

**Received(Date):** 6 SEP 2002 10:15:52

**From:** "Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A." <MEstrada@gibsondunn.com> [ UNKNOWN ] )

**To:** Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

**Subject:** : FW: Lack Of Latino Judges Is A Political Time Bomb by Juan Figueroa

[P\\_X90X9003\\_WHO.TXT\\_1.htm](#)

[P\\_X90X9003\\_WHO.TXT\\_2.pdf](#)

##### Begin Original ARMS Header #####

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:"Estrada, Miguel A." <MEstrada@gibsondunn.com> ( "Estrada, Miguel A." <MEstrada@gibsondunn.com> [ UNKNOWN ] )

CREATION DATE/TIME: 6-SEP-2002 10:15:52.00

SUBJECT:: FW: Lack Of Latino Judges Is A Political Time Bomb by Juan Figueroa

TO:Brett M. Kavanaugh ( CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

##### End Original ARMS Header #####

FYI. Re attached letter. The writer is the immediate past President of the HNBA>

-----Original Message-----

From: Santiago, Rafael [mailto:RSANTIAGO@RC.com]

Sent: Friday, September 06, 2002 9:18 AM

To: Estrada, Miguel A.

Subject: FW: Lack Of Latino Judges Is A Political Time Bomb by Juan Figueroa  
oa

Miguel - I thought you may be interested in what Juan Figueroa recently wrote for the Hartford Courant. I guess he forgot to mention that Bush's Hispanic Nominee to the federal judiciary has been seating in the Senate Judiciary Committee for over 16 months. I mailed the attached letter today to the Hartford Courant. Lets see if they publish it.

[REDACTED]

Muchos saludos. - Rafi

FOIA(b)6  
PRA-P6

Lack Of Latino Judges Is A Political Time Bomb

by Juan Figueroa

Hartford Courant, pg A11

August 23, 2002

When it comes to sorting out facts or interpreting the law, a judge's race or ethnicity is as critical as her legal experience. Having DeJesus as a last name and knowing the difference between a taco and an alcapurria (a green banana croquette stuffed with beef) is as relevant as graduating from the City University of New York, the University of Connecticut or Santa Clara University and practicing family law for 15 years.

Yet there are few on the bench who know that tacos and alcapurrias are culturally distinct food items, let alone the difference between them.

Indeed, the outrageously low number of Latino judges at all levels of the judiciary is a political time bomb and a threat to our democratic values.

Latino appointments need to be made, and soon.

A look at a case out of New York shows the urgency of the issue. Earlier this summer, a New York State Court of Appeals overturned a lower court opinion that the state's school funding system deprived hundreds of thousands of New York City children of their constitutional right to a sound, basic education. Some 73 percent of city schoolchildren are Latinos and African Americans. The African American judge who wrote the lower court

opinion found the state lacking in its financial contributions to city public schools.

The all-white appellate court panel of judges said that the only thing the state constitution required was that these students be equipped for the lowest-level, lowest-paying jobs requiring an eighth- or ninth-grade education.

I cannot imagine that a Latino appellate court judge - one who has experienced an urban education - would have set the bar so low.

The individuals who make these decisions bring to them more than trained legal minds. Judges also bring real-life experiences and values. In America,

an individual's ethnicity and/or race is a big part of her experience. As has been said, race is America's story. These elements make the law come alive in a constitutional democracy.

There are many reasons for appointing Latino judges and for a more diverse judiciary. Promoting respect for the rule of law is one. Engendering confidence in an impartial and fair judiciary is another. Strengthening the integrity of the process and the quality of judicial decisions is yet another. And of course, fulfilling our democratic values of inclusion and a representative democracy.

Yet the number of Latino judges is so absurdly low that it defies reason.

The percentage of federal judgeships held by Hispanic Americans was just 3.7

percent in 2000, and the percentage of state judgeships was essentially the same at 3.8 percent. The Hispanic population was 12.5 percent of the total U.S. population in the 2000 Census, up from 9 percent a decade earlier.

These numbers are particularly troubling when compared to the dramatic growth of the Latino population. According to the U.S. Census Bureau, the Hispanic population (excluding Puerto Rico and U.S. territories) stood at 35.3 million in 2000, a dramatic increase of 58 percent over the previous decade. We now hold the distinction of being the largest minority group (surpassing African Americans), and yet have one of the lowest numbers of any group in the judiciary. Asking if there are qualified candidates is, of course, an insult.

This disparity occurs at a time when Latinos find ourselves more involved with the judicial system than most other Americans are. Courts and other government agencies regulate the large numbers of Latinos who are immigrants, both documented and undocumented. In 1999, Latinos were crime victims at a rate of 35.3 per 1,000 of those age 12 and over, compared to a rate of 32.7 percent for non-Hispanic whites. And let's not forget our overrepresentation in the criminal justice system. Of the 1.3 million people

in state and federal prisons, 2.9 percent are Hispanic men 20 through 29 years old, compared with 1.1 percent of non-Hispanic men.

If we look at states with the highest concentration of Latinos, things do not get much better. California has a mere 192 out of 1,580 state judges counted as Hispanics; yet the percentage of Latinos in California is 32.4 percent, constituting the largest Latino population in any state. Nevada, Illinois, Connecticut, Utah and Rhode Island have less than 3 percent of their state judges listed as Hispanics. New York, with its huge Latino population and generally immigrant-friendly attitude, has an embarrassing 1.6 percent of its state judges hailing from the Hispanic community.

Sooner rather than later, the Latino electorate is going to make the connection. As governors, mayors and presidential candidates seek an edge by

courting the Latino vote, those who vote will understand the



cause-and-effect relationship. The Latino leadership, including the Congressional Hispanic Caucus, certainly understands it. Candidates will not be able to get by with the occasional Spanish phrase. They will have to deliver many DeJesuses to the bench who have not only well-trained legal minds, but also an understanding of the difference between a taco and an alcapurria along with a deep understanding of the community. Anything less will seriously undermine the foundation of our democracy.

Juan A. Figueroa is president and general counsel of the Puerto Rican Legal Defense and Education Fund in New York City. He served as a Democratic state representative from Hartford from 1988 to 1993. His column appears the fourth Friday of every month. To leave him a comment, please e-mail him at [jafop-ed@prldef.org](mailto:jafop-ed@prldef.org)

-----  
-

-----  
This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at [it@rc.com](mailto:it@rc.com) and immediately delete this message and all its attachments.

-----  
-

=====

====

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

=====

====

- att1.htm - Letter\_t.pdf  
ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_X90X9003\_WHO.TXT\_1>

ATT CREATION TIME/DATE: 0 00:00:00.00  
File attachment <P\_X90X9003\_WHO.TXT\_2>

FYI. Re attached letter. The writer is the immediate past President of the HNBA>

-----Original Message-----

**From:** Santiago, Rafael [mailto:RSANTIAGO@RC.com]

**Sent:** Friday, September 06, 2002 9:18 AM

**To:** Estrada, Miguel A.

**Subject:** FW: Lack Of Latino Judge s Is A Political Time Bomb by JuanFigueroa

Miguel - I thought you may be interested in what Juan Figueroa recently wrote for the Hartford Courant. I guess he forgot to mention that Bush's Hispanic Nominee to the federal judiciary has been seating in the Senate Judiciary Committee for over 16 months. I mailed the attached letter today to the Hartford Courant. Lets see if they publish it.  Muchos saludos. - Rafi

FOIA(b)6  
PRA-P6

Lack Of Latino Judges Is A Political Time Bomb

by Juan Figueroa

Hartford Courant, pg A11

August 23, 2002

When it comes to sorting out facts or interpreting the law, a judge's race or ethnicity is as critical as her legal experience. Having DeJesus as a last name and knowing the difference between a taco and an alcapurria (a green banana croquette stuffed with beef) is as relevant as graduating from the City University of New York, the University of Connecticut or Santa Clara University and practicing family law for 15 years.

Yet there are few on the bench who know that tacos and alcapurrias are culturally distinct food items, let alone the difference between them. Indeed, the outrageously low number of Latino judges at all levels of the judiciary is a political time bomb and a threat to our democratic values. Latino appointments need to be made, and soon.

A look at a case out of New York shows the urgency of the issue. Earlier this summer, a New York State Court of Appeals overturned a lower court opinion that the state's school funding system deprived hundreds of thousands of New York City children of their constitutional right to a sound, basic education. Some 73 percent of city schoolchildren are Latinos and African Americans. The African American judge who wrote the lower court opinion found the state lacking in its financial contributions to city public schools.

The all-white appellate court panel of judges said that the only thing the state constitution required was that these students be equipped for the lowest-level, lowest-paying jobs requiring an eighth- or ninth-grade education.

I cannot imagine that a Latino appellate court judge - one who has experienced an urban education - would have set the bar so low.

The individuals who make these decisions bring to them more than trained legal minds. Judges also bring real-life experiences and values. In America, an individual's ethnicity and/or race is a big part of her experience. As has been said, race is America's story. These elements make the law come alive in a constitutional democracy.

There are many reasons for appointing Latino judges and for a more diverse judiciary. Promoting respect for the rule of law is one. Engendering confidence in an impartial and fair judiciary is another. Strengthening the integrity of the process and the quality of judicial decisions is yet another. And of course, fulfilling our democratic values of inclusion and a representative democracy.

Yet the number of Latino judges is so absurdly low that it defies reason. The percentage of federal judgeships held by Hispanic Americans was just 3.7 percent in 2000, and the percentage of state judgeships was essentially the same at 3.8 percent. The Hispanic population was 12.5 percent of the total U.S. population in the 2000 Census, up from 9



percent a decade earlier. These numbers are particularly troubling when compared to the dramatic growth of the Latino population. According to the U.S. Census Bureau, the Hispanic population (excluding Puerto Rico and U.S. territories) stood at 35.3 million in 2000, a dramatic increase of 58 percent over the previous decade. We now hold the distinction of being the largest minority group (surpassing African Americans), and yet have one of the lowest numbers of any group in the judiciary. Asking if there are qualified candidates is, of course, an insult.

This disparity occurs at a time when Latinos find ourselves more involved with the judicial system than most other Americans are. Courts and other government agencies regulate the large numbers of Latinos who are immigrants, both documented and undocumented. In 1999, Latinos were crime victims at a rate of 35.3 per 1,000 of those age 12 and over, compared to a rate of 32.7 percent for non-Hispanic whites. And let's not forget our overrepresentation in the criminal justice system. Of the 1.3 million people in state and federal prisons, 2.9 percent are Hispanic men 20 through 29 years old, compared with 1.1 percent of non-Hispanic men.

If we look at states with the highest concentration of Latinos, things do not get much better. California has a mere 192 out of 1,580 state judges counted as Hispanics; yet the percentage of Latinos in California is 32.4 percent, constituting the largest Latino population in any state. Nevada, Illinois, Connecticut, Utah and Rhode Island have less than 3 percent of their state judges listed as Hispanics. New York, with its huge Latino population and generally immigrant-friendly attitude, has an embarrassing 1.6 percent of its state judges hailing from the Hispanic community.

Sooner rather than later, the Latino electorate is going to make the connection. As governors, mayors and presidential candidates seek an edge by courting the Latino vote, those who vote will understand the cause-and-effect relationship. The Latino leadership, including the Congressional Hispanic Caucus, certainly understands it. Candidates will not be able to get by with the occasional Spanish phrase. They will have to deliver many DeJesuses to the bench who have not only well-trained legal minds, but also an understanding of the difference between a taco and an alcapurria along with a deep understanding of the community. Anything less will seriously undermine the foundation of our democracy.

Juan A. Figueroa is president and general counsel of the Puerto Rican Legal Defense and Education Fund in New York City. He served as a Democratic state representative from Hartford from 1988 to 1993. His column appears the fourth Friday of every month. To leave him a comment, please e-mail him at [jafop-ed@prldef.org](mailto:jafop-ed@prldef.org)

---

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at [tit@rc.com](mailto:tit@rc.com) and immediately delete this message and all its attachments.

---

---

==

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

---

br>

RAFAEL A. SANTIAGO, ESQ.  
104 Whetten Road  
West Hartford, Connecticut 06117  
(860) 275-8247 (Office)  
[redacted] (Home)  
rsantiago@rc.com

FOIA(b)6  
PRA-P6

September 6, 2002

The Hartford Courant  
Letters to the Editor  
285 Broad Street  
Hartford, CT 06115

**Re: Lack of Latino Judges Is a Political Time Bomb**  
**Opinion by Juan Figueroa, Friday August 23, 2002**

Ladies and Gentlemen:

I fully agree with Mr. Juan Figueroa's opinion of August 23, 2002 (Lack of Latino Judges is a political time bomb). Not only the number of Hispanic judges is ridiculously low but, when appointments are made, their confirmation tends to take longer than for non-Hispanics.

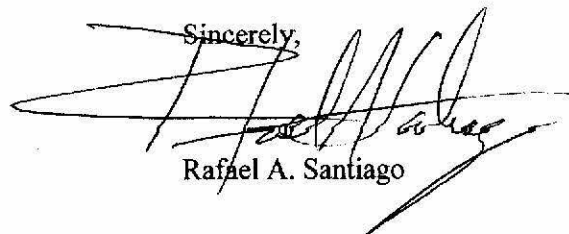
A recent case in point is Mr. Miguel A. Estrada, who was nominated by President Bush in May of 2001, over 16 months ago, for the prestigious U.S. Court of Appeals for the District of Columbia. The United States Senate Judiciary Committee, which is responsible for assessing judicial nominations, has not yet neither held hearings nor voted on his nomination.

Mr. Estrada is a remarkable example of dedication, determination and success that have characterized many immigrants. He came to our country from his native Honduras when he was only 15, having little knowledge of English or of American culture and society. Despite these obstacles, he went on to graduate Magna Cum Laude from both Columbia College and Harvard Law School where he was editor of the Harvard Law Review.

He has excelled in the practice of law both in public service as well as in private practice. The Hispanic National Bar Association and its affiliate, the Hispanic Bar Association of the District of Columbia, have given Mr. Estrada their complete endorsement and wholehearted support. The American Bar Association Standing Committee on the Federal Judiciary gave Mr. Estrada a "well qualified" rating, their highest ranking.

The United States is in dire need of more Latinos who can bring the wide range of experiences of the Hispanic community to the bench. Mr. Estrada's distinguished and impressive career illustrates the promise and opportunity that America offers to all immigrants, especially Hispanic immigrants. It is encouraging that President Bush has tapped into the substantial pool of Hispanic legal talent throughout the country. The time has come for the leadership of the United States Senate Judiciary Committee to perform their constitutional duties and move on Mr. Estrada's nomination.

Sincerely,



Rafael A. Santiago