretary of Labor, Elaine Chao, joining us. And she kindly brought her husband, Senator Mitch McConnell; from the great State of Alabama Senator Jeff Sessions.

I appreciate the attendance of former Attorney General Ed Meese, former Attorney General Bill Barr. How about your master of ceremonies, my good friend Ted Olson. I thank Gene Meyer and Leonard Leo.

When the Founders drafted the Constitution, they had a clear understanding of tyranny. They also had a clear idea about how to prevent it from ever taking root in America. Their solution was to separate the Government's powers into three co-equal branches: executive, the legislature, and the judiciary. Each of these branches plays a vital role in our free society; each serves as a check on the others. And to preserve our liberty, each must meet its responsibilities and resist the temptation to encroach on the powers the Constitution accords to the others.

For the judiciary, resisting this temptation is particularly important because it's the only branch that is unelected and whose officers serve for life. Unfortunately, some judges give in to the temptation and make law instead of interpreting it. Such judicial lawlessness is a threat to our democracy, and it needs to stop.

Tonight I will discuss a judicial philosophy that is based on what our Founders intended. I'm going to talk about the importance of having good judges who adhere to this philosophy. And I will explain the need to reform a confirmation process that is making it more difficult to persuade decent and intelligence people to accept the call to public service.

The President's oath of office commits him to do his best to "preserve, protect,

and defend the Constitution of the United States." I take these words seriously. I believe these words mean what they say. And I ask my nominees to the Federal bench to take seriously their own oath to uphold the Constitution, and that is because I strongly believe our freedom depends on the willingness of judges to be bound by the Constitution and the law.

Others take a different view. Advocates of a more active role for judges sometimes talk of a "living Constitution." In practice, a living Constitution means whatever these activists want it to mean. They forgot that our Constitution lives because we respect it enough to adhere to its words. It is—[applause]. Ours is the oldest written Constitution in the world. It is the foundation of America's experiment in self-government, and it will continue to live only so long as we continue to recognize its wisdom and division of authority.

In his confirmation hearings before the Senate, one judge I nominated to the bench used the analogy of a baseball umpire. He said: "Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules." But when people see the umpire rooting for one team, public confidence in our courts is eroded, the sense of unfairness is heightened, and our political debates are poisoned. So we will insist on legislatures that legislate, on courts that adjudicate, and on judges who call the game fairly.

To be a good judge takes a special kind of person. A judge needs to be someone who is learned, someone who has common sense, and someone who has a healthy respect for precedent and the law. In addition, a judge must be independent enough to resist the temptations of politics or favorable treatment in the media, and a judge must be modest enough to appreciate the limited role he plays under the Constitution. This combination of learnedness and independence and modesty is not always easy to find, especially here in Washington,

DC. [Laughter] But it is absolutely essential for a judge.

These are the qualities you'll find in my nominees to our 13 Federal appeals courts. These appellate courts play a vital role in our legal system. While the Supreme Court may decide fewer than 100 cases in a year, the Federal appellate courts decide more than 30,000. That means that for most criminal appeals, for most civil appeals, and on most constitutional issues, the decisions of the appellate courts will be the law of the land.

As President, I've nominated many fine Americans to these courts. They understand that their role is to be the servant of the law, not its sovereign. I'm proud of the kind of men and women we now have sitting on these courts, judges such as Priscilla Owen, Janice Rogers Brown, Bill Pryor, judges like Brett Kavanaugh and Leslie Southwick.

Today I announced seven more outstanding judicial nominees for the district and circuit courts. And I look forward to working with the United States Senate to confirm these good men and women as soon as possible.

Unfortunately, the Senate has failed to act on many of my other nominees. At times, it has imposed a new and extraconstitutional standard, where nominees who have the support of the majority of the Senate can be blocked by a minority of obstructionists. As a result, some judge-ships go unfulfilled for years. This leads to what are called judicial emergencies, vacancies that cause justice to be degraded or delayed. When Americans go to court, they deserve swift and fair answers, and the United States Senate should not stand in their way.

Three of my nominees to the courts of appeals have been waiting for a vote for more than a year. They include one of the organization's founders—one of this organization's founders, a man who served our Nation nobly as the Acting Attorney General, Peter Keisler. These delays are wrong.

It is an abdication of the Senate's responsibilities under our Constitution. And I call on Senate leaders to give these nominees, and all my nominees, the up-and-down vote they deserve on the floor of the United States Senate.

Senate confirmation is a part of the Constitution's system of checks and balances. But it was never intended to be a license to ruin the good name that a nominee has worked a lifetime to build. Today, good men and women nominated to the Federal bench are finding that inside the beltway, too many interpret "advise and consent" to mean "search and destroy."

As a result, the Senate is no longer asking the right question: whether a nominee is someone who will uphold our Constitution and laws. Instead, nominees are asked to guarantee specific outcomes of cases that might come before the court. If they refuse—as they should—they often find their nomination ends up in limbo instead of on the Senate floor. This is a terrible way to treat people who have agreed to serve their nation. It's a sad commentary on the United States Senate, and every time it happens, we lose something as a constitutional democracy.

Our Constitution prohibits a religious test for any Federal office, yet when people imply that a nominee is unfit for the bench because of the church where he worships, we lose something.

When a bar association issues what it claims are objective ratings about a nominee's professional qualifications, yet suddenly and without explanation lowers the rating of a nominee on the eve of his confirmation hearing, we lose something.

When government officials do their jobs and make difficult legal decisions, only to find their decisions later become the source of outrageous partisan allegations, we lose something.

And when the wife of a distinguished jurist proudly attends his hearing and is brought to tears by ugly and unfounded

insinuations that her husband is secretly a bigot, we lose something.

Everyone in this room has watched a good person who has had his or her name unfairly tarnished by the confirmation process. What you do not see are the good men and women who never make it to the confirmation process.

Lawyers approached about being nominated will politely decline because of the ugliness, uncertainty, and delay that now characterizes the confirmation process. Some cannot risk putting their law practices—their livelihoods—on hold for long months or years while the Senate delays action on their nominations. Some worry about the impact a nomination might have on their children, who would hear dad or mom's name unfairly dragged through the mud, so they decide to remove themselves from consideration.

When people like this decline to be nominated, they miss out on a great calling. But America is deprived of something far more important: the service of fair and impartial judges.

This is bad news. There's also good news, and it's here in this room. Thanks in part to your efforts, a new generation of lawyers is rising. A new culture is taking root in our legal community. And principled men and women who understand the Constitution and are able to defend it are finding their way to our Nation's law schools and law faculties and law firms and even to the corridors of power here in Washington, DC.

One of these good men is someone you know well. He was nominated by my father, and his confirmation process is a tale of all that is nasty and unkind in Washington. It is also a tale of perseverance and triumph.

On the day this good man was to be sworn in as a Justice on our Supreme Court, he was driving to the White House with his wife. As they waited at an intersection to make a turn, an 18-wheeler came barreling up beside their car and came to an abrupt stop. After a few seconds of trepidation, husband and wife watched as the truck driver rolled down his window, broke into a smile, and gave them a big thumbs up. In the fine memoir he recently published, Justice Clarence Thomas describes the moment this way: "Virginia and I looked at each other in astonishment and then thanked God for the good people of this country."

My appeal to you is this: Have faith in the good people of this country. Be true to the principles that brought you here tonight. And never lose that sense of wonder you felt when you first beheld the truths and wisdom of our founding documents.

Thanks for having me, and may God bless you.

NOTE: The President spoke at 7 p.m. at Union Station. In his remarks, he referred to Eugene B. Meyer, president, Theodore B. Olson, member, board of visitors, and Leonard A. Leo, executive vice president, Federalist Society.

## Remarks Following a Meeting With Prime Minister Yasuo Fukuda of Japan November 16, 2007

*President Bush.* Mr. Prime Minister, welcome to the White House. I really appreciate the opportunity to get to know you better. I'm looking forward to our lunch.

This is an important visit. It's the first visit the Prime Minister has taken since he has assumed his important office. It's a recognition that our alliance is vital for peace and security. The alliance between