

Testimony of

The Honorable Richard J. Durbin

January 30, 2003

Statement of Senator Richard J. Durbin

Nomination of Miguel Estrada to the D.C. Circuit Court of Appeals

Senate Judiciary Committee
Executive Business Meeting
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The D.C. Circuit Court of Appeals is not just another federal circuit. The D.C. Circuit is the AAA team for the United States Supreme Court, and the White House has made it clear that Miguel Estrada is in line to move up to the major leagues. So Miguel Estrada is not just another nominee.

His personal story is compelling. His legal credentials are impressive. And I believe that the decision of the Bush White House to affirmatively act to add more Hispanics to the judiciary is appropriate. But his views are so suspect that he has consistently refused to be candid to this committee.

If this committee is to live up to its constitutional obligation we must make certain that this process is about advise and consent, not cat and mouse.

Miguel Estrada ducks the real issues and refuses to provide this committee with the legal documents he prepared that would give an insight into his legal thinking.

When Supreme Court Justice Clarence Thomas, a former Catholic seminarian, testified under oath before this committee that he had never considered the issue of abortion, he established a witness strategy that Miguel Estrada has faithfully followed.

It is an affront to the integrity of this committee and our constitutional responsibility to allow this type of strategy to succeed.

I oppose the nomination of Miguel Estrada.