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Wanted to make sure you were well briefed for New Orleans.

I will also have Wendy Grubbs and/or Brett Kavanaugh brief you on Landrieu particulars.

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MIGUEL ESTRADA
Nominee to U.S. Court of Appeals for the District of Columbia Circuit

Table of Contents

Summary and Biographical Points	2
Select List of Hispanic Community Support	3
Statements by Select Supporters	4
Responses to Allegations	8
 OP-EDS AND EDITORIALS	
Op-ed by Judge Alberto Gonzales, September 26, 2002	11
Op-ed by Herman Badillo, January 30, 2003	13
Editorial by Ruben Navarette, September 27, 2002	15
Editorial by Paul M. Weyrich January 30, 2002	17
Op-ed by Jacob Monty October 4, 2002	20
Op-ed by Jacob Monty (Translated into Spanish) October 4, 2002	22

MIGUEL ESTRADA
Nominee to U.S. Court of Appeals for the District of Columbia Circuit
(Nominated May 9, 2001)

- Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.
- The American Bar Association unanimously rated Estrada “Well Qualified,” its highest possible rating.
- Estrada was born and raised in Honduras, and came to the United States at age 17. If confirmed, Estrada would be the first Hispanic ever to sit on the U.S. Court of Appeals for the D.C. Circuit, which many consider to be the second most important federal court in the United States after the Supreme Court.
- Estrada has extensive appellate experience and is widely regarded as one of the country’s best appellate lawyers. He has argued 15 cases before the U.S. Supreme Court.
 - From 1992 until 1997, Estrada served as Assistant to the Solicitor General of the United States under both President Clinton and President George H.W. Bush.
 - From 1990 to 1992, Estrada served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York, where he argued appeals before the Second Circuit and tried cases in federal district court.
 - Estrada served as a law clerk to Justice Anthony M. Kennedy of the U.S. Supreme Court in 1988-89, and to Judge Amalya L. Kearsse of the U.S. Court of Appeals for the Second Circuit in 1986-87.
- Estrada received a J.D. degree *magna cum laude* in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Estrada graduated with a bachelor’s degree *magna cum laude* and Phi Beta Kappa in 1983 from Columbia College.
- Estrada has performed significant *pro bono* service, including representation of a death row inmate before the Supreme Court – a case to which he dedicated approximately 400 hours.

SELECT HISPANIC COMMUNITY SUPPORT FOR MIGUEL ESTRADA

The following groups, among others, have announced their support for Estrada:

- League of United Latin American Citizens (LULAC) (nation's oldest and largest Hispanic civil rights organization)
- U.S. Hispanic Chamber of Commerce
- Hispanic National Bar Association
- Hispanic Business Roundtable
- The Latino Coalition
- National Association of Small Disadvantaged Businesses
- Mexican American Grocers Association
- Phoenix Construction Services
- Hispanic Chamber of Commerce of Greater Kansas City
- eHEBC Hispanic Engineers Business Corporation
- Hispano Chamber of Commerce de Las Cruces
- Casa Del Sinaloense
- Republican National Hispanic Assembly
- Hispanic Engineers Business Corporation
- Hispanic Contractors of America, Inc.
- Charo - Community Development Corporation

STATEMENTS BY SELECT SUPPORTERS OF MIGUEL ESTRADA

League of United Latin American Citizens, Rick Dovalina, National President

“On behalf of the League of United Latin American Citizens (LULAC), the nation’s oldest and largest Hispanic civil rights organization, I write to express our strong support for the confirmation of Mr. Miguel A. Estrada ... Few Hispanic attorneys have as strong educational credentials as Mr. Estrada who graduated magna cum laude and Phi Beta Kappa from Columbia and magna cum laude from Harvard Law School, where he was editor of the Harvard Law Review. He also served as a law clerk to the Honorable Anthony M. Kennedy in the U.S. Supreme Court making him one of a handful of Hispanic attorneys to have had this opportunity. He is truly one of the rising stars in the Hispanic community and a role model for our youth.” *(Excerpt from Letter to Senator Leahy, July 3, 2001.)*

The Latino Coalition, Robert Deposada, President

“To deny Latinos, the nation’s largest minority, the opportunity to have one of our own serve on this court in our nation’s capital is unforgivable.” *(April 10, 2002, press release.)*

United States Hispanic Chamber of Commerce, Elizabeth Lisboa-Farrow, President

“We unanimously endorse this nominee and strongly urge you to move on the confirmation of Miguel Estrada. As a judge, he will be a credit to the federal judiciary, the President, Hispanics, and all Americans.” *(Excerpt from Letter to Senator Leahy, October 23, 2001)*

Hispanic National Bar Association, Rafael A. Santiago, National President

“The Hispanic National Bar Association, national voice of over 25,000 Hispanic lawyers in the United States, issues its endorsement ... Mr. Estrada’s confirmation will break new ground for Hispanics in the judiciary. The time has come to move on Mr. Estrada’s nomination. I urge the Senate Committee on the Judiciary to schedule a hearing on Mr. Estrada’s nomination and the U.S. Senate to bring this highly qualified nominee to a vote, said Rafael A. Santiago, of Hartford, Connecticut, National President of the Hispanic National Bar Association.” *(Excerpt from HBNA Press Release, October 12, 2001).*

National Association of Small Disadvantaged Businesses, Henry T. Wilfong, Jr., President

“The NASDB would like to add our support. . . for Miguel Estrada’s nomination as United States Court of Appeals Judge for the District of Columbia Circuit. Mr. Estrada is a brilliantly talented and accomplished attorney who will make an outstanding addition to the prestigious DC Circuit ... While we do not dwell on symbolism, we feel that Mr. Estrada’s appointment as the first Hispanic member of the DC Circuit will be of benefit to us in further illustrating the wide range of talent in the minority communities, just

waiting to be effectively and fully used.” (*Excerpt from Letter to Senator Leahy, July 12, 2001.*)

Hispanic Business Roundtable, Mario Rodriguez, President

“From his humble beginnings as an immigrant from Honduras who achieved a stellar academic career at Columbia University and Harvard Law School, to his varied and impressive achievements in the Justice Department and private firms, Mr. Estrada has shown himself to be of superior talents and accomplishments ... I am confident that this first Hispanic member of the DC Circuit will continue to lead a distinguished career with thoughtful and fair decisions.” (*Excerpt from Letter to Senator Leahy, July 17, 2001.*)

Barbara Hartung, co-counsel with Estrada in pro bono case representing death row inmate

“Miguel’s respect for the Constitution and the law may explain why he took on Mr. Strickler’s case [the death row inmate], which at bottom concerned the fundamental fairness of a capital trial and death sentence. One would not expect the defense of a death row inmate to become the legal mission of a strong political conservative.” (*Excerpt from Letter to Senator Leahy, September 10, 2002.*)

Herman Badillo, former Congressman from New York

“When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story. . . . This treatment of Mr. Estrada is demeaning and unfair.” (*Wall Street Journal, January 30, 2003*)

Seth Waxman, former Solicitor General to President Clinton

“During the time Mr. Estrada and I worked together, he was a model of professionalism and competence.... I greatly enjoyed working with Miguel, profited from our interactions, and was genuinely sorry when he decided to leave the office in favor of private practice... I have great respect both for Mr. Estrada’s intellect and for his integrity. . . . In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personal views – or indeed that they reflected anything other than the long-term interests of the United States.” (*Excerpt from Letter to Senator Leahy, September 17, 2001.*)

Ronald Klain, former Counselor to Vice President Al Gore

“Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent... Miguel will rule justly toward all, without showing favor to any group or individual.... the challenges he has overcome in his life have made him genuinely compassionate, genuinely concerned for others, and

genuinely devoted to helping those in need.” (*Excerpt from Letter to Senator Leahy, January 16, 2002.*)

Bipartisan group of 14 former colleagues in the Office of the Solicitor General at U.S. Department of Justice

“Miguel is a brilliant lawyer, with an extraordinary capacity for articulate and incisive legal analysis and a commanding knowledge and appreciation for the law. Moreover, he is a person whose conduct is characterized by the utmost integrity and scrupulous fairness, as befits a nominee to the federal bench. In addition, Miguel has a deep and abiding love for his adopted country and the principles for which it stands, and in particular the rule of law. We hold varying ideological views and affiliations that range across the political spectrum, but we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints.” (*Excerpt from Letter to Senator Leahy, September 19, 2002.*)

Randolph Moss, former Assistant Attorney General for the Office of Legal Counsel for President Clinton

“I write to express my strong support for the nomination of Miguel Estrada to the United States Court of Appeals for the District of Columbia ... Although I am a Democrat and Miguel and I do not see eye-to-eye on every issue, I hold Miguel in the highest regard, and I urge the Committee to give favorable consideration to his nomination.” (*Excerpt from Letter to the Senate Judiciary Committee, May 18, 2001.*)

“Randolph Moss, who clerked for Justice John Paul Stevens while Estrada clerked for Kennedy, says he ‘did not find Estrada at all divisive. He was always an extremely principled guy, very honest and ethical. I worked amicably with him.’” (*Legal Times, June 25, 2001.*)

Leonard F. Joy, Attorney-in-Charge, Federal Defender Division, Legal Aid Society of New York

“Over Miguel’s tenure in the United States Attorney’s Office, we became good friends and frequently had lunch together. He has a good sense of humor and never had an ivory tower approach to life. It is fair to say that all the lawyers in my office liked him. Many of them are liberal in their politics and it is a credit to Miguel that he was able to get along with people who may have had different views than he. I think Miguel would make an excellent Circuit Court Judge. He is as fine a lawyer as I have met and, on top of all his intellectual abilities and judgment he would bring to bear, he would bring a desirable diversity to the Court. I heartily recommend him.” (*Excerpt of Letter to Senator Leahy, September 16, 2002.*)

Robert S. Litt, Deputy Assistant Attorney General for President Clinton

“I disagreed with Mr. Estrada on a number of the issues that we faced, but I have no doubt that his positions were sincerely held and honestly advocated.... I never felt that the arguments he made were in any way outside the scope of legitimate legal analysis.... While I may disagree with some aspects of Mr. Estrada’s legal philosophy, I believe that he is eminently qualified to serve on the Court of Appeals.” (*Excerpt from Letter to Senator Leahy, August 28, 2002.*)

MIGUEL ESTRADA
Responses to False Allegations

ALLEGATION: Because Estrada has no judicial experience, he should not be confirmed.

FACTS:

- Those making this claim are employing a double standard.
- Five of the eight judges currently serving on the D.C. Circuit had no previous judicial experience. That includes two of President Clinton's nominees, Merrick Garland, whose Justice Department record was quite similar to that of Miguel Estrada, and David Tatel. That also includes Chief Judge Harry Edwards, who was appointed by President Carter in 1979 (when Edwards was younger than Estrada currently is).
- Indeed, two recent *Supreme Court Justices* – Byron White, nominated by President Kennedy, and William Rehnquist, currently the Chief Justice -- had no prior judicial experience when appointed to *the Supreme Court*.
- The American Bar Association, which Democrat Senators Leahy and Schumer have referred to as the “gold standard,” unanimously rated Estrada “well qualified” for the D.C. Circuit, the ABA’s highest possible rating.
- Estrada has argued 15 cases before the Supreme Court and was a member of the Solicitor General’s office in both the Bush and Clinton Administrations. He also has been a highly respected federal prosecutor in New York.

ALLEGATION: The Administration has refused to produce memoranda that Estrada wrote when he was an Assistant to the Solicitor General.

FACTS:

- Again, a double standard is being applied to Miguel Estrada. These confidential attorney-client memos were not requested for the seven previous nominees to the Courts of Appeals who had worked in the Solicitor General’s office.
- In addition, every living former Solicitor General – Democrat and Republican – signed a joint letter to the Committee, stating that this request would have a debilitating effect on the ability of the Department of Justice to represent the United States before the Supreme Court. The letter was signed by Democrats Archibald Cox, Seth Waxman, Drew Days, and Walter Dellinger.

ALLEGATION: Estrada’s memoranda would be particularly important in light of a critical comment about him made by former Clinton Administration Deputy Solicitor General Paul Bender.

FACTS:

- Estrada received an “outstanding” rating in every performance category in the years that he worked in the Solicitor General’s office. In the two years when Mr. Bender and Mr. Estrada worked together, the reviews were signed *by Mr. Bender*. (All ratings during those years were then reviewed and approved by Solicitor General Days.)
- In the contemporaneous performance reviews, Mr. Bender stated the following about Mr. Estrada to support his judgment that Mr. Estrada’s performance was “outstanding.”
 - “states the operative facts and applicable law completely and persuasively, with record citations, and in conformance with court and office rules, and with concern for fairness, clarity, simplicity, and conciseness.”
 - “[i]s extremely knowledgeable about resource materials and uses them expertly; acting independently, goes directly to the point of the matter and gives reliable, accurate, responsive information in communicating position to others.”
 - “[a]ll dealings, oral, and written, with the courts, clients, and others are conducted in a diplomatic, cooperative, and candid manner.”
 - “[a]ll briefs, motions or memoranda reviewed consistently reflect no policies at variance with Departmental or Governmental policies, or fails to discuss and analyze relevant authorities.”
 - “constantly sought for advice and counsel [and] inspires co-workers by example.”
- Estrada’s superiors and colleagues have stated that Estrada’s work in the Solicitor General’s office was superb and that he was a well-respected colleague.
 - Seth Waxman, who was President Clinton’s Solicitor General, wrote that Estrada is a “model of professionalism and competence” and that he has “great respect both for Mr. Estrada’s intellect and for his integrity.” He continued: “In no way did I ever discern that the recommendations Mr. Estrada made or the views he propounded were colored in any way by his personal views – or indeed that they reflected anything other than the long-term interests of the United States.”
 - A bipartisan group of 14 colleagues from the Office of Solicitor General wrote to the Committee that Estrada “would be a fair and honest judge who would decide cases in accordance with applicable legal principles and precedents.”

ALLEGATION: In private practice, Mr. Estrada defended anti-loitering laws that civil rights groups have attacked.

FACTS:

- In private practice, Estrada's primary *pro bono* work was to defend a death row inmate in the Supreme Court seeking to overturn the death sentence.
- Estrada was retained to defend the constitutionality of anti-gang ordinances, which were enacted in Chicago with the strong public support of Democrat Mayor Daley, after Estrada was contacted by the Democrat City Solicitor of Chicago.

ALLEGATION: Estrada does not have support in the Hispanic community.

FACTS:

- Estrada has overwhelming support among Hispanic organizations and in the Hispanic community. For example, the League of United Latin American Citizens (which is the country's oldest Hispanic civil rights organization), the Hispanic National Bar Association, the U.S. Hispanic Chamber of Commerce, the Hispanic Business Roundtable, the Latino Coalition, and many other Latino organizations strongly support Estrada.

No More Stalling; It's time for the Senate to confirm Miguel Estrada.

By Alberto R. Gonzales, Counsel to the President

***Washington Post*, September 26, 2002**

After 16 months of delay, the Senate Judiciary Committee will hold a hearing today on Miguel Estrada, one of President Bush's nominees to the U.S. Court of Appeals for the D.C. Circuit. Estrada is superbly qualified for the job and would be the first Hispanic to serve on that court, which some consider to be the second-most-important federal court in America after the Supreme Court.

His extraordinary intellect, experience, integrity and support normally would mean a swift Senate confirmation -- particularly given the historic nature of the nomination. But some Senate Democrats have deemed Estrada controversial and are apparently threatening to block his confirmation. Sen. Charles E. Schumer (D-N.Y.) stated last April: "From my perusal of the record, [Estrada] is way out of the mainstream." I do not know what record Schumer could have been referring to. Estrada has not been the author of controversial opinions or articles, nor has he spoken out on divisive issues. He is not a politician or an interest-group leader who has sought to make policy. What he has done is serve, in a variety of public and private capacities, as a brilliant and careful lawyer devoted to the courts and the law.

But in the current political atmosphere, some nominees are not being assessed by the traditional standards of quality and ability to follow the law as a judge, but rather are being delayed or outright blocked because of distorted analyses of their perceived policy or personal views. As the president, the chief justice and the American Bar Association have stated, every judicial nominee deserves a prompt hearing and fair vote -- no matter who is president or which party controls the Senate. In the words of the ABA, "Vote them up or down, but don't hang them out to dry." It is past time for the Senate to act on a bipartisan basis to institute a fair and timely judicial confirmation process that will endure well into the future.

The problems in the judicial confirmation process have gone beyond mere delay, however. Even after hearings, for example, the Senate Judiciary Committee has refused to allow full Senate votes on well-qualified nominees -- despite the fact that the president's nominees would be confirmed if they received a full Senate vote. Single-issue Washington interest groups have played an unfortunate role in the process, moreover, by distorting records, leveling unfair charges and ignoring bipartisan support for the president's nominees.

That Estrada could be seen as controversial is an example of this regrettable trend. By any reasonable standard, he is an American success story. He came to this country as a teenager from Honduras speaking little English. He attended Columbia College and Harvard Law School, graduating with honors from both. He clerked for Justice Anthony M. Kennedy on the Supreme Court, served as an assistant U.S. attorney in the Southern District of New York and has worked at leading law firms in New York and Washington. He spent five years -- four during the Clinton administration -- in the U.S. solicitor general's office, which represents the United States before the Supreme Court. Estrada has argued 15 cases before the high court and is well known for his written and oral advocacy.

While in private practice, he devoted hundreds of hours -- for free -- to the representation of a death row inmate before the Supreme Court. Estrada's co-counsel in that case has written to the Senate that "[o]ne would not expect the defense of a death row inmate to become the legal mission of a strong political conservative." Estrada's decision to involve himself in that case demonstrates his devotion to the rule of law.

Estrada also has tremendous bipartisan support. He received a unanimous "well qualified" rating -- the highest possible -- from the ABA, which Schumer and Democratic Sen. Patrick J. Leahy (Vt.) have referred to as the "gold standard" for evaluating judicial nominees. A number of prominent Hispanic organizations have supported Estrada and urged the Senate to treat him fairly. He is supported by leading Democratic lawyers, including Ron Klain, who served as chief of staff to Vice President Al Gore, and by high-level officials of the Clinton Justice Department.

Former colleagues in the solicitor general's office also have publicly praised Estrada. Seth Waxman, solicitor general under President Clinton, has written to the Senate that he has "great respect both for Mr. Estrada's intellect and for his integrity" and that he is "a model of professionalism and competence." A bipartisan group of 14 former colleagues who served with Estrada in that office wrote to the Senate that Estrada "would be a fair and honest judge who would decide cases in accordance with applicable legal principles and precedents."

Few lawyers in the United States have the combination of intellect and experience that Miguel Estrada will bring to the D.C. Circuit. A mainstream nominee who has exhibited throughout his career the integrity and temperament to be a superb appeals court judge, a Hispanic immigrant who has risen to the peak of the legal profession, Miguel Estrada is an inspiration to Hispanics and to all Americans. The Senate should confirm him promptly.

Que Pasa, Chuck?

By Herman Badillo

Wall Street Journal, January 30, 2003

NEW YORK -- Nothing makes Democrats more frenzied than when a Hispanic or African-American goes off the reservation. Witness now the opposition that the Puerto Rican Legal Defense Fund and the usual Washington special interests are giving Miguel Estrada, the young Honduran immigrant-turned-New Yorker that President Bush has nominated to the D.C. Circuit Court of Appeals.

Congressional Democrats have gone so far as to say that Mr. Estrada is a Hispanic "in name only." But if their behavior is outrageous it is also par for the course. Half of the Democrats' energy lately seems focused on corralling the nation's two largest minority groups into an intellectual ghetto. The vitriol we saw most famously directed at Clarence Thomas, and more recently at Condoleezza Rice, demands that blacks and Hispanics toe a political line to have their success acknowledged by their own community.

When confirmed by the Senate, Miguel Estrada, a brilliant lawyer with extraordinary credentials, will be the first Hispanic on the second most prestigious court in the land. He will be a role model not just for Hispanics, but for all immigrants and their children. His is the great American success story.

But his confirmation by the Senate will come no thanks to Chuck Schumer, his home-state senator. Mr. Schumer has thrown every old booby-trap in Mr. Estrada's way, and invented a few new ones just for him. When the Senate held a hearing for Mr. Estrada last year, Mr. Estrada's mother told Mr. Schumer that she had voted for him and hoped that he would return the favor. He hasn't yet.

It is hard to blame Democrats of course. They know how their bread is buttered and by whom -- the monied special interest groups that have made a profitable business of opposing the nominations of President Bush.

The Hispanic groups that shun Mr. Estrada, including the Congressional Hispanic Caucus, which announced its opposition to his nomination last September, are a different matter. They should be ashamed of themselves.

Sen. Orrin Hatch (R., Utah), who heads both the Senate Judiciary and the Senate Republican Hispanic Task Force, put it well when he said that these liberal Hispanic groups "have sold out the aspirations of their people just to sit around schmoozing with the Washington power elite."

Mr. Schumer's one-man campaign against Mr. Estrada has grown tiresome too. Despite the rebuke of every living U.S. solicitor general of both parties dating back four decades, Mr.

Schumer continues to make irresponsible demands, never made before for a non-Hispanic nominee, and insists on making backhanded and unfounded insinuations about Mr. Estrada's career and temperament. This treatment of Mr. Estrada is demeaning and unfair, not only to the nominee but also to the confirmation process and the integrity of the Senate.

Mr. Schumer's petulance ignores Mr. Estrada's qualifications, intellect, judgment, bipartisan support, and that he received a unanimous "well qualified" rating -- the highest possible rating -- from the American Bar Association.

The liberal Hispanic groups that challenge Mr. Estrada's personal identity as a Hispanic ignore his support by non-partisan Hispanic organizations, such as the Hispanic National Bar Association, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce.

Mr. Schumer and his colleagues are fond of speaking about the need for "diversity" on the courts. Apparently that talk does not extend to President Bush's nominees, since the confirmation of Mr. Estrada would provide just such diversity on this important court. It is past time that Mr. Schumer put an end to his embarrassing grandstanding on Mr. Estrada's nomination.

One would think that a New York senator would know that, whether Puerto Rican, Dominican or Honduran, Hispanics are most united in one thing -- the pride we take in our advancement as Americans regardless of where we started. One suspects that Mr. Schumer may learn this lesson yet, and that Miguel Estrada's name is one that Charles Schumer will hear repeated when he runs for re-election all too soon.

Mr. Badillo, a former Congressman, is a lawyer in New York City.

By RUBEN NAVARRETTE

The Dallas Morning News, September 27, 2002

The Congressional Hispanic Caucus has come up with an odd way to mark Hispanic Heritage Month: hoist up an overachieving Hispanic "Golden Boy" and turn him into a piñata.

Made up of Hispanic members of Congress, the 18-member caucus bills itself as "a voice for the Hispanic community." The voice has spoken of the importance of ensuring a diverse judiciary, of expanding opportunities for Hispanic nominees and of treating said nominees with fairness and respect. The caucus has even launched a "Hispanic Judiciary Initiative" to evaluate and recommend Hispanic judicial nominees. In justifying the initiative, the group's Web site extols the benefits derived from "a diversity of thought and action."

Yeah. This week, the Congressional Hispanic Caucus whose members are all Democrats ran away from its own rhetoric by publicly opposing the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia Circuit.

The caucus did so with blatant prejudice, offering no specific evidence of Mr. Estrada's unfitness to serve. Worse, it took its stand before Mr. Estrada's confirmation hearing began on Thursday and before he had the chance to publicly utter a single syllable explaining his judicial philosophy.

How's that for treating a nominee with fairness and respect?

Why the rush to judgment? For one thing, coming out in opposition early gives Democrats on the Senate Judiciary Committee, all of whom are Anglo, cover to launch a partisan assault on Mr. Estrada and to do so without appearing racist or dismissive of his accomplishments.

And what accomplishments, as far as I am concerned, Miguel Estrada settles the argument over affirmative action. He torpedoes the absurd notion that minorities who overcome stiff competition are not qualified to assume coveted positions. The truth is they have to be twice as good as everybody else.

Mr. Estrada is awfully good. An American success story, he immigrated to the United States from Honduras at 17, speaking no English. He graduated with honors from Columbia University and Harvard Law School, where he was an editor of the Harvard Law Review. He worked hard enough to earn a coveted spot as a law clerk for a Supreme Court justice and serve as an assistant solicitor general in both the Bush Sr. and Clinton administrations. Mr. Estrada has argued more than a dozen cases before the Supreme Court, and he has won most of them.

All that has brought him to the doorstep of making history. If Mr. Estrada is confirmed, he'll become the first Hispanic to sit on the DC circuit court. That is no small thing. The DC circuit is considered the second most important court in the land and a farm club for the first the Supreme Court. From that perch, Mr. Estrada will be in a good position to get the nod should President Bush honor his pledge to appoint a Hispanic to the Supreme Court.

For a community that works hard and plays by the rules so that their children have the chance to succeed, the likes of Miguel Estrada will make the chests of Hispanic fathers swell up with pride and the eyes of Hispanic mothers swell up with tears.

That can't be said for most members of the Congressional Hispanic Caucus, a group that has earned a reputation for being detached from the everyday concerns of Hispanics and dispassionate in its defense of Hispanic causes. Ironically, that is the same accusation that the caucus leadership has now leveled at Mr. Estrada, expressing a preference for candidates who have "demonstrated a commitment to protecting the rights of Latinos."

Cool. Let's take a look at how the Hispanic Caucus goes about protecting the rights of Latinos. How about the right of Latino political candidates to compete on a level playing field with regard to fund raising. The caucus used to oppose campaign finance reform, saying it hurt Latino candidates. Then it softened that position, presumably in response to pressure from the Democratic leadership, which supports reform. How about the right of Latino candidates to run for office in the first place?

The caucus undermined that when the Democratic leadership convinced it to agree to a Faustian bargain: Caucus members promised that they would not support Latino renegades who ran against Anglo Democratic incumbents in exchange for possible committee assignments if Democrats regained control of the House.

There is no direct evidence of a quid pro quo between the Hispanic Caucus and the Democratic leadership on the Estrada nomination. But the group's track record makes it highly unlikely that one won't turn up.

Democrats used to talk about empowering the Hispanic community. Give me a break. They won't even empower the community's leaders to think for themselves.

Ruben Navarrette is an editorial writer and columnist for The Dallas Morning News.

New York Times Omits Key Facts On Miguel Estrada

By Paul M. Weyrich

CNSNews.com Commentary, January 30, 2002

The Left is going all out to stop the nomination of Miguel Estrada to the U.S. Court of Appeals for the District of Columbia circuit. The most recent example came just yesterday in The New York Times' lead editorial, which branded Estrada as an "unacceptable" nominee.

Liberals realize that once seated on the federal bench, a judge like Estrada, who is committed to restraint in reaching decisions, can protect and defend the sound constitutional principles that ensure ordered liberty for our citizens.

I've said before that the highly qualified Estrada might be in for a rough hearing because the Senate Judiciary Committee was then under the control of the "Gang of Ten." Led by Senator Patrick Leahy (D-VT), the then-Democratic majority on Judiciary had deep-sixed the nominations of Texas state Supreme Court Justice Priscilla Owen and U.S. District Court Judge Charles Pickering.

Estrada exemplifies the American Dream, a legal immigrant who came to this country as a teenager speaking little English, but graduating from Harvard Law School and demonstrating his knowledge of the law by arguing 15 cases before the Supreme Court.

Thanks to the wisdom exhibited by the American people last November, Estrada is expected to be given a vote by the Senate Judiciary Committee today. The "Gang of Ten" has seen its majority status diminished. Control of the committee has switched hands.

But The New York Times - the newspaper that endorsed Al Gore in 2000 - showed once again that its heart lies with the Left. What should be "unacceptable" is the way this newspaper editorial failed to tell the whole truth about Miguel Estrada.

For example, take the Times' assertion that Estrada lacked the respect of his peers, who viewed him as someone more interested in being an ideologue than in interpreting the law.

Well, then why would Ron Klain, who served as counselor to Vice President Al Gore, credit Estrada for having a "deep commitment to the faithful application of precedent...Miguel will rule justly toward all, without showing favor to any group or individual"? And why would Seth Waxman, who was President Clinton's Solicitor General and Estrada's boss, strongly support Estrada's nomination?

Why would a bipartisan group of fourteen former colleagues of Estrada who worked with him in the Office of Solicitor General, write to Leahy last year in his support? Their letter said that even though they "hold varying ideological views and affiliations that range across the political spectrum...we are unanimous in our conviction that Miguel would be a fair and honest judge who would decide cases in accordance with the applicable legal principles and precedents, not on the basis of personal preferences or political viewpoints."

That sounds like someone who was a good colleague and who will be a judge who exhibits restraint in his rulings, who will interpret the law as written, who will not be an activist who whips up rulings using the Left's ideological litmus tests as the recipe.

The Left's interest groups are brazenly seeking judges who will be very open in admitting their intention to make laws -- even if there is no real precedent to do so -- that will fulfill their item-by-item wish lists. Those who do not openly endorse the wish lists will find themselves disparaged by these groups as being "anti" this or that issue. It's a simplistic way of looking at things, and an inappropriate way to select judges for our Federal courts.

Indeed, leave it to the Times to charge that, "Mr. Estrada defended anti-loitering laws that civil rights and [sic] groups have attacked as racist." In reality, Estrada was retained to defend anti-gang ordinances enacted in Chicago with the strong backing of Mayor Richard Daley.

Just ask yourself: Who are most often the victims of gang activity? This much I can tell you: It's not upper-middle-class editorial writers living in Manhattan in luxury apartments with 24 hour security guards or out on Long Island in one of its exclusive suburbs.

The Times editorial leaves the impression that, unlike past nominees, the memorandums that Estrada wrote while working in the Solicitor General's office should be made available to the Judiciary Committee.

The Times forgot to point out what every living ex-Solicitor General had to say about the then-Democrat dominated Judiciary Committee's request for the memos that Estrada wrote in the Solicitor General's office. What these distinguished attorneys told the "Gang of Ten" was that this was an unprecedented request that, if granted, would have a debilitating effect on the Office of Solicitor General in representing the United States. Signing that letter were Democrats Archibald Cox, Drew Days, Walter Dellinger, and Seth Waxman as well as Republicans Robert Bork, Kenneth Starr, and Charles Fried.

Don't be surprised today if a member of the "Gang of Nine" cites this editorial as providing reasons why Estrada should not have his nomination sent to the Senate floor. They will recite it, expecting that many impressed C-SPAN viewers will view the Times name with reverence.

However, in this case, The New York Times failed to print all it should have about Miguel Estrada. What it did print was, in the instances that I cited, misleading and certainly not the whole story about this fine attorney who has the potential to be an outstanding jurist.

Now that the "Gang of Ten" is no more, I hope that there will be enough senators on the Judiciary Committee who won't be relying on the judgment of the editorial writers of The New York Times. If senators follow their judgment, then I have no doubt that this nomination will finally be sent to the floor of the United States Senate.

Given the problems that some of the most qualified, respected and able nominees of President Bush, encountered from the "Gang of Ten," if the Senate Judiciary Committee, under its new

leadership, votes today to send Estrada's nomination to the Senate floor, that will definitely be news that is fit to print.

Room for Estrada

By Jacob Monty

The Houston Chronicle, **October 4, 2002**

There is a dicho in the Latino community that we are like a bucket full of captive crabs. If one crab gains a claw up on the others, the rest will pull him back. In essence, we are our own worst enemy. Today, Miguel Estrada has an opportunity to serve in a federal judicial capacity where no Latino has served before--an opportunity to break a glass ceiling. But, Estrada, an aspiring Latino who immigrated to the United States from Honduras as a teenager speaking little English, is being held back.

Who are these individuals that keep our community from climbing upward and achieving political and judicial equality? It is not surprising to learn that in most cases, it is always the bigger crabs in the bucket that hold our community back. In the case of Miguel Estrada, these crabs are primarily the Mexican American Legal and Defense Educational Fund and the 18 Democratic representatives of our Congressional Hispanic Caucus. Not only they have not lifted a finger to support Estrada and give our community (35 million strong and growing) one more Latino role model to look up to or one more Hispanic for the next generation to dream of becoming, in the case of the Caucus, they voted unanimously to oppose him.

Surprised? Don't be, after all, if you were a big crab in the bucket, you would hate for anyone to become larger than you. This is the error of our Hispanic power brokers who are unwilling to share the stage. This is the error of the old guard Hispanics that the next generation of Latinos has vowed to learn from and correct, for one simple reason: There are not enough Latinos -- regardless of ideology, background or social status -- serving in leadership positions. In this day and age, our communities, and especially our youth, need as many visible leaders as possible. This is the immediate and greater cause of our struggle.

A recent study by The Latino Coalition posed the question to our community, "Which national Latino leaders, living today, do you most admire?" Topping the charts at a whopping four percent was Mexican President Vicente Fox, who is not even a U.S. citizen. Seventy Five percent of those sampled had no answer at all. Why is this? Because in all the great work our Hispanic leaders have accomplished, they have ultimately failed us in leaving a larger population of Hispanic leaders. Who do we blame? The easy answer is to blame someone else, the Establishment or the Democrats in this case, but one only has to look at this crab boil involving Miguel Estrada to understand that the problem is within our own community. We are the element of our own demise. Not until our Hispanic leaders put aside petty-politics in the true interest of serving our community will we correct this ongoing wrongdoing.

Pulling him down, these groups will claim that Miguel is not representative of our community and he does not serve the community's interests. At every step in his life, prior to this latest turning point, organizations such as MALDEF, NCLR, NHLA and the CHC champion individuals such as Miguel. For any Latino teenage immigrant to the U.S. who speaks little English, NCLR is there fighting to ensure they finish high school and not become another statistical drop out. For Latinos in the university system, NHLA is working hard to make sure a four-year degree is the end result. As a Harvard Latino law student and editor of the law review,

MALDEF is looking on with great anticipation. For all practical purposes, Miguel's success might as well be an ad campaign for the CHC emphasizing that which every Latino can achieve. That is until a year ago, when President Bush nominated Miguel to be the first Latino to serve on the powerful Court of Appeals for the D.C Circuit.

For these so-called bi-partisan organizations and elected representatives, whose totality of mission is to empower the Latino community, to advocate Miguel Estrada should be a natural extension of their purpose and leadership. But to remain silent, and especially work against Miguel, is poor representation and disgustingly shameful. For an individual who has been nominated by our Commander and Chief, served in the Clinton Administration and been rated by the American Bar Association as "well qualified" for what reason, other than warped self interests, would these individuals hold back a fellow Hispanic. It is obvious that politics has blurred the clarity of true vision and real intention.

If Miguel is not confirmed, his minor loss is a great loss to the entirety of our community. If the so-called king crabs of the Hispanic community support Miguel, we have an opportunity to ascend beyond the bucket that entraps us. Should we blunder, our Hispanic leaders, who could have made a difference, fail us. Going back to the boil, we cannot begin to truly change things for our community, until we first change that which is within the pot. Support Mr. Estrada.

Un Espacio Para Estrada (Translation)

By Jacob Monty

The Houston Chronicle, **October 4, 2002**

Hay un dicho en la comunidad Latina que dice que somos como una cubeta llena de cangrejos atrapados. Si un cangrejo se eleva sobre otro, los otros lo jalan para abajo. Esencialmente, somos nuestros propios enemigos. Hoy, Miguel Estrada tiene la oportunidad de servir a nivel judicial federal donde ningún otro Latino ha servido antes – una oportunidad de romper el techo de vidrio. Pero a Estrada, un Latino que aspira, que inmigró a los Estados Unidos de Honduras cuando era adolescente hablando muy poco Inglés, lo estan jalando para abajo.

¿Quiénes son estos individuos que previenen que nuestra comunidad ascienda y obtenga igualdad politica y judicial? No es sorprendente saber que en la mayoria de casos, son muchas veces los cangrejos mas grandes en la cubeta que no dejan a nuestra comunidad crecer. En el caso de Miguel Estrada, estos cangrejos son principalmente el Fondo Legal y para la Defensa Educacional Mexico-Americana (Mexican American Legal and Defense Educational Fund) y 18 representantes Demócratas de nuestro Comité Congresional Hispano. No solamente no han hecho nada para apoyar a Estrada y darle a nuestra comunidad (35 millones fuertes y creciendo) un modelo ejemplar ni tampoco un Hispano con quien la siguiente generación sueñe ser, en en caso del Comité, por voto unánime se opusieron a el.

¿Sorprendido? No lo esté, despues de todo, si usted fuera un cangrejo grande en la cubeta, no le gustaría que alguien fuera más grande que usted. El error de nuestros Hispanos en posiciones de poder es que no estan dispuestos a compartir el escenario con nadie. Este es es error de los Hispanos viejos y tradicionales que la nueva generación de Latinos ha jurado aprender de sus errores y corregir por una simple razón: No hay suficientes Latinos – independientemente de ideología, origen, o estatus social – sirviendo en posiciones de liderazgo. En estos tiempos, nuestras comunidades, especialmente los jovenes, necesita los más líderes visibles que sean posible. Esa es la causa mas inmediata y grande de nuestra batalla.

Un estudio reciente conducido por la Coalición Latina hizo la siguiente pregunta a nuestra comunidad: “¿A cuáles líderes nacionales Latinos, que existen ahora, usted admira más?” La respuesta principal, con un gran cuatro por ciento de los votos fué el presidente Mexicano Vicente Fox, que ni siquiera es ciudadano Norte Americano. El setenta y cinco por ciento de las personas encuestadas no tenian respuesta alguna. ¿Por qué pasa esto? Porque de todo el maginífico trabajo que nuestros líderes Latinos han alcanzado, ellos ultimadamente nos han fallado al no dejarnos con una más grande población de líderes Hispanos. ¿A quién culpamos? La respuesta mas fácil es hecharle la culpa a otras personas, al Establecimiento, o los Demócratas en este caso, pero uno solo tiene que observar a este cangrejo hervir, esto que consiste de Miguel Estrada para poder entender que este problema esta dentro de nuestra comunidad. Nosotros somos la causa de nuestro propio problema. Hasta que nuestros líderes Hispanos hagan a un lado la politica sin importancia y que salga el verdadero interes de servir a nuestra comunidad podremos corregir este constante mal.

Jalandolo para abajo, estos grupos aseguran que Miguel no representa a nuestra comunidad y que el no sirve los intereses de la comunidad. A cada paso de su vida, antes de estos últimos

momentos, organizaciones como MALDEF, NCLR, NHLA y CHC promueven a personas como Miguel. Para cualquier adolescente Latino inmigrante a los Estados Unidos, que habla poco Inglés, NCLR pelea para asegurar que terminen la preparatoria y para que no se conviertan en una estadística más de personas que dejan de estudiar. Para Latinos en el sistema universitario, NHLA trabaja para asegurar que terminen su carrera en cuatro años. Como un Hispano en Harvard, estudiante de derecho y editor de publicación de law review, MALDEF esta esperando con anticipación. El éxito de Miguel podría ser una campaña publicitaria para CHC promoviendo todo lo que un Latino puede alcanzar. Eso es, hasta hace un año, cuando el Presidente Bush nominó a Miguel a ser el primer Latino en servir en el influente Juzgado de Apelaciones para el Circuito de Washington D.C.

Para esas organizaciones supuestamente bi-partidistas y los representantes electos, cuya misión es dar poder a la comunidad Latina, apoyar a Miguel Estrada debe ser una extensión natural de su propósito y liderazgo. Pero permanecer callados, y especialmente oponerse a Miguel, es mala representación y vergonsozo. Para una persona que fue nominada por nuestro Comandante en Jefe, que sirvió bajo la Administración de Clinton y que ha sido categorizado por el American Bar Association como “bien calificado” no hay ninguna otra razón que sus propios intereses retorcidos por los cuales estos individuos previenen el avance de otro Hispano. Es obvio que la política ha nublado la claridad de la verdadera visión y de la intención real.

Si Miguel no es confirmado, su pérdida menor será una pérdida mayor para nuestra comunidad. Si los supuestos cangrejos-reyes de la comunidad Hispana apoyan a Miguel, tendremos una oportunidad de ascender más afuera de la cubeta que nos atrapa. Si nos equivocamos, nuestros líderes Hispanos, que hubieran podido hacer la diferencia, nos han fallado. Regresando a la olla hirviendo, no podremos hacer cambios verdaderos en nuestra comunidad hasta que cambiemos lo que esta dentro de la olla. Apollen al Sr. Estrada.