

DEMOCRATIC/LIBERAL OBJECTION TO BUSH APPOINTEE MIGUEL ESTRADA

“Instead of honestly and openly answering questions about his judicial philosophy, Mr. Estrada decided to keep quiet and to take his chances, to roll the dice here on the floor of the United States Senate, hoping that the dice would be loaded in his favor, that there would be no way to stop this nomination from going forward.”
(Senator Chris Dodd (D, CT), “Senate Democrats’ Decision to Block the Nomination of Miguel Estrada to the District of Columbia Federal Appeals Court,” by Bob Edwards, NPR, February 12, 2003).

“[The groups] They also identified Miguel Estrada (D.C. Circuit) as especially dangerous, because he has a minimal paper trail, he is Latino and the White House seems to be grooming him for a Supreme Court appointment. They want to hold Estrada off as long as possible.”
(Staff Memo “Re: Meeting with Civil Rights Leaders Yesterday to Discuss Judges,” Sent to Senator Dick Durbin (D, IL), November 7, 2001).

“The D.C. Circuit is far too important to appoint about whom we have so many questions. Key labor, civil rights, environmental, and administrative law cases are decided there, and we know it is a 'feeder' circuit for the Supreme Court. The White House is almost telling us that they plan to nominate him to the Supreme Court. We can't repeat the mistake we made with Clarence Thomas.”
(Senator Ted Kennedy (D, MA), “Talking points to be presented to Democratic Caucus on Estrada Nomination” – Also Mentioned in “Sinister Strategies,” by Mark Levin, National Review Online, July 5, 2005).

“The other nominee, Miguel Estrada, obviously was chosen in part because he is Hispanic. The conservatives' confusion about judges and racial preferences is near total. What they claim to deplore most in a judge is "activism" -- the propensity to reach out and overturn laws and policies of the elected branches of government. Yet the specific issue that excites them most is minority racial preference, which they want unelected judges to overturn wherever the elected branches have established it. Meanwhile, conservative presidents practice flagrant racial preference in filling judgeships and other government jobs. More Hispanic judges is a good idea, and a good example of justified racial preference. But most conservatives feel they cannot admit this.”
(Michael Kinsley, “Borking: A Rule Book,” The Washington Post, October 4, 2002).

“His selection for this post has generated tremendous controversy... I think that is in part because he appears to have been groomed to be an activist appellate judge by well-connected, ideologically driven legal activists.”
(Senator Patrick Leahy statement, “Delayed Debate Starts on Judge Picked by Bush,” by Neil Lewis, The New York Times, February 6, 2003).

“Miguel Estrada is a very promising young lawyer who went to some excellent schools, had excellent clerkships, has a good work record. What he lacks in judicial background he makes up with a compelling life story. He was born in Honduras, came here speaking very little English and has done some important and impressive things.

And you know what's that is called, George? Affirmative action. He is an affirmative action candidate as practiced by the Republican party and the conservative movement, and what it also indicates is that the Democrats haven't succeeded in making judicial nominations as an important grass roots issue as the Republicans and the Conservatives have.”

(Michel Martin (ABC News), This Week with George Stephanopoulos, ABC News, February 9, 2003).

"Republicans, and Senator Hatch in particular, can't have it both ways. They can't blatantly call for the end of affirmative action by characterizing it as a quota system, while, at the same time, demanding that we support all Hispanic nominees simply because they are Hispanic. Mr. Hatch and the Republicans are the ones using a quota system. They accuse Democrats of being racists and anti-Hispanic when we simply make informed decisions on judicial nominees like Miguel Estrada. They are the ones who play the race card.

"Our community is rich in talent. So, I call upon the President, if he is truly dedicated to the Latino community as he claims, to give us judicial nominees who will bring to the bench the rich perspective of the Hispanic American experience, instead of engaging in acts of tokenism.

"The only connection that Miguel Estrada has with the Hispanic community is his surname, and it takes a lot more to represent us as a People."

(Representative Bob Menendez (D, NJ), Press Release, February 10, 2003).

"The important issue here at stake is whether we have a role under the Constitution to advise and consent on judicial nominees. We don't have a role if the nominee's position is I don't have to answer any questions I don't have to divulge any documents and legal work that I've done. That's the issue."

(Senator Jack Reed (D-RI) statement, "Filibuster Looms Over Estrada," by Noelle Straub and Hans Nichols, The Hill, February 12, 2003).

“Estrada is like a Stealth missile--with a nose cone--coming out of the right wing's deepest silo.”

(Senator Charles Schumer (D, NY) Statement, "The Right's Judicial Juggernaut," Jack Newfield, The Nation, October 7, 2002).

“He is way out of the mainstream. He is in the mold of Scalia and Thomas.”

(Senator Charles Schumer (D, NY), CNN Daybreak with Carol Costello/Jonathan Karl, September 25, 2002).

Senator CHARLES SCHUMER: "Have you ever told anyone that you don't believe that any person should clerk for Justice Kennedy because that person is too liberal or because you were concerned that person would influence Justice Kennedy to take positions you did not want him to be taking?"

Mr. MIGUEL ESTRADA: "I don't believe I have."

Mr. ESTRADA: "It is sometimes appropriate for me to advise the justice if somebody has an ideological view of the law that would make him a bad law clerk. With respect to *The Nation* excerpt, my best and only answer to that is it is not the type of thing I would say seriously."

Sen. SCHUMER: "No, but in all due respect, sir, twice when asked right on point this morning, you said no, and I think we have some credibility problems here."
(Senator Charles Schumer questioning Miguel Estrada, Senate Judiciary Committee Confirmation Hearing of Miguel Estrada, September 26, 2002).

"Estrada seems baffled about why we would even ask him questions about justice and empowerment. He wouldn't even acknowledge there has been discrimination against Hispanics in America. He seemed lost, like he had never been involved in any struggle to better the lives of Hispanics. He had no comprehension of Latino history and suffering."

(Representative Jose Serrano (D, NY-16) Statement, "The Right's Judicial Juggernaut," Jack Newfield, The Nation, October 7, 2002).

"I asked him a very specific question about affirmative action and minority businesses...and he just would not say anything meaningful about it. And then he was quite insensitive about immigrant rights--and he is an immigrant himself! Estrada has no understanding of the needs and aspirations of the Latino community. He has no history of effort in trying to help other Hispanics."

(Representative Nydia Velázquez (D, NY-12) Statement, "The Right's Judicial Juggernaut," Jack Newfield, The Nation, October 7, 2002).