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Subseries: Chron File, 1989-1993

OA/ID Number: 13540
Folder ID Number: 13540-002

Folder Title:
International Appellate Judges Conference 9/14/90 [OA 5376]

Stack:	Row:	Section:	Shelf:	Position:
G	26	16	4	4

THE WHITE HOUSE
WASHINGTON

9/13/90

30 SEP 13 P12:20

September 13, 1990

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH:

CHRISS WINSTON *ew*

FROM:

EDWARD E. McNALLY *EM*

SUBJECT:

INTERNATIONAL APPELLATE JUDGES CONFERENCE

OK
provided!
below is not.

I. SUMMARY

On Friday, Sept. 14, at 11:30 a.m., you will give brief remarks in the East Room to the chief justices (and spouses) of over 90 countries who are meeting in Washington this week. Also in attendance will be chief justices from most of the 50 states and U.S. territories, and federal judges who are members of the U.S. Judicial Conference.

II. DISCUSSION

The remarks (10 minutes, on cards) were developed with input from Counsel's office, as well as Judge John Walker. There are three themes: the U.S. Constitution's role as a model for the world, a strong endorsement of Judge Souter's nomination, and the importance of the rule of law in international relations, particularly with regard to the situation in Iraq.

My only question:

Do Biden & McClure feel that given the fact hearings are now on I should say all this on Souter. I don't want to do anything that will work against him.

(McNally/Simon)
Sept. 13, 1990
Draft Three (B:JUDGES)

PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

Good morning. Thanks for your warm greeting.

Rarely has the White House been graced by such distinguished talent. More than 100 chief judicial officers from around the world. Chief Justices representing most of America's 50 states and territories. And practically the entire leadership of the Judicial Conference of the United States. (I heard that Judge Souter might invite some friends to Washington for his hearing, but I never imagined anything like this!) \ \ \

Truly, it is a great honor to welcome this extraordinary assembly to Washington, and to greet you at the White House.

Your visit is historic for many reasons. ~~Although the United States is a Pacific nation,~~ your Washington gathering marks the first time this conference has been held in the United States.

But even more historic than the place, are the times. Your visit comes as the capstone of America's celebration of 200 years of the world's oldest continuous constitution and independent judiciary. And with what I call the Revolution of '89 just behind us, your conference also serves to commemorate the emergence of some of the world's newest democracies.

And so I am especially pleased to welcome and congratulate those Justices representing the new and more independent

*What does
this refer
mean?
Are there
judges
Pacific
area*

judiciaries of Central Europe and Central America, and yes, also our new friends from the Soviet Union.

More than 200 years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a document that would be adopted by the American people as the supreme law of the land. By common agreement, Americans chose to live not under individual dictate, but according to the Rule of Law. Its greatest innovation: an independent judiciary that protects constitutional principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. \\\

The American experiment is a continuing one. And our success as a Nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary. A judiciary that is not subject to the nation's political winds, but that will interpret fairly and impartially our Constitution and the statutes as adopted by the elected representatives of our people.

And in the American tradition, the key to preserving a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains ^{true} limited to its constitutional function.

The role of our judiciary is not to set policy, but to apply the law of the land -- as found in the Constitution and in our statutes. Our Supreme Court plays the role of the referee -- it does not make up the rules, but rather, applies the rules to the situations that come before it. Thus our judiciary is not a substitute for representative government -- but a limitation on it.

I mentioned the historic times, and, of course, it is also a historic week here in Washington. Even as we speak, our constitutional experiment is unfolding up the street in the United States Senate, where America is engaged in the solemn process of the confirmation of a very fine and decent judge. A judge who I hope and believe will become our newest Supreme Court Justice.

My old friend and neighbor -- the late and beloved Justice Potter Stewart -- was once asked to name the most important attributes in a judge. He fired back without hesitation: "Quality, and competence, and temperament, and character, and diligence."

Those attributes are exactly the qualities I believe describe Judge David Souter, my first nominee to the Supreme Court. Judge Souter has a strong, incisive, independent devotion to the Constitution. I think of what one woman said -- a respected New Hampshire lawyer who tried many cases before Judge Souter, and who is now head of the criminal defense bar up there. She said: "~~He was an excellent trial judge, though he was the~~

~~kind of judge you knew was really going to hammer people at sentencing.~~ And she added: "I'm a liberal, but I have tremendous respect for Judge Souter. I think he will honor the Constitution."

Of course, he was elevated from the trial court to serve on New Hampshire's Supreme Court, ~~where he proved to be an outstanding appellate judge with a keen legal mind and a reputation for impartiality.~~ And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the court of last resort for most of our citizens' cases, the proving grounds for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, who has just stepped down after 34 years on the Court. And, of course, Oliver Wendell Holmes.

~~The Souter nomination is an important link in the constitutional tradition we celebrate today.~~ But as we gather to talk about the rule of law this week, there's another subject that's very much on everyone's mind.

I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: "If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in

place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes when he said: "The clearest way to show what the rule of law means to us in everyday life, is to recall what has happened when there is no rule of law."

And as we stand here today, commemorating more than 200 years of constitutional government in America, we look back with pride on the justice we have achieved as a nation -- and the promise that has been offered the world -- through this one, simple, magnificent idea -- the idea we know as the Rule of Law.

Because, like many of the principled nations you represent, all today who embrace the rule of law stand as a powerful force for justice at home, and as a powerful example for justice abroad.

I salute this great tradition, its rich heritage, and all the fine men and women gathered here who are dedicated to justice and the rule of law.

Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

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Chiss comments

(McNally/Simon)
Sept. 7, 1990
Draft One (B:JUDGES)

PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM, THE WHITE HOUSE
FRIDAY, SEPTEMBER 14, 1990, 9:00 A.M.

Good morning. Thanks for your warm greeting. And thanks especially to Chief Justice Rehnquist, for his kind words and for his faithful and distinguished service, both to the United States, and to this historic conference.

Rarely has the White House been graced by such distinguished talent. More than 150 chief judicial officers from around the world. Chief Justices representing most of America's 50 states. And practically the entire leadership of the Judicial Conference of the United States. (I heard that Judge Souter might invite a few friends to Washington for his hearing, but I never imagined anything like this!) \\\

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But even more historic than the place, ^{are} ~~is~~ the times. Your visit comes as the capstone of America's celebration of 200 years of the world's oldest constitution and continuous, independent judiciary. And with what I call the Revolution of '89 just behind us, your conference also serves to commemorate the emergence of some of the world's newest democracies.

And so I hope no one will be offended if I offer particular greetings -- and particular congratulations -- to those Justices representing the new and more independent judiciaries of Central Europe and Central America, and yes, also our ^{new friends} ~~old allies~~ from the Soviet Union.

Two hundred years ago, 54 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound, audacious, startling idea. Today we call it the Rule of Law -- the protection by the judiciary of a nation's constitutional principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. ///

The American experiment is a continuing experiment. And ^{our} ~~its~~ success as a nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary that is not subject to the nation's political winds. And in the American experiment, the key to maintaining a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains limited.

The role of our judiciary is not to set policy, but to apply neutral principles as found in the law -- as found in the Constitution. Our Supreme Court plays the role of the referee

-- determining not who will win the game -- but what the rules will be. Thus our judiciary is not a substitute for ~~democratic~~ government -- but a limitation on it.

I mentioned the historic times, and, of course, it is also a historic week here in Washington. Even as we speak, our constitutional experiment is unfolding up the street in the United States Senate, where America is engaged in the solemn process of the confirmation of our newest Supreme Court Justice.

My old friend and neighbor -- the late and beloved Justice Potter Stewart -- was once asked to name the most important attributes in a judge. He fired back without hesitation: "Quality, and competence, and temperament, and character, and diligence."

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Of course, he was elevated from the trial court to serve on New Hampshire's Supreme Court, where he proved to be an

outstanding appellate judge with a great legal mind and an impartial quality. And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the general court of last resort for most of our citizens' cases, the proving grounds for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, now stepping down after ___ years. And Judge Souter's own personal hero, Oliver Wendell Holmes.

The Souter nomination is an important link in the constitutional tradition we celebrate today. But as we gather to talk about the rule of law this week, there's another subject that's very much on everyone's mind.

I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: **"If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in place the cornerstone of an international order more peaceful, stable and secure than any we have known." \ \ **

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes very clearly. He said: "The clearest way to show what the rule of law means to us

in everyday life, is to recall what has happened when there is no rule of law."

And as we stand here today, commemorating 200 years of constitutional government in America, we look back with pride on the justice we have achieved as a nation -- and the promise that has been offered the world -- through this one, simple, magnificent idea -- the idea we know as the Rule of Law.

You know, America is sometimes referred to as the world's "last, best hope." But the truth is, it's not so much America the nation, but America the idea, that offers that hope.

Because, like many of the principled nations you represent, all who embrace the rule of law stand today as a powerful force for justice at home, and as a powerful example for justice abroad.

I salute this great tradition, its rich heritage, and all the fine men and women who serve justice under the banner of the rule of law today.

Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

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too charming

*Counsel's
comments*

(McNally/Simon)
Sept. 7, 1990
Draft One (B:JUDGES)

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And so I hope no one will be offended if I offer particular greetings -- and particular congratulations -- to those Justices representing the new and more independent judiciaries of Central Europe and Central America, and yes, also our old allies from the Soviet Union.

Two hundred years ago, 54 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound, audacious, startling idea. Today we call it the Rule of Law -- the protection by the judiciary of a nation's constitutional principles through judicial review of executive and legislative actions. **And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized.** \\\

The American experiment is a continuing experiment. And its success as a nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary that is not subject to the nation's political winds. *but that will interpret the law as it has been written in our Constitution and the statutes*
~~And~~ in the American experiment, the key to maintaining a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains limited.

No! The role of our judiciary is not to set policy, but to apply ~~neutral~~ principles *as* found in the law -- as found in the Constitution. Our Supreme Court plays the role of the referee

*dictated by the representatives of the people
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3

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 09/11/90 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE (09/11 draft 2)

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>FIRESTONE</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:
 Please provide any comments/recommendations directly to Chriss Winston by 3:00 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE:
See Comments. Thanks.
Holly Williamson
9-12-90

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

(McNally/Simon)
Sept. 11, 1990
Draft Two (B:JUDGES)

30 SEP 11 P6:40
PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

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And so I hope no one will be offended if I offer particular greetings -- and particular congratulations -- to those Justices representing the new and more independent judiciaries of Central

✓
(OCA) Please note: British Constitution is older -- ours is the oldest written Constitution.

Europe and Central America, and yes, also our new friends from the Soviet Union.

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DATE: 09/11/90 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE (09/11 draft 2)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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HAGIN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations directly to Chriss Winston by 3:00 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE:

September 12, 1990

TO: CHRISS WINSTON

The NSC staff concurs with the Presidential remarks as amended.

Brent Scowcroft
Brent Scowcroft

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

cc: James W. Cicconi

RECEIVED

90 SEP 12 A 7: 49



(McNally/Simon)
Sept. 11, 1990
Draft Two (B:JUDGES)

38 SEP 11 P6:40
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FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

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Rarely has the White House been graced by such distinguished talent. More than 150 chief judicial officers from around the world. Chief Justices representing most of America's 50 states and territories. And practically the entire leadership of the Judicial Conference of the United States. (I heard that Judge Souter might invite some friends to Washington for his hearing, but I never imagined anything like this!) \\\

Truly, it is a great honor to welcome this extraordinary assembly to Washington, and to greet you at the White House.

Your visit is historic for many reasons. Although the United States is a Pacific nation, your Washington gathering marks the first time this conference has been held ~~outside the~~ ^{in the United States.} ~~Asia-Pacific region.~~

The U.S. is part of the Asia-Pacific region!

~~But even more historic than the place, are the times.~~ ^{STET} Your visit ^{coincides with our celebration of the Constitution's first 200 years as a vital instrument of our dedication to the rule of law.} ~~comes as the capstone of America's celebration of 200 years of the world's oldest constitution and continuous, independent judiciary.~~

Not true.

And with what I call the Revolution of '89 just behind us, your conference also serves to commemorate the emergence of some of the world's newest democracies. I am especially pleased to welcome and congratulate ~~And so I hope no one will be offended if I offer particular greetings -- and particular congratulations -- to those Justices representing the new and more independent judiciaries of Central~~

Europe and Central America, and yes, also our new friends from the Soviet Union.

Two hundred years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound, audacious, startling idea. ~~Today we call it the Rule of Law~~ the protection by the judiciary of a nation's constitutional principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. \\\

The American experiment is a continuing one. And our success as a Nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary. A judiciary that is not subject to the nation's political winds, but that will interpret the law as written in our Constitution and the statutes adopted by the elected representatives of our people.

And in the American tradition, the key to preserving a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains limited.

The role of our judiciary is not to set policy, but to apply ~~principles as found in the law~~ ^{and} ~~as found in the Constitution~~. Our Supreme Court plays the role of the referee -- it does not make up the rules, but rather, applies the rules to the situa-

according to the plain meaning of their texts.

The rule of law is not synonymous with judicial review, e.g. Britain.

That is the true meaning of Chief Justice Marshall's famous opinion that the judge's duty is "to say what the law is."

tions that come before it. Thus our judiciary is not a substitute for representative government -- but a limitation on it.

I mentioned the historic times, and, of course, it is also a historic week here in Washington. Even as we speak, our constitutional experiment is unfolding up the street in the United States Senate, where America is engaged in the solemn process of the confirmation of a very fine and decent judge, whom I hope and believe will become our newest Supreme Court Justice.

My old friend and neighbor -- the late and beloved Justice Potter Stewart -- was once asked to name the most important attributes in a judge. He fired back without hesitation: "Quality, and competence, and temperament, and character, and diligence."

~~Those attributes are exactly the qualities I believe describe Judge David Souter, my first nominee to the Supreme Court, Judge Souter has a strong, incisive, independent devotion to interpreting the Constitution. I think of what one woman said -- a respected New Hampshire lawyer who tried many cases before Judge Souter, and who is now head of the criminal defense bar up there. She said: "He was an excellent trial judge, though he was the kind of judge you knew was really going to hammer people at sentencing." And she added: "I'm a liberal, but I have tremendous respect for Judge Souter. I think he will honor the Constitution."~~

Of course, he was elevated from the trial court to serve on New Hampshire's Supreme Court, where he proved to be an

delete:

ST

Banners for assent! Republican nominees. Fidelity to the Constitution + law as written would be better.

outstanding appellate judge with a great legal mind and an impartial quality. And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the general court of last resort for most of our citizens' cases, the proving grounds for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, who has just stepped down after 34 years on the Court. And, of course, Oliver Wendell Holmes.

Too magnificent?

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I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: "If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes very clearly. He said: "The clearest way to show what the rule of law means to us

in everyday life, is to recall what has happened when there is no rule of law."

And as we stand here today, commemorating 200 years of constitutional government in America, we look back with pride on the justice we have achieved as a nation -- and the promise that has been offered the world -- through this one, simple, magnificent idea -- the idea we know as the Rule of Law.

Because, like many of the principled nations you represent, all today who embrace the rule of law stand as a powerful force for justice at home, and as a powerful example for justice abroad.

I salute this great tradition, its rich heritage, and all the fine men and women gathered here who are dedicated to justice and the rule of law.

Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

#

Kelli
x 7803

THE WHITE HOUSE
WASHINGTON

September 12, 1990

MEMORANDUM FOR CHRISS WINSTON
DEPUTY ASSISTANT TO THE PRESIDENT FOR
COMMUNICATIONS AND DIRECTOR OF SPEECHWRITING

FROM: FREDERICK D. NELSON *FON*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Judges Conference Speech

I have indicated our comments in red, superimposed upon Rob Portman's remarks.

Attachment

cc: James W. Cicconi
Robert J. Portman

Document No. 173565

WHITE HOUSE STAFFING MEMORANDUM

DATE: 09/11/90 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
(09/11 draft 2)

		ACTION	FYI	
<p>THE WHITE HOUSE WASHINGTON</p> <p>Date: <u>9/12</u></p> <p>TO: <u>FRED NELSON</u></p> <p>FROM: <u>ROBERT J. PORTMAN</u> Deputy Assistant to the President for Legislative Affairs</p> <p><input type="checkbox"/> Action</p> <p><input checked="" type="checkbox"/> Comments</p> <p><input type="checkbox"/> FYI</p>		<p>CLURE</p> <p>VMAN</p> <p>ETER</p> <p>GICH</p> <p>TERMAYER</p> <p>ERS</p> <p>WKERTON</p> <p>NSTON</p> <p>RESTONE</p> <p>_____</p> <p>_____</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

REMARKS:

Please provide any comments/recommendations directly to Chriss Winston by 3:00 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE:

Please see comments.
We recommend that Fred Nelson
in Counsel's Office ~~606~~ (x2607)
review the speech.
9/12/90

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

(McNally/Simon)
Sept. 11, 1990
Draft Two (B:JUDGES)

38 SEP 11 10:40
PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
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And so I hope no one will be offended if I offer particular greetings -- and particular congratulations -- to those Justices representing the new and more independent judiciaries of Central

What developed as our charter was a carefully drafted instrument allowing for the necessary operations of government, but constraining power through provision for democratic processes and through structural checks and balances, as well as through expressly guaranteed freedoms soon highlighted by the Bill of Rights. The document also provided a formal democratic process for amendment. By common agreement, Americans chose to live for its own Europe and Central America, and yes, also our new friends from the Soviet Union.

not under individual dictate, but according to

More than Two hundred years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound document that would be proposed to the American people for their approval as the supreme law of the land. ~~audacious, startling idea. Today we call it the Rule of Law, or that one key feature to making this compact and the rights it ensures enforceable has been the protection by the judiciary of a national constitutional~~ principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. \ \ \

this is why we made a

condition for an independent judiciary with the authority to protect constitutional

The American experiment is a continuing one. And our success as a Nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary. A judiciary that is not subject to the nation's political winds, but that will interpret the law as written in our Constitution, and the statutes adopted by the elected representatives of our people.

hims?

How should the judiciary interpret?

And in the American tradition, the key to preserving a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains limited to its constitutional function.

I need not bow to the demands of political factions

strictly fairly? etc.

The role of our judiciary is not to set policy, but to apply principles as found in the law -- as found in the Constitution. Our Supreme Court plays the role of the referee -- it does not make up the rules, but rather, applies the rules to the situa-

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Confirmation hearings
confirmation proceedings

My old friend and neighbor -- the late and beloved Justice Potter Stewart -- was once asked to name the most important attributes in a judge. He fired back without hesitation: "Quality, and competence, and temperament, and character, and diligence."

well, as those of you who know him will I am sure agree,

has precisely these attributes. He also has

~~These attributes are exactly the qualities I believe describe Judge David Souter, my first nominee to the Supreme Court. Judge Souter has a strong, incisive, independent devotion to interpreting the Constitution. I think of what one woman said -- a respected New Hampshire lawyer who tried many cases before Judge Souter, and who is now head of the criminal defense bar up there. She said: "He was an excellent trial judge, though he was the kind of judge you knew was really going to hammer people at sentencing." And she added: "I'm a liberal, but I have tremendous respect for Judge Souter. I think he will honor the Constitution."~~

Of course, he was elevated from the trial court to serve on New Hampshire's Supreme Court, where he ~~has~~ proved to be an

a reputation for ~~strict~~

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I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: "If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

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5

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Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

#

THE WHITE HOUSE

WASHINGTON

September 12, 1990

MEMORANDUM FOR CHRISS WINSTON

FROM: ROGER B. PORTER *RBP/by MM*

SUBJECT: Presidential Remarks: International Appellate
Judges Conference

I have reviewed these draft Presidential remarks and have only three comments:

1. On page 2, in the first full paragraph, the reference to the Constitutional Convention establishing the principle of judicial review of executive and legislative actions may be a bit overstated. Although some may have believed that to be the case, it was not until the landmark case of Marbury v. Madison (1803), that the concept was clearly established. The thought of the importance of a judiciary to the drafters of the Constitution is a good one, I would simply restate it. ?
2. On page 4, in the first paragraph, the word "general" before "court of last resort" is somewhat confusing. It is not clear to me whether the word refers to the courts' jurisdiction or is intended to have its normal non-legal meaning.
3. On page 4, in the last paragraph, the word "clearly" appears within 4 words of "clearest". ✓

With the exception of these minor points, I thought it was a very nice statement.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 09/11/90

ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
(09/11 draft 2)

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

~~✗~~ Please provide any comments/recommendations directly to Chriss Winston by 3:00 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE:

Mar. sine &

*Please Review ASAP.
 Thanks.
 BRAD*

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

(McNally/Simon)
Sept. 11, 1990
Draft Two (B:JUDGES)

30 SEP 11 P6:40
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THE WHITE HOUSE

WASHINGTON

September 12, 1990

MEMORANDUM FOR CHRISS WINSTON

FROM:

JIM PINKERTON

SUBJECT:

International Appellate Judges Conference

pg. 2, para. 2, line 1 "Two hundred years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound, audacious, startling idea. Today we call it the Rule of Law -- the protection by the judiciary of a nation's constitutional principles through judicial review of executive and legislative actions."

The use of the phrase "the rule of law" needs care as we reach for it more and more. It is not the same thing as judicial review, which, as you know, has a specific meaning in constitutional law and which, to oversimplify, was created after the Constitution was written, in a Supreme Court decision.

The "rule of law" also has a specific meaning, largely derived from the thought of British liberals (classical liberals, that is) in the 19th century. It is to be distinguished from the idea of arbitrary power. The classic explanation of the idea is in A.V. Dicey's The Law of the Constitution (p.198): The Rule of Law "means, in the first place, the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power...."

The next graf captures this idea much better, e.g., "A judiciary that is not subject to the nation's political winds, but that will interpret the law as written in our Constitution."

Thus, we suggest that the first sentence read something like: "...debating a profound, audacious, startling new idea of government. This new form of government was to preserve freedom through the liberty that comes from the rule of law rather than the influence of arbitrary power."

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Document No. 173565

WHITE HOUSE STAFFING MEMORANDUM

DATE: 09/11/90 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
(09/11 draft 2)

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations directly to Chriss Winston by 3:06 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE:

Please see comments.

(pgs 2, 3, & 4)

We recommend that Fred Nelson in Counsel's Office ~~xxx~~ (x2607) review the speech.

9/12/90

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

Europe and Central America, and yes, also our new friends from the Soviet Union.

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was this true before Marbury v. Madison?

The American experiment is a continuing one. And our success as a Nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary. A judiciary that is not subject to the nation's political winds, but that will interpret the law as written in our Constitution, ^{fairly?} and the statutes ^{of} adopted by the elected representatives of our people.

Whims?

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confirmation proceedings

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"Quality, and competence, and temperament, and character, and diligence."

has precisely these attributes. He also has

~~These attributes are exactly the qualities I believe describe Judge David Souter, my first nominee to the Supreme Court. Judge Souter has a strong, incisive, independent devotion to interpreting the Constitution. I think of what one woman said -- a respected New Hampshire lawyer who tried many cases before Judge Souter, and who is now head of the criminal defense bar up there. She said: "He was an excellent trial judge, though he was the kind of judge you knew was really going to hammer people at sentencing." And she added: "I'm a liberal, but I have tremendous respect for Judge Souter. I think he will honor the Constitution."~~

Of course, he was elevated from the trial court to serve on New Hampshire's Supreme Court, where he ~~proved~~ proved to be an

Well, as those of you who know him will I am sure agree,

a reputation for strict

4 *been*
outstanding appellate judge with a ~~great~~ ^{keen} legal mind and an impartial ~~quality~~. And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the general court of last resort for most of our citizens' cases, the proving grounds for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, who has just stepped down after 34 years on the Court. And, of course, Oliver Wendell Holmes. ✓

The Souter nomination is an important link in the constitutional tradition we celebrate today. But as we gather to talk about the rule of law this week, there's another subject that's very much on everyone's mind.

I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: "If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes very clearly. He said: "The clearest way to show what the rule of law means to us

THE WHITE HOUSE
WASHINGTON

September 13, 1990

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH: CHRISS WINSTON *ew*
FROM: EDWARD E. McNALLY *EM*
SUBJECT: INTERNATIONAL APPELLATE JUDGES CONFERENCE

I. SUMMARY

On Friday, Sept. 14, at 11:30 a.m., you will give brief remarks in the East Room to the chief justices (and spouses) of over 90 countries who are meeting in Washington this week. Also in attendance will be chief justices from most of the 50 states and U.S. territories, and federal judges who are members of the U.S. Judicial Conference.

II. DISCUSSION

The remarks (10 minutes, on cards) were developed with input from Counsel's office, as well as Judge John Walker. There are three themes: the U.S. Constitution's role as a model for the world, a strong endorsement of Judge Souter's nomination, and the importance of the rule of law in international relations, particularly with regard to the situation in Iraq.

(McNally/Simon)
Sept. 13, 1990
Draft Three (B:JUDGES)

PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

Good morning. Thanks for your warm greeting.

Rarely has the White House been graced by such distinguished talent. More than 100 chief judicial officers from around the world. Chief Justices representing most of America's 50 states and territories. And practically the entire leadership of the Judicial Conference of the United States. (I heard that Judge Souter might invite some friends to Washington for his hearing, but I never imagined anything like this!) \\\

Truly, it is a great honor to welcome this extraordinary assembly to Washington, and to greet you at the White House.

Your visit is historic for many reasons. Although the United States is a Pacific nation, your Washington gathering marks the first time this conference has been held in the United States.

But even more historic than the place, are the times. Your visit comes as the capstone of America's celebration of 200 years of the world's oldest continuous constitution and independent judiciary. And with what I call the Revolution of '89 just behind us, your conference also serves to commemorate the emergence of some of the world's newest democracies.

And so I am especially pleased to welcome and congratulate those Justices representing the new and more independent

judiciaries of Central Europe and Central America, and yes, also our new friends from the Soviet Union.

More than 200 years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a document that would be adopted by the American people as the supreme law of the land. By common agreement, Americans chose to live not under individual dictate, but according to the Rule of Law. Its greatest innovation: an independent judiciary that protects constitutional principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. \\

The American experiment is a continuing one. And our success as a Nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary. A judiciary that is not subject to the nation's political winds, but that will interpret fairly and impartially our Constitution and the statutes as adopted by the elected representatives of our people.

And in the American tradition, the key to preserving a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains limited to its constitutional function.

The role of our judiciary is not to set policy, but to apply the law of the land -- as found in the Constitution and in our statutes. Our Supreme Court plays the role of the referee -- it does not make up the rules, but rather, applies the rules to the situations that come before it. Thus our judiciary is not a substitute for representative government -- but a limitation on it.

I mentioned the historic times, and, of course, it is also a historic week here in Washington. Even as we speak, our constitutional experiment is unfolding up the street in the United States Senate, where America is engaged in the solemn process of the confirmation of a very fine and decent judge. A judge who I hope and believe will become our newest Supreme Court Justice.

My old friend and neighbor -- the late and beloved Justice Potter Stewart -- was once asked to name the most important attributes in a judge. He fired back without hesitation: "Quality, and competence, and temperament, and character, and diligence."

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kind of judge you knew was really going to hammer people at sentencing." And she added: "I'm a liberal, but I have tremendous respect for Judge Souter. I think he will honor the Constitution."

Of course, he was elevated from the trial court to serve on New Hampshire's Supreme Court, where he proved to be an outstanding appellate judge with a keen legal mind and a reputation for impartiality. And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the court of last resort for most of our citizens' cases, the proving grounds for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, who has just stepped down after 34 years on the Court. And, of course, Oliver Wendell Holmes.

The Souter nomination is an important link in the constitutional tradition we celebrate today. But as we gather to talk about the rule of law this week, there's another subject that's very much on everyone's mind.

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place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes when he said: "The clearest way to show what the rule of law means to us in everyday life, is to recall what has happened when there is no rule of law."

And as we stand here today, commemorating more than 200 years of constitutional government in America, we look back with pride on the justice we have achieved as a nation -- and the promise that has been offered the world -- through this one, simple, magnificent idea -- the idea we know as the Rule of Law.

Because, like many of the principled nations you represent, all today who embrace the rule of law stand as a powerful force for justice at home, and as a powerful example for justice abroad.

I salute this great tradition, its rich heritage, and all the fine men and women gathered here who are dedicated to justice and the rule of law.

Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

#

WHITE HOUSE STAFFING MEMORANDUM

DATE: 09/11/90 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE (09/11 draft 2)

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
CICCONI	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>ROGERS</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DEMAREST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PINKERTON</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>WINSTON</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>FIRESTONE</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments/recommendations directly to Chriss Winston by 3:00 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE:

No comment

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

(McNally/Simon)
Sept. 11, 1990
Draft Two (B:JUDGES)

98 SEP 11 P6:40
PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

Good morning. Thanks for your warm greeting.

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Truly, it is a great honor to welcome this extraordinary assembly to Washington, and to greet you at the White House.

Your visit is historic for many reasons. Although the United States is a Pacific nation, your Washington gathering marks the first time this conference has been held outside the Asia-Pacific region.

But even more historic than the place, are the times. Your visit comes as the capstone of America's celebration of 200 years of the world's oldest constitution and continuous, independent judiciary. And with what I call the Revolution of '89 just behind us, your conference also serves to commemorate the emergence of some of the world's newest democracies.

And so I hope no one will be offended if I offer particular greetings -- and particular congratulations -- to those Justices representing the new and more independent judiciaries of Central

Europe and Central America, and yes, also our new friends from the Soviet Union.

Two hundred years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound, audacious, startling idea. Today we call it the Rule of Law -- the protection by the judiciary of a nation's constitutional principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. \\\

The American experiment is a continuing one. And our success as a Nation that is ruled by law -- and not by men -- depends upon our continuing commitment to an independent judiciary. A judiciary that is not subject to the nation's political winds, but that will interpret the law as written in our Constitution and the statutes adopted by the elected representatives of our people.

And in the American tradition, the key to preserving a truly independent judiciary is ensuring that the role of the judiciary -- like the role of government itself -- remains limited.

The role of our judiciary is not to set policy, but to apply principles as found in the law -- as found in the Constitution. Our Supreme Court plays the role of the referee -- it does not make up the rules, but rather, applies the rules to the situa-

tions that come before it. Thus our judiciary is not a substitute for representative government -- but a limitation on it.

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outstanding appellate judge with a great legal mind and an impartial quality. And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the general court of last resort for most of our citizens' cases, the proving grounds for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, who has just stepped down after 34 years on the Court. And, of course, Oliver Wendell Holmes.

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I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: "If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes very clearly. He said: "The clearest way to show what the rule of law means to us

in everyday life, is to recall what has happened when there is no rule of law."

And as we stand here today, commemorating 200 years of constitutional government in America, we look back with pride on the justice we have achieved as a nation -- and the promise that has been offered the world -- through this one, simple, magnificent idea -- the idea we know as the Rule of Law.

Because, like many of the principled nations you represent, all today who embrace the rule of law stand as a powerful force for justice at home, and as a powerful example for justice abroad.

I salute this great tradition, its rich heritage, and all the fine men and women gathered here who are dedicated to justice and the rule of law.

Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

#

THE WHITE HOUSE
WASHINGTON

September 12, 1990

INFORMATION

MEMORANDUM FOR THE PRESIDENT

THROUGH: CHRISS WINSTON *W*
FROM: EDWARD E. McNALLY *EMW*
SUBJECT: INTERNATIONAL APPELLATE JUDGES CONFERENCE

I. SUMMARY

On Friday, Sept. 14, at 11:30 a.m., you will give brief remarks in the East Room to the chief justices (and spouses) of over 90 countries who are meeting in Washington this week. Also in attendance will be chief justices from most of the 50 states and U.S. territories, and federal judges who are members of the U.S. Judicial Conference.

II. DISCUSSION

The remarks (8 minutes, on cards) were developed with input from Counsel's office, as well as Judge John Walker. There are three themes: the U.S. Constitution's role as a model for the world, a strong endorsement of Judge Souter's nomination, and the importance of the rule of law in international relations, particularly with regard to the situation in Iraq.

THE WHITE HOUSE

WASHINGTON

September 12, 1990

NOTE TO CHRISS WINSTON

FROM: FRED NELSON

We had proposed that the first full paragraph on page 2 read:

A

More than two hundred years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating ~~the construction of~~ a document that would be *adopted by* ~~proposed to the American people for their approval as the~~ supreme law of the land. What developed as our charter was a carefully drafted instrument constraining power by providing for democratic processes and structural checks and balances as well as expressly guaranteed freedoms soon highlighted by the Bill of Rights. The document also provided a formal democratic process for its own amendment. By common agreement, Americans chose to live not under individual dictate, but according to the Rule of Law. One key feature making this compact and the rights it ensures enforceable has been the Constitution's provision for an independent judiciary with ~~the authority to~~ ^{that} protect constitutional principles through judicial review of executive and legislative actions.

It's greatest innovation:

Having struck the last sentence of that paragraph as originally written, we would then strike the first line of the next paragraph, and begin it instead with "Our success...". We would alter the next sentence to read:

B

A judiciary that is not subject to the nation's political winds and need not bow to the demands of political factions, but that will interpret fairly and impartially our Constitution and the statutes as adopted by the elected representatives of our people.

In the next paragraph, we would add the words "to its constitutional function" after the word "limited."

In the final paragraph, we would strike "and executive actions" from Rob's insertion.

As you know this part of the speech may need to be revised depending on how the hearings go.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 09/11/90 ACTION/CONCURRENCE/COMMENT DUE BY: 3:00 p.m. 09/12/90

SUBJECT: PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE (09/11 draft 2)

	ACTION FYI			ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCCLURE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SUNUNU	<input type="checkbox"/>	<input type="checkbox"/>	NEWMAN	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT <i>N/C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN <i>N/C</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGICH	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UNTERMAYER	<input type="checkbox"/>	<input type="checkbox"/>
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REMARKS:
 Please provide any comments/recommendations directly to Chriss Winston by 3:00 p.m. on Wednesday, 09/12, with a copy to my office. Thanks.

RESPONSE: _____

James W. Cicconi
 Assistant to the President
 and Deputy to the Chief of Staff
 Ext. 2702

(McNally/Simon)
Sept. 11, 1990
Draft Two (B:JUDGES)

38 SEP 11 P6:40
PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

Good morning. Thanks for your warm greeting.

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But even more historic than the place, are the times. Your visit comes as the capstone of America's celebration of 200 years of the world's oldest constitution and continuous, independent judiciary. And with what I call the Revolution of '89 just behind us, your conference also serves to commemorate the emergence of some of the world's newest democracies.

And so I hope ^{would like to offer} ~~no one will be offended if I offer particular~~ ~~welcome and congratulate~~ ~~greetings -- and particular congratulations --~~ ^{am especially pleased to} to those Justices representing the new and more independent judiciaries of Central

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Insert A

Two hundred years ago, 55 Americans met late into the night during a sweltering hot Philadelphia summer, debating a profound, audacious, startling idea. Today we call it the Rule of Law -- the protection by the judiciary of a nation's constitutional principles through judicial review of executive and legislative actions. And truly, the U.S. Constitution stands as one of the world's great experiments in freedom and diversity -- and one of the world's great milestones in the effort to be free of tyranny, to be just, and to be civilized. \\\

Insert B

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#

(McNally/Simon)
Sept. 13, 1990
Draft Four (B:JUDGES)

PRESIDENTIAL REMARKS: INTERNATIONAL APPELLATE JUDGES CONFERENCE
THE EAST ROOM
FRIDAY, SEPTEMBER 14, 1990, 11:30 A.M.

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I mentioned the historic times, and, of course, it is also a historic week here in Washington. Even as we speak, our constitutional experiment is unfolding up the street in the United States Senate, where America is engaged in the solemn process of the confirmation of a very fine and decent judge. A judge who I hope and believe will become our newest Supreme Court Justice.

My old friend and neighbor -- the late and beloved Justice Potter Stewart -- was once asked to name the most important attributes in a judge. He fired back without hesitation: "Quality, and competence, and temperament, and character, and diligence."

Those attributes are exactly the qualities I believe describe Judge David Souter, my nominee to the Supreme Court. Judge Souter's strong, incisive, independent devotion to the Constitution was demonstrated during 12 years' distinguished service on the trial court, the U.S. Court of Appeals, and, in particular New Hampshire's Supreme Court.

And I understand that, after the conference ends today, many of you are going out to observe our state supreme courts in action. They are America's judicial laboratories, the court of last resort for most of our citizens' cases, the proving grounds

for some of our most distinguished U.S. Supreme Court justices: New York's great jurist, Benjamin Cardozo. William Brennan, who has just stepped down after 34 years on the Court. And, of course, Oliver Wendell Holmes.

But as we gather to talk about the rule of law this week, there's another subject that's very much on everyone's mind.

I have said many times in the past year that we have entered a new era in world affairs. And the international response to Iraq's naked aggression against a tiny neighbor proves just how true that is. As I said in Helsinki, just six days ago: "If the nations of the world -- acting together -- continue to isolate Iraq, and deny Saddam the fruits of aggression, we will set in place the cornerstone of an international order more peaceful, stable and secure than any we have known." \\\

One of the leaders of the world's last great unified alliance, before the chilly descent of the Cold War, was Dwight David Eisenhower. Ike understood the stakes when he said: "The clearest way to show what the rule of law means to us in everyday life, is to recall what has happened when there is no rule of law."

And as we stand here today, commemorating more than 200 years of constitutional government in America, we look back with pride on the justice we have achieved as a nation -- and the promise that has been offered the world -- through this one, simple, magnificent idea -- the idea we know as the Rule of Law.

Because, like many of the principled nations you represent,

all today who embrace the rule of law stand as a powerful force for justice at home, and as a powerful example for justice abroad.

I salute this great tradition, its rich heritage, and all the fine men and women gathered here who are dedicated to justice and the rule of law.

Thank you for coming to the White House. Congratulations on your successful conference. And Godspeed you in your service in the cause of justice around the world.

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