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May 13, 2003

To the Assembly Committee on Elections, Procedures and Ethics
Testimony in opposition to SJR 6

Presented by Bobbie Gang

Lobbyist Representing Nevada Women's Lobby, National Association of Social Workers, Nevada Chapter and AAUW (American Association of University Women) of Nevada.

All three organizations oppose the vote on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit Court.

The U.S. Senate is charged with advise and consent on judicial nominations. They cannot fulfill their responsibility unless they have sufficient information upon which to make a determination of a nominee's qualifications. Mr. Estrada has refused to answer questions and provide documents ~~that~~ during his hearings and to written questions.

AAUW is a national organization that monitors and testifies at hearings on Capitol Hill in Washington, D.C. In observing Senate Judiciary Committee hearings, AAUW believes that nominees should not go forward unless they have fully participated at hearings in the Judiciary Committee and have openly provided information to the Committee proving their qualifications. This is not the case with Mr. Estrada.

The AAUW has expressed serious concern regarding the nomination of Miguel Estrada: "Mr. Estrada's interpretation of the law and current legal precedent suggests that he may find it difficult to enforce critical constitutional and statutory rights in the areas of civil rights and civil liberties, worker's rights, and consumer rights. Also, nominees bear the burden of establishing that they meet the criteria appropriately applied to nominees to these esteemed positions. In particular, AAUW is troubled that Mr. Estrada evaded answering important questions at his hearing during the 107th Congress."

I am testifying in opposition to SJR 6 because we do not think that the Nevada Legislature should request the U.S. Congress to allow a floor vote until Mr. Estrada has provided the information requested by Senators.

If the committee ^{is} inclined to send a message to Congress, we suggest amending this resolution with the language in SJR 8 which was killed in the Senate Legislative Affairs Committee. *See SJR 8*

Otherwise, we urge that you do not pass AJR 6.
Thank you.

J104

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 5/13/03 ROOM: 3138 EXHIBIT J
SUBMITTED BY: Bobbie Gang

S.J.R. 8

SENATE JOINT RESOLUTION NO. 8—SENATORS TITUS, WIENER,
NEAL, CARLTON, CARE, COFFIN, MATHEWS AND SCHNEIDER

MARCH 21, 2003

Referred to Committee on Legislative Affairs and Operations

SUMMARY—Urges United States Senate to vote on nomination of Miguel A. Estrada to United States Court of Appeals for District of Columbia Circuit only after securing certain information. (BDR R-1318)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.
Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

SENATE JOINT RESOLUTION—Urging the United States Senate to vote on the nomination of Miguel A. Estrada to the United States Court of Appeals for the District of Columbia Circuit only after securing certain information.

1-1 WHEREAS, Section 2 of Article 2 of the Constitution of the
1-2 United States provides that the United States Senate shall provide
1-3 “Advice and Consent” on a President’s nomination for a federal
1-4 lifetime judicial appointment; and
1-5 WHEREAS, The founders of this nation gave the United States
1-6 Senate a strong role in such nominations to ensure that it would
1-7 provide an “excellent check” on the power of the President to shape
1-8 the federal judiciary; and
1-9 WHEREAS, The United States Senate discharges this duty by
1-10 examining the nominee in a public hearing and obtaining written
1-11 work products from the nominee to determine his suitability for a
1-12 lifetime judgeship; and
1-13 WHEREAS, Miguel A. Estrada has been nominated for a lifetime
1-14 judicial appointment to the United States Court of Appeals for the
1-15 District of Columbia Circuit, considered to be the second highest
1-16 court in our country; and

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2-1 WHEREAS, The United States Court of Appeals for the District
 2-2 of Columbia Circuit defines the scope of civil rights, women's
 2-3 rights, environmental protections and workers' rights; and
 2-4 WHEREAS, The United States Court of Appeals for the District
 2-5 of Columbia Circuit will decide the challenges by the State of
 2-6 Nevada to the current presidential administration's illegal selection
 2-7 of Yucca Mountain for the nation's nuclear waste disposal site; and
 2-8 WHEREAS, Mr. Estrada refused to answer routine questions
 2-9 asked by Democrats from the United States Senate and refused to
 2-10 provide memoranda he authored while serving in the United States
 2-11 Office of the Solicitor General; and

2-12 WHEREAS, Similar questions have been answered by previous
 2-13 nominees to lifetime judgeships and memoranda from the Office of
 2-14 the Solicitor General has been provided by past administrations,
 2-15 both Republican and Democratic; and

2-16 WHEREAS, Democrats from the United States Senate confirmed
 2-17 100 percent of the judicial nominees of President Bush while the
 2-18 Democrats held control of the Senate; and

2-19 WHEREAS, In recent years, Democrats from the United States
 2-20 Senate and a Democratic President confirmed 8 of the 10 Hispanic
 2-21 judges now serving on our federal circuit courts of appeals; and

2-22 WHEREAS, Republicans from the United States Senate
 2-23 successfully blocked consideration of a Democratic President's
 2-24 Hispanic nominees and have traditionally opposed policies that give
 2-25 encouragement to those who have historically suffered
 2-26 discrimination; and

2-27 WHEREAS, Mr. Estrada's nomination is opposed by the
 2-28 Congressional Hispanic Caucus, the Puerto Rican Legal Defense
 2-29 and Education Fund, the National Association of Latino Elected and
 2-30 Appointed Officials Educational Fund, the National Council of La
 2-31 Raza and the National Puerto Rican Coalition, Inc.; now, therefore,
 2-32 be it

2-33 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE
 2-34 OF

2-34 NEVADA, JOINTLY, That the Legislature of the State of Nevada
 2-35 respectfully requests the United States Senate to discharge its
 2-36 constitutional duty to provide "Advice and Consent" on Miguel A.
 2-37 Estrada's nomination by securing forthright responses to questions
 2-38 asked of the nominee, and by securing legal memoranda written by
 2-39 the nominee while in the United States Office of the Solicitor
 2-40 General, before rewarding Miguel A. Estrada with a lifetime judicial
 2-41 appointment to the second highest court in this country; and be it
 2-42 further

2-43 RESOLVED, That the Secretary of the Senate prepare and
 2-44 transmit a copy of this resolution to Nevada's Senators Harry Reid
 2-45 and John Ensign; and be it further

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³⁻¹ RESOLVED, That this resolution becomes effective upon
³⁻² passage.

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