

Testimony of

The Honorable Strom Thurmond

September 26, 2002

Mr. Chairman:

Thank you for holding this important hearing on judicial nominations. Today, we are considering the nomination of an extraordinary individual, Miguel Estrada, to the United States Court of Appeals for the D.C. Circuit.

Miguel Estrada is a great example of the American dream come true. He arrived in this country speaking very little English and has gone on to become one of America's best appellate lawyers. He is living proof that through hard work and determination, anyone in this great Nation can realize his or her potential.

Mr. Estrada has a very distinguished legal background. He graduated magna cum laude from Harvard Law School in 1986 and served as editor of the Harvard Law Review. He clerked for Judge Amalya L. Kearsse of the Second Circuit Court of Appeals from 1986-1987 and for Supreme Court Justice Anthony M. Kennedy from 1988-1989. Mr. Estrada went on to serve for two years as Deputy Chief of the Appellate Section in the U.S. Attorney's Office in the Southern District of New York. From 1992 until 1997, he worked as Assistant to the Solicitor General of the United States.

At the office of the Solicitor General, Mr. Estrada honed his skills as a first-rate appellate lawyer. I would like to note that Seth Waxman, Solicitor General under President Clinton, who worked with Mr. Estrada from 1996 to 1997, has strongly supported his nomination, calling him "a model of professionalism and competence."

For the last several years, Mr. Estrada has been in private practice and has established himself as one of the Nation's finest appellate lawyers. In fact, he has argued 15 cases before the U.S. Supreme Court. This is a significant achievement and demonstrates his outstanding legal abilities and advocacy skills.

Despite these impressive credentials, some of Mr. Estrada's detractors argue that he is unqualified to be a Federal appellate judge because of his lack of judicial experience. This argument is without merit. In addition to Mr. Estrada's experience in appellate litigation and his demonstrated excellence, he has received a rating of "Well-Qualified" by the American Bar Association. It is also worth noting that of the 18 judges confirmed to the D.C. Circuit since President Carter's administration, only 3 had previous judicial experience. Furthermore, Chief Justice Rehnquist has argued that the Federal Judiciary should choose from a variety of professional backgrounds, noting that many fine judges have come from private practice.

Mr. Chairman, Miguel Estrada will be an asset to the United States Court of Appeals for the D.C. Circuit, and I am happy to support his nomination. In all respects, he has demonstrated that he is an honorable man. He will be a judge who follows the law and adheres to established precedent. In short, there is every reason to believe that Mr. Estrada is eminently qualified and will be an excellent addition to the D.C. Circuit. Mr. Estrada is precisely the type of person that we should all welcome to the Federal appellate bench. He will serve our Nation well. I look forward to seeing him confirmed.