

Senator HUTCHISON. And my third Texan is Xavier Rodriguez. Judge Rodriguez has been nominated for the U.S. District Court for the Western District in San Antonio. He earned his B.A. from Harvard University in 1983. In 1987, he earned his master of public administration and juris doctorate from the University of Texas.

Following his graduation from Harvard, Judge Rodriguez was commissioned as an officer in the U.S. Army Reserve and served in the JAG Corps until 1993. After graduating from law school, he returned to San Antonio where he went with Fulbright & Jaworski and is currently a partner at that firm. He has concentrated in the areas of labor and employment law for which he is board-certified.

He is an active member of the community, routinely providing pro bono legal services to Respite Care of San Antonio, a non-profit organization that provides services to families caring for disabled children. He has also worked with Any Baby Can, a non-profit that provides support and crisis assistance to families with children with special health care needs.

In 2001, he was appointed to serve as a justice for the Texas Supreme Court. He did an outstanding job, and I know will do the same outstanding job on the Federal bench that he did while serving on the Supreme Court of Texas.

Judge Rodriguez is accompanied today by his wife, Raenell, and his daughters, Lauren and Sarah. If they would please stand?

Senator CORNYN. Thank you very much. Good to have you here.

Senator HUTCHISON. These three, as you know, Mr. Chairman, from personal knowledge as well and from the joint selection process that we have, are three highly qualified nominees who have the total support of the ABA. All three do, and they have the support of the bar associations and the people in their communities, as I am sure you know as well. I couldn't be more proud to nominate these three and ask for their support from the Judiciary Committee.

Thank you.

Senator CORNYN. Thank you very much, Senator Hutchison.

We have our friend and colleague, Hon. Silvestre Reyes, from the House of Representatives here, who represents El Paso in the United States House of Representatives. And I know you have some remarks you would like to make, and please proceed.

PRESENTATION OF KATHLEEN CARDONE, FRANK MONTALVO, AND XAVIER RODRIGUEZ, NOMINEES TO BE DISTRICT JUDGES FOR THE WESTERN DISTRICT OF TEXAS BY HON. SILVESTRE REYES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Representative REYES. Thank you, Mr. Chairman, and it occurs to me sitting here listening to our senior Senator, the thought goes through my mind that it is a good day for Texas with three new judges. You know, our mantra is "Don't Mess With Texas." With three outstanding candidates like this, we hope they will go through a very speedy process through the Committee. It will be increasingly harder for people to mess with Texas.

But I do want to offer my congratulations to Judge Rodriguez and his family; and, of course, Judge Montalvo and his son, Carlos, who are here, who are soon to be part of my district in West Texas;

and also, of course, a long-time friend of mine and of my family, Kathy Cardone, and Bruce and Nicco, and, of course, the extended family that has turned out in force here, which makes me even prouder to be here to say a few words about Judge Cardone.

So with that, Mr. Chairman, Judge Cardone has been a leading figure of the family court system in my district of El Paso, Texas. She has been instrumental in highlighting important differences between the family court and other cases files at our courthouse. Today, the El Paso County Courthouse 11th floor is dedicated to families and to children, due in large part to Judge Cardone's vision.

Judge Cardone's experience speaks for itself. For nearly 20 years, she has been a judge both at the municipal and State level. Currently, she sits as a visiting judge for the State of Texas, where she presides over criminal and civil family law matters. She was appointed to that position by then-Governor George W. Bush, our current President, and she has been effectively recognized for managing a very vigorous trial docket and has a reputation of diligence, balance with fairness and thoughtfulness. Furthermore, her knowledge and commitment to our border region will be beneficial to the Federal court system.

The Western District of Texas urgently needs Judge Cardone and Judge Montalvo. Investments in law enforcement agencies along the U.S.-Mexico border have increased dramatically in the past several years. The resources of the legacy Immigration and Naturalization Service, the United States Border Patrol, the DEA, have more than doubled since 1994 as a result of America's effort on the war on drugs, and even more recently as a result of the events of September the 11th.

By the year 2000, arrests on the border had increased by 125 percent. During that same period within the Western District of Texas, the number of defendants prosecuted for immigration violations rose 849 percent. And the number of drug prosecutions rose another 268 percent.

According to the Administrative Office of the United States Courts, authorized Federal court judgeships, on the other hand, increased by only 6 percent in the five United States judicial districts along the border between fiscal years 1994 and 2000. During 2000, these five border districts, which include the Western District of Texas, handled 27 percent of all criminal cases filed in the United States, while the other criminal cases were spread among the country's other 89 Federal district courts. I think a staggering statistic by anybody's measure.

In the Western District of Texas alone, Federal criminal cases have increased by 218 percent since 1994, from 1,390 to today 4,425 cases. Nowhere within the Western District of Texas are circumstances more dire than in my own hometown of El Paso. The number of Federal criminal cases filed in El Paso County has increased from 443 to 2,192 cases since 1994. During the year 2000, the Federal judges sitting in El Paso averaged 817 cases, whereas the national Federal judges averaged 96 cases. No judge should be burdened with a caseload that is more than 8 times the national average. Thankfully, last year the Senate approved the judicial nomination of Judge Phillip Martinez to fill an existing vacancy in

the Western District of Texas and who, I might add, is doing an outstanding job for us.

Nevertheless, additional judges are desperately needed in the Western District to address what we think is a crisis on the border.

I have no doubt that Judge Cardone will be able to contribute significantly to addressing the large caseloads we have on the border, as will Judge Montalvo. I am also confident that both Judges Cardone and Montalvo will continue to be an asset to the Federal court system, and, in particular, Judge Cardone to the city of El Paso in this new capacity. She has been a very active member of our community, as Senator Hutchison made mention of all her individual commitments to the many different organizations that tells so much about her commitment to our community.

As I said, I have personally known Judge Cardone for almost 10 years and can attest to her character and fairness both as a person and as an officer of the court. She is a person of integrity and is well respected throughout El Paso and the rest of our great State.

Mr. Chairman and members of the Committee, I would like to thank all of you for the opportunity to speak here today and to express my support for both Judge Cardone and Montalvo for the U.S. district judgeships in the Western District of Texas, and I respectfully urge the members of the Committee to confirm her appointment as quickly as possible. As I stated before, the number of cases really creates a crisis for our community on the border region.

So, with that, again, congratulations to all the nominees here, Judge Montalvo, Judge Rodriguez, and, of course, our own Judge Cardone. And thank you, Mr. Chairman, for giving me an opportunity to be here this afternoon.

Senator CORNYN. Thank you. Thank you, Mr. Reyes. We appreciate your being here and your presence here.

I am going to have all of the written statements of each of the witnesses made part of the record. Also, Senator Leahy has a statement which will be made part of the record, Senator Nelson, and Senator Bob Graham—the last two, Senator Nelson and Senator Graham, on behalf of James Cohn, who has been nominated to serve as U.S. District Judge for the Southern District of Florida.

And we will, as usual, leave the record open for a week to allow any Senator who would like to send written questions to any of the nominees, which, of course, we hope that you would respond to on a prompt basis so we can expedite consideration of your nomination on the floor.

I just want to add my comments to those of Senator Hutchison with regard to three of the nominees, whom I had the pleasure of working with Senator Hutchison in sending these nominees to the President, that is, Judge Cardone, Judge Montalvo, and Judge Rodriguez.

Actually, just to show what a small world it is, I actually practiced at the same law firm that Judge Montalvo did when he came to San Antonio. But at that time I was already a district judge in San Antonio and had been for about 4 years when he came along. So Judge Montalvo and I have known each other for quite a while now, and I have had a chance to see him tested by the judicial election process and on the bench in a professional manner, and he has

done an outstanding job. And I have every confidence he will make an outstanding United States district judge.

In a similar way, I have gotten to know Xavier Rodriguez, who was appointed to the Texas Supreme Court and who served honorably there. Before that, he worked at Fulbright & Jaworski as a labor lawyer in San Antonio, had an outstanding reputation, is well regarded professionally in San Antonio, and I know who likewise will do a very good job in the Western District of Texas there in the San Antonio Division, which is my hometown, and at least until shortly, the hometown of Judge Montalvo before he now relocates to El Paso, where I know he will be warmly greeted and embraced by the community there.

And Kathy Cardone, Judge Cardone, I have known also for quite a while and who served with great distinction there in El Paso on the district bench and has made numerous contributions to the local community there in the administration of justice, assisting those who are among the most vulnerable in that community. So I could not be more pleased to join with Senator Hutchison and Congressman Reyes in adding my congratulations to the nominees, as well as to their families, and make these brief comments by way of introduction.

Senator CORNYN. With that, let me please ask the judicial nominees to step forward, and we will seat you at the table and administer an oath.

Senator Hatch will also have a written statement that we will make part of the record, and as I said, the record will remain open for at least a week so that any other Senator who has a statement or any questions he or she would like to submit to the nominees can do so.

If each of you would please raise your right hand. Do each of you swear that the testimony you are about to give before this Committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BROWNING. I do.

Judge CARDONE. I do.

Judge COHN. I do.

Judge MONTALVO. I do.

Justice RODRIGUEZ. I do.

Senator CORNYN. Thank you. Please have a seat.

Now that we have done the most important part and each of you had a chance to be introduced as well as introduce your family, we would like to give you an opportunity to make any brief statement that you would like to make before we begin with questions. And, James O. Browning, Mr. Browning, you have been recommended by both of your home State Senators, and you are a next-door neighbor in New Mexico to those of us in Texas. We would be glad to hear any comments that you may have.

**STATEMENT OF JAMES O. BROWNING, NOMINEE TO BE
DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO**

Mr. BROWNING. Mr. Chairman, I very much appreciate being here today. I think now that Senator Domenici has introduced my family, I will just express my appreciation for being here today and leave it at that.