



Media Reality ✓ Check

A Regular Report on Major News Stories Distorted or Ignored ☐ www.mediaresearch.org

ABC, CBS Have Skipped Over Senate Filibuster of "Latino Clarence Thomas"; NBC Aired One Story

Ignoring Miguel Estrada, Liberal Nightmare

On May 9, 2001, President Bush nominated his first batch of nominees to the federal circuit courts in an East Room ceremony. One of the nominees standing on the risers was Miguel Estrada. Liberal groups quickly decided to fight this 41-year-old Honduran immigrant tooth and nail. People for the American Way thought they were insulting him by calling him the "Latino Clarence Thomas."

Today, the Senate failed to end the Democratic filibuster of Estrada by a vote of 55 to 44 (60 votes are needed to end debate). He could be confirmed (Thomas had 52 votes in 1991), but liberal Democrats won't allow it. Like Thomas, the hostility isn't because he's a minority – it's because he's a conservative minority, a threat to the notion that minorities should only think and vote Democratic.

This historic filibuster began a month ago. It's the first time a cloture vote has denied a judicial nominee below the Supreme Court level. In 1968, the Senate filibustered ethically challenged Supreme Court justice Abe Fortas when Lyndon Johnson nominated him as chief justice in 1968. **But ABC's and CBS's daily morning and evening news shows haven't done a single story on the Estrada battle in the last two years.** ABC's *This Week* has covered it (see box).

NBC *Nightly News* aired one story, on February 26, the day President Bush welcomed Latino activists to the White House to press for Estrada's confirmation. Reporter Norah O'Donnell used soundbites from Brent Wilkes, "director of the nation's largest Latino advocacy group," LULAC, calling the fight "unfortunate," but did not mention that the group endorsed Estrada. O'Donnell explained Democrats "don't dispute Estrada's qualifications, but argue he's too conservative for what some consider the second-highest court in the land." She did not explain that Estrada was unanimously declared "well-qualified" by the liberal

American Bar Association. She did say Democrats were "angry Estrada stonewalled them at the confirmation hearings." NBC carried one sentence from Estrada: "I don't know that I'm in a position to say that I disagree with any case that the Supreme Court has ruled on."

National Review reporter Byron York has reported that the White House sent a letter to all 100 Senators asking for questions to Estrada, and promised he would answer by this week. None of the Senators sent questions.

No Justice, No Paez. NBC should be the first to report on Estrada. On October 11, 1999, NBC's *Today* aired a story on Richard Paez, a Clinton nominee to the notoriously liberal Ninth Circuit that's currently editing the Pledge of Allegiance. Reporter Pete Williams stressed "Conservative Republicans have repeatedly prevented a Senate vote on the judge's nomination, considering him too liberal – an opponent of the death penalty, for example, and too pro-environment." Too pro-environment?

Williams did not report what most moved conservatives to oppose Paez: his contempt for California voters. As a federal district court judge, Paez may have violated the judicial code of conduct by publicly denouncing Proposition 187, the California initiative that barred illegal aliens from receiving state-funded benefits, as "discrimination and hostility" against Latinos. More than a dozen Republicans, including current Judiciary Committee Chairman Orrin Hatch, were among 59 votes for Paez in 2000. Paez has since ruled to weaken California's voter-approved "three strikes" law for repeat offenders. He was reversed yesterday by the Supreme Court. NBC didn't work Paez into its brief story last night. — *Tim Graham*

Estrada's Not Qualified? ABA vs. ABC

ABC reporter Michel Martin: "Miguel Estrada is a very promising young lawyer who went to some excellent schools, had excellent clerkships, has a good work record. What he lacks in judicial background he makes up with a compelling life story....And you know what that's called George? Affirmative action. He is an affirmative action candidate as practiced by the Republican Party and the conservative movement...."

George Will: "Michel, affirmative action, in the Michigan style, would be to give Mr. Estrada 20 extra points. He didn't get that. He got the highest possible rating by the ABA." — Exchange on ABC's *This Week*, February 9.

L. Brent Bozell III, Publisher; Brent Baker, Rich Noyes, Tim Graham, Editors; Geoffrey Dickens, Jessica Anderson, Brad Wilmouth, Brian Boyd, Ken Shepherd, and Patrick Gregory, Media Analysts; Kristina Sewell, Research Associate; Liz Swasey, Director of Communications. For the latest media bias, sign up for *CyberAlerts* at www.mrc.org.