

VICE PRESIDENT RICHARD CHENEY

Thank you very much. I appreciate the warm welcome. I realize you've adjusted your schedule to accommodate mine, and I thank you.

Secretary Chao, thank you for the very kind introduction. It's good to see a member of the Cabinet in person. It's good to see anybody in person these days. Lynne and I don't get too many visitors at the cave. This is the second time I've had the privilege of addressing the Federalist Society. I was here as Secretary of Defense in 1990 — then, as now, filling the role of your token non-lawyer. Not that I have anything against lawyers. Looking around the room,

I'd guess that a year ago, about half of you were down in Florida.

A lot has changed since my last appearance here. I've been a corporate CEO, national candidate, vice president — and now a recurring character on Saturday Night Live. I've been watching a tape of the guy who plays me on the show — Darrell Hammond. He's got the voice down. He's pretty good at the mannerisms. But he's not quite there yet, and I doubt he'll ever capture the real me. You just can't fake charisma.

I do have a lot of friends here this evening. It's nice to see all of you, and I bring with me the good wishes of a man we're all very proud of, President George W. Bush.

There are many members of the Federalist Society in our Administration. We know that because they were quizzed about it under oath. We're especially proud to have two of your founders at the Department of Energy — the general counsel, Lee Liberman Otis, and Secretary Spence Abraham.

The Federalist Society was formed to bring balance to the debate in our law schools and in the legal profession. You were founded in the conviction that the state exists to preserve freedom — that the separation of powers is essential to the operation of our government — and that judges are charged with interpreting the law, not inventing it.

In advancing these principles, you have changed the debate, while gaining the respect of people across the ideological spectrum. The Federalist Society has been a model of thoughtful, reasoned dialogue. You've helped bring a spirit of civility to Washington, D.C. Even more remarkably, you've managed to bring it to some of the law schools. Your spirit of honest, fair-minded debate hasn't always prevailed, as Judge Bork can attest. But against great odds, this organization has become one of the most influential in the world of law and public policy. I commend you for it.

Tomorrow at this conference, our Solicitor General will inaugurate an annual lecture series named for his wife. Barbara Olson will always be remembered for her sharp mind, her kindness, and her cheerful presence. It's hard to think of Barbara and not see her smiling. We miss her. And we will always remember the grace and courage of Ted Olson, from that day to this.

America will never forget what happened on September 11, and who is responsible. Nor will we lose sight of what is at stake. We are the target of enemies who rejoice in the murder of innocent, unsuspecting people. We are fighting now, to defend freedom and law against force and tyranny. We are fighting to save ourselves and our children from living in a world of fear. We are fighting — and we are winning — because we will not permit a small group of vicious, violent men to impose their will on America and the world.

The President and I have often said that the war on terrorism will be fought on many fronts. The government of the United States is fully engaged in this battle, and let me tell you how.

We have given intelligence and law enforcement officials the new tools they need to hunt, capture, and punish terrorists. We are tracing terrorist communications and movements as never before, with new statutes that take account of the modern communications that terrorists use. These new laws met with overwhelming, bipartisan agreement in Congress, because they uphold and respect the civil liberties guaranteed in the Constitution.

We are finding the terrorists' financial supporters and stopping them. Already we have blocked millions of dollars in assets of persons and organizations involved in supporting terrorism.

A new federal task force is at work tracking foreign terrorists. We will deny them entry into our country, detain those who are here, prosecute as needed, and deport the rest. Those who plot against our country will not be allowed to abuse our protections or our freedoms.

Furthermore, as the President deems necessary, non-U.S. citizens suspected of terrorist activity — whether captured here or abroad — will face trial by military commission. The mass murder of Americans by terrorists, or the planning thereof, is not just another item on the criminal docket. This is a war against terrorism. Where military justice is called for, military justice will be dispensed.

On the civil defense front, we are taking every measure to improve both our prevention capability and our response capability. Under Governor Tom Ridge, the Office of Homeland Security is leading the effort to detect and frustrate the plans of terrorists.

In everything we do, we have to be realistic. We have to proceed on the expectation that those who

have already harmed our country will try again. The terrorists who gave the orders on September 11 have themselves promised it. They have called for the killing of Americans, Christians, and Jews.

Whenever the President has evidence of a credible threat, he will alert state and local authorities, and the American people will know as well. But a terrorism alert is not a signal to lock down your life. It is a sign that we are vigilant. When Americans hear of an alert, they can know that the government is on watch and taking action against the threat.

That is how we are working to protect our citizens. But wars are not won on the defensive. Wars are won by taking the fight to the enemy. America is not waiting for terrorists to strike us. In the places where they hide and plot, we are striking the terrorists.

There is a price for aiding and abetting terrorists, and the Taliban regime is paying it in full. Our military has destroyed training camps. Their communications and air defenses are in ruins. Their defenses are being systematically eliminated. Whole cities are free again. A large portion of the country can now celebrate the Taliban's departure from their lands and from their lives. The rest of the country is counting the hours.

The battle is not over in Afghanistan. There's still a long way to go. But as we speak the Taliban are high-tailing it to safer ground. They will find none. No matter how long it takes, Afghanistan will cease to be a haven for tyranny and terror.

Success in Afghanistan is only the beginning of our efforts in the world. We are going to find the leadership of the Taliban and the al Qaeda network, and we are going to stop them. This is not about one country, and in this struggle there is no neutral ground. As the Bush Doctrine makes clear, those who harbor terrorists share guilt for the acts they commit.

It bears repeating that ours is not a campaign against the Muslim faith — indeed, the innocent victims of these terrorists include many Muslims. This is a struggle against the evil of a few. That is why people in every part of the world, and of all faiths, stand together against this foe.

We cannot know every turn in the battles to come. Yet we know our cause is just. We have seen enemies like this before. We have defeated them before. We will defeat them again.

This crisis has brought our country together, uniting the political parties and elected branches of government in ways few would have thought possible. There are still honest disagreements on domestic priorities, and the war has not erased those. But this is a moment of real opportunity, with the leadership of both parties sincerely looking for common ground.

We hope Congress will act, and act soon, to pass an economic stimulus package. President Bush's plan gives immediate help to those out of work, reduces income tax rates, and will create new jobs throughout the economy.

We hope Congress will attend to America's energy needs. It is only more urgent now that we find new supplies and make this country less dependent on foreign oil.

And we hope the United States Senate will speed up the confirmation of federal judges. There is a dual responsibility here that we all understand. The President has discharged his duty by nominating well-qualified men and women to the federal district and circuit courts.

Yet there are today more vacancies on the federal bench than there were the day we were inaugurated. The pace of new vacancies is actually faster than the pace of confirmations. Barely one in four of President Bush's nominees have been given a hearing and a vote. This should be unacceptable to anyone concerned about the administration of justice in our country.

Some reply that this is merely the normal state of affairs, regardless of who is President or who controls the Senate. History does not support that claim.

Traditionally, a new President's judicial nominees during his first year are confirmed almost as fast as their nominations reach the Senate. In 1993, for example, 19 judges were confirmed on a single day in November, many just a few weeks after their names had been submitted. In each of the previous three administrations, almost all judicial nominations submitted before the first August recess were confirmed by the end of the year. That has held true regardless of whether the Senate and the White House were controlled by opposing parties. The only exception to the rule is a single Clinton nominee who was confirmed the following year.

In 2001, President Bush submitted 44 nominations prior to the August recess. By all rights, each of these should come to a vote by the end of next month. Yet almost half of them have not even begun the journey to a floor vote.

Overall, President Bush has submitted 64 judicial nominations. That's more in the first year than any other recent president. And this has been done for a reason. There are at present more than 100 vacancies on the federal bench, 38 of which have been classified as judicial emergencies by the nonpartisan U.S. Judicial Conference.

Another vacancy is expected next month on the Sixth Circuit Court of Appeals, which serves four states and one in every nine Americans. At that point the Sixth Circuit will have eight judges and eight vacancies — a fifty percent vacancy rate, the highest anyone can remember on a federal circuit court. Here again, the President has fulfilled

his responsibility. He has already submitted six nominations for that Court — and all six await hearings.

The deliberate slowing of the confirmation process is unworthy of the United States Senate, and an injustice to the men and women whose names have been presented. These are good people — each and every one of them selected with care by the President himself.

The President announced his initial eleven nominees on May 9 — more than six months ago. Yet of these only three have had hearings. Those still waiting include his choices for the D.C. Circuit. The first is John Roberts, the former deputy solicitor general and a lawyer of the highest reputation. The second is Miguel Estrada, who as a boy came to America from Honduras, graduated with honors from Harvard Law School, and served in the Justice Department under presidents of both parties.

These nominations are not being held up for lack of support. On the contrary, few doubt they would be swiftly confirmed by the full Senate, if only given that chance. By any standard of judicial merit, they are fully qualified to serve. And by any standard of fairness, they deserve a hearing.

In that spirit — simple fairness — and in the interest of the nation, I appeal to the Senate Judiciary Committee to proceed without further delay in filling the vacancies on our federal courts. I'm confident that this matter will be resolved, and the interests of the nation well served in the months to come. As I said, this is a moment of opportunity. All of us have been given a new perspective on old differences, and perhaps a better sense of the great things we can achieve together.

America is passing through a time of testing. We have every right to be proud of our fellow citizens — proud of the great heroism we've seen — proud of the honorable conduct of our military. In so many ways, adversity has brought out the best in our nation. The attacks brought terrible grief down upon us. But we love our country, only more when she is threatened. And instead of weakening us, our enemies have only made us stronger.

In ways too numerous to mention, President Bush and I have counted on the friendship and good counsel of many in this room tonight. And we have never been disappointed. You have our respect, and our gratitude. Thank you very much.