

**COMMUNITY RIGHTS COUNSEL · DEFENDERS OF WILDLIFE  
EARTHJUSTICE · ENDANGERED SPECIES COALITION  
ENVIRONMENTAL WORKING GROUP · FRIENDS OF THE EARTH  
GREENPEACE · NATIONAL ENVIRONMENTAL TRUST  
NATURAL RESOURCES DEFENSE COUNCIL · OCEANA  
PHYSICIANS FOR SOCIAL RESPONSIBILITY  
SIERRA CLUB · SOUTHERN UTAH WILDERNESS ALLIANCE  
THE WILDERNESS SOCIETY**

February 4, 2003

RE: Nomination of Miguel Estrada

Dear Senator:

We respectfully urge that based upon the current record, the Senate, in the exercise of its constitutional advise and consent responsibility, should not confirm Miguel Estrada to a lifetime position on the United States Court of Appeals for the District of Columbia Circuit.

The D.C. Circuit is justifiably viewed as the most crucial court for environmental protection after the Supreme Court. Its exclusive jurisdiction to hear challenges under many laws results in rulings on whether to uphold or strike down many critical national environmental safeguards that are seldom reviewed by the Supreme Court.

The attached September 23, 2002 letter to the Judiciary Committee from national environmental groups sets forth the standard that we believe the Senate should apply to the consideration of Mr. Estrada. In particular, the letter urges that Senators not vote to confirm D.C. Circuit nominees unless Senators "ensure that each nominee affirmatively establish his or her qualifications.... No President has a mandate to appoint to the federal courts judges who are or may be hostile to laws protecting the environment and the public's health and welfare. The mere absence of disqualifying evidence in a nominee's record should not constitute sufficient grounds for confirmation."

Based upon the current record, we believe that Mr. Estrada has not met this standard, in light of his limited public record on many of the key issues before the D.C. Circuit, the lack or unavailability of writings that would reveal his qualifications, and his testimony at his hearing before the Senate Committee on the Judiciary, including his sweeping and repeated refusals to provide his views about any cases that the Supreme Court has decided in the past. The Senate should exercise its constitutional responsibility to confirm lifetime federal judicial nominees only if there is an adequate record to ensure that they will fairly decide critical issues regarding protection of clean air, clean water, endangered species, and special places.

Thank you for consideration of our views on this lifetime nomination to a critically important court.

Sincerely yours,

Doug Kendall  
Executive Director  
Community Rights Counsel

William Snape  
Vice President for Law  
Defenders of Wildlife

Vawter "Buck" Parker  
Executive Director  
Earthjustice

Beth Lowell  
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Pat Gallagher  
Director, Sierra Club Environmental Law  
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Sierra Club

Gail Hoskisson  
Washington Representative  
Southern Utah Wilderness Alliance

William H. Meadows  
President  
The Wilderness Society

Attachment