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From: Helgard C. Walker (CN=Helgard C. Walker/OU=WHO/O=EOP [WHO])
To: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])
Subject: : From the wires.....
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)
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CREATION DATE/TIME: 10-APR-2002 18:58:52.00
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READ: UNKNOWN
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----- Forwarded by Helgard C. Walker/WHO/EOP on
04/10/2002 06:58 PM -----

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04/10/2002 06:07:06 PM
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To:

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cc:
Subject: From the wires.....

Republicans Accuse Democrats of Discrimination

Wednesday, April 10, 2002

By Thomas Ferraro

WASHINGTON (Reuters) - Top U.S. Senate Republicans accused Democrats of racial discrimination on Wednesday in delaying action on Miguel Estrada, a conservative Hispanic judicial nominee seen as a future contender for a seat

on the U.S. Supreme Court.

Senate Judiciary Committee Democrats promptly denied the charge as "preposterous on its face," noting in a statement they had already approved three of President Bush's four other Hispanic judicial nominees.

Regardless, the partisan exchange showed a year-long battle over the Republican president's largely conservative judicial nominees heating up in the Democratic-led Senate.

The Senate Judiciary Committee has yet to hold a confirmation hearing on Estrada, 40, a Washington, D.C. attorney picked by Bush nearly a year ago to

be the first Hispanic on the U.S. Court of Appeals for the District of Columbia.

Estrada was on the legal team that represented Bush before the U.S. Supreme Court in Florida's election recount battle that effectively decided the 2000

White House contest.

Critics, including a number of Senate Democrats who favor moderate judges, see Estrada as having a very conservative record and fear he could pose a threat to civil rights.

But Estrada has become a favorite among Republicans, anxious to draw more Hispanic voters. He is widely viewed as a possible future candidate for the U.S. Supreme Court.

"They (Democrats) don't want Miguel Estrada because he's Hispanic," Senate Minority Leader Trent Lott, Mississippi Republican, said as he emerged from a

White House meeting with Bush.

"This is complete discrimination," Sen. Rick Santorum of Pennsylvania, chairman of the Senate Republican Conference, charged at a rally on behalf of

Estrada outside the U.S. Capitol that drew about three dozen people, many of

them Hispanic clergymen.

"I want to say to Democrats ... you don't have to be afraid," said Sen.

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Domenici, a New Mexico Republican. "They (Hispanics) are good lawyers and great judges."

Replied Senate Judiciary Committee Chairman Patrick Leahy, a Vermont Democrat, "The Republican campaign to paint a picture of unfairness in the handling of this or other judicial nominees is pure partisan bunk that is flatly refuted by the record."

"It is the Democrats who have long championed diversity in the federal courts," Leahy said, noting Democratic President Bill Clinton nominated a number of Hispanics, on many of whom the then Republican-led Senate refused to hold hearings.

Leahy has said his committee will give Estrada a confirmation hearing, but has thus far declined to say when.

Sen. Orrin Hatch of Utah, ranking Republican on the Judiciary Committee, said

on Wednesday he did not believe Democratic opposition to Estrada was based on race.

"I don't think there is anybody in the Senate with a racist bone in their body, but I do think it is prejudice against conservatives," Hatch said.

To date, 42 of Bush's 98 judicial nominees have been confirmed. Just one, Charles Pickering of Mississippi, has been rejected.

But a number of other Bush judicial nominees, including Estrada and seven others first nominated by the president in May 2001, have yet to have a hearing.

Bush has accused Democrats of dragging their feet on his judicial nominees, echoing Clinton's complaints when Republicans controlled the Senate during six of his eight years in office.

* Associated Press: GOP Wants Minority Judges Confirmed

<http://www.nytimes.com/aponline/national/AP-Senate-Estrada.html>

Filed at 4:39 p.m. ET

WASHINGTON (AP) -- Senate Republicans on Wednesday accused Democrats of discriminating against conservative minorities picked for the federal bench,

citing the case of a Hispanic lawyer nominated last May but still awaiting a

confirmation hearing.

Democrats said the charge was ridiculous and that Senate Judiciary Chairman Patrick Leahy, D-Vt., has promised that Miguel Estrada, selected for the U.S. Court of Appeals for the District of Columbia Circuit, will get a hearing this year.

Republicans have lobbied for the committee to act more quickly on all of Bush's nominees. The president has nominated 98 people for openings on federal trial and appellate courts. The Democratic-controlled Senate has confirmed 42 and rejected one.

"What you are seeing here is an assault by the Senate Judiciary Committee on anyone who is a conservative," said Sen. Rick Santorum, R-Pa. But "if you are a conservative and a minority the bar goes up a lot higher. ... This is Clarence Thomas all over again. This is complete discrimination."

Sen. Charles Schumer, D-N.Y., called Santorum's comments a "punch below the belt."

During his Supreme Court confirmation hearing 11 years ago, Clarence Thomas contended that opposition to his nomination amounted to a "high-tech lynching for uppity blacks."

Sen. Orrin Hatch of Utah, the top Republican on the committee, said Democrats "will simply not accept a Hispanic, an African-American or even women who do not tow the line of the left of main center, liberal interest groups."

Estrada, a partner in the Washington law firm that represented Bush during the election recount, would become the first Hispanic on D.C. appeals court.

Also awaiting a hearing for the same court is John Roberts, a former clerk to Chief Justice William H. Rehnquist. Roberts' earlier nomination was never acted on during the administration of the first President Bush.

"Are we discriminating against John Roberts ... because he's white?" Schumer asked. "I don't care if a judge nominee is white, black, Latino or something else, if they are in the mold of Justices (Antonin) Scalia and Thomas, I am not going to be stampeded into voting for them."

Harsh feelings from previous judicial battles also linger.

Democrats say that majority Republicans stalled former President Clinton's nominees for the D.C. appeals court. It has been five years since a nominee was confirmed to that court.

"I think it sort of clouds the argument that we ought to do these quickly when they took their sweet time back then," Schumer said.

In addition, the last disputed Hispanic nominee, Richard A. Paez, waited four years -- longer than any other nominee in history -- before being confirmed for the 9th U.S. Circuit Appeals Court by the Republican-controlled Senate. Conservatives complained that Paez, a

Mexican-American, was too liberal and activist.

Similar charges of discrimination by the parties have arisen before.

In 2000, the Congressional Black Caucus accused Senate Republicans of being sexist and racist for not voting for Clinton's minority judicial candidates, including Roger Gregory, who would have been the first black on the 4th U.S. Circuit Court of Appeals. Republicans denied the charge.

Only after President Bush took office and Democrats took over the Senate Judiciary Committee did Gregory get confirmed.

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