

Coalition for a Fair and Independent Judiciary

February 7, 2003

The Honorable Orrin G. Hatch
Chair
Senate Judiciary Committee
104 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch:

The nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit has generated a great deal of controversy. Senators, organizations, major newspapers, and individuals have expressed very different views and have taken very different positions on the question of whether Mr. Estrada should be confirmed for this prestigious lifetime appointment.

The undersigned civil rights, environmental, labor, women's and human rights organizations, representing millions of Americans, oppose Mr. Estrada's nomination, because Mr. Estrada has failed to meet the burden of demonstrating his qualification and suitability for this prestigious position. We recognize that others take a different view, and we respect their right to do so. But it is crucially important that the discussion of these disagreements take place within the boundaries of civilized debate. Unfortunately, it is our view that the debate over the Estrada nomination has veered out of bounds.

Specifically, during the course of public debate over the Estrada nomination, you and other senators have made a number of statements suggesting that opponents of Mr. Estrada's nomination are either anti-Hispanic, or that they oppose Mr. Estrada because he "doesn't fit their definition of *Latino*." For example, in your floor statement on February 5, 2003, you stated that "Latino community leaders [are] turning on one of their own because he doesn't fit their definition of 'Latino.'" You have further stated that Mr. Estrada's "detractors have suggested that because he has been successful and has had the privilege of a fine education, he is somehow less than a fullblooded Hispanic." Senator Lott told the Associated Press that "they" – meaning Mr. Estrada's opponents – "don't want Miguel Estrada because he's Hispanic."

Ironically, Senator Grassley, who stated that "deny[ing] Mr. Estrada the position on the D.C. Circuit . . . would be to shut the door on the American dream of Hispanic Americans everywhere," was one of the 39 Republican Senators who voted against the confirmation of Richard Paez to the U.S. Court of Appeals for the Ninth Circuit.

These are but a few examples of the many statements made by you and several of your colleagues over the last several days. We find these statements offensive and insulting. Our organizations have long fought for a federal judiciary that reflects the diversity of America, and we did not make the decision to oppose Mr. Estrada lightly. To have principled opposition to Mr. Estrada's nomination mischaracterized as "anti-Hispanic" is an insult to our organizations and to the millions of Americans we represent.

We respectfully request that you reconsider your remarks and that you make every effort to ensure that the debate on Mr. Estrada's nomination, which will continue in the coming days, be conducted on a higher plane. Moreover, we believe our organizations and the millions of Americans we represent, and in particularly those Latino organizations and individuals who have opposed Mr. Estrada's nomination, are due an apology. We look forward to your response. If you have any questions or need further information, please contact Nancy Zirkin, Leadership Conference on Civil Rights Deputy Director/Director of Public Policy at (202) 263-2880.

Sincerely,

Alliance for Justice
Leadership Conference on Civil Rights
People For the American Way
National Women's Law Center
AFL-CIO
ADA Watch/National Coalition for Disability Rights
American Federation of State, County and Municipal Employees, AFL-CIO
Association of Community Organizations for Reform Now
Feminist Majority
Friends of the Earth
Labor Council for Latin American Advancement
Mexican American Legal Defense and Educational Fund
NARAL Pro-Choice America
National Abortion Federation
National Association for the Advancement of Colored People
National Family Planning and Reproductive Health Association
National Coalition on Black Civic Participation
National Coalition of Jewish Women
National Organization for Women
National Partnership for Women and Families
Planned Parenthood Federation of America
Puerto Rican Legal Defense and Education Fund
Religious Coalition for Reproductive Choice
Sierra Club