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Subject: : fcfnnn090902 Inside: Paul M. Weyrich's Commentary: Miguel Estrada: Next Victim Of The Senate Judiciary Committee's "Gang Of Ten"?

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a: Next Victim

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fyi: Estrada.

Warmly

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Free Congress Foundation's
Notable News Now
September 9, 2002

The Free Congress Commentary
Miguel Estrada: Next Victim Of The
Senate Judiciary Committee's "Gang Of Ten"?

By Paul M. Weyrich

The Senate Judiciary Committee's "Gang of Ten" has killed another of President George W. Bush's nominees. Priscilla Owen was, by any measure, extremely well qualified to be on the U.S. Circuit Court of Appeals. But qualifications are of no interest to a Judiciary Committee dominated by special interests. What a chance to embarrass the President! Priscilla Owen was Governor Bush's pick for the Texas Supreme Court. The chance to tube a well-qualified woman from the President's home state was too much for this ideologically driven Committee to resist.

Now watch the Committee's "Gang of Ten" as it tubes an extremely well-qualified Hispanic. On August 23rd the President said this to a group of new American citizens: "You know, education is the pathway to success, and there's just example after example of people who came here with nothing except a dream or a hope and love and got a good education and succeeded. That's what America is about. That's what I love about our country. That's the hope. That's what distinguishes us from many other countries, that we welcome people from all walks of life. We proudly call you an American. We don't say, show us your birth certificate, how you're born, where you're born; you're American and we love you for being in America. We welcomed you to this country.

"And, you know, I've got a shining example right there in Washington I want to share a story with you about, because it's....we've got a little problem up there with this particular fellow. His name is Miguel Estrada. He's a young guy. He came to our country as a teenager. He barely spoke English. He had trouble with the language, because he didn't spend any time learning the language. And he got here, and he worked hard, and as a result of a good brain, a brilliant mind, he now has argued 15 cases before the United States Supreme Court. I've named him to a high bench, but the Senate won't give him a hearing. Here's a kid who comes to our country, works hard, learns the language. He's a brilliant jurist. He can't even get a hearing. I nominated him over a year and a half ago. I want this man to serve as a bright example of what is possible in America. He'll be a great judge, and the Senate needs to act." (applause).

Well, it appears that the Senate Judiciary Committee will give Estrada a hearing, but he may well suffer the same fate as Priscilla Owen and an earlier nomination, Judge Charles Pickering. The smear campaign against Estrada has already started. As was the case with Owen and Pickering, once the smear effort starts, the nominee never has the chance to answer the charges.

Estrada has the same problem as the president's other nominees. He believes that judges should interpret the law but should not make the law. He believes that the Constitution means what it says and what the Founding Fathers intended it to mean. He does not buy the nonsense that the Constitution is a living document subject to the political correctness of

our time.

And the Senate Judiciary Committee doesn't want such nominees on the bench. The President has nominated over 120 candidates for federal judgeships.

Only

73 have been confirmed and most of those are federal district court judges. It is with nominees to the appeals courts, which handle 80% of all cases that go to a higher court, where the Committee has been especially dilatory.

Even with all of the nominations the president has made, there are still 30 vacancies in the courts for which there are yet no nominees. Despite this, the Judiciary Committee won't even hold hearings on most of the nominees the president has submitted.

What has happened in this Committee (one of only three which Majority Leader

Tom Daschle has permitted to function because they do as he wishes) demonstrates the power of a single vote.

Often voters I speak with tell me they no longer participate in the process because their vote doesn't count. I don't know how anyone can say that when

it comes to the U.S. Senate. A single vote constitutes the majority and that

majority not only has refused to confirm most of the president's judicial nominees, but also has refused to act on some 100 bills passed by the House.

They include everything from the energy bill to the measure banning cloning.

If one vote can do this much damage, one vote can also undo the damage.

That

is something for those who don't want to vote to think about.

Paul M. Weyrich is President of the Free Congress Foundation.

For more information about the Judicial Selection process, visit: