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Judge Sarokin

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DRAFT

- The President regrets Judge Sarokin's decision to retire from the bench, which will deprive the Third Circuit Court of Appeals of the service of a distinguished judge.
- The extreme political attacks that have caused Judge Sarokin to take this step are not in the best interests of the federal judiciary or the country. As Counsel to the President Jack Quinn stated in his March 22 letter to Congressmen demanding a judge's resignation over a controversial decision, "The President supports the independence of the federal judiciary, which is established by the Constitution."
- Although the President, like any citizen, reserves the right to criticize a particular decision, he believes, as Mr. Quinn stated, that "the proper way for the Executive Branch to contest judicial decisions with which it disagrees is to challenge them in the courts."

→ From counsel's office

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Fyl. My goal would be to keep response: 1) from press office 2) not beyond what we've already said -- i.e. acceptable statement on independence of judiciary.

Pls. call w/ your thoughts.
Valeri

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HON. E. LEE SAROKIN, USCA

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H. LEE SAROKIN
CIRCUIT JUDGE

**United States Court of Appeals
for the Third Circuit**

MARTIN LUTHER KING, JR.
FEDERAL BUILDING & U.S. COURTHOUSE
50 WALNUT STREET
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June 4, 1996

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

This is to advise you that I intend to retire as a judge of the United States Court of Appeals for the Third Circuit effective July 31, 1996. It is apparent that there are those who have decided to "Willie Hortonize" the federal judiciary, and that I am to be one of their prime targets. As a result, I expect that my decisions will continue to be used against you and others in the upcoming campaign, but I cannot and will not alter them because they might. I had intended to remain on the court so long as I was physically and mentally able, but the constant politicization of my tenure has made that lifetime dream impossible for me.

It is ironic that I do not stand charged with misconduct, but rather with protecting the constitutional rights of persons accused of crimes---a somewhat astonishing accusation to be leveled against a federal judge, since my oath and conscience prohibit me from doing otherwise. In the current political campaign, enforcement of constitutional rights is equated with being soft on crime and, indeed, even with causing it. The Bill of Rights is characterized as a collection of "technicalities" ---the only "right" apparently remaining is to own an automatic weapon capable of killing a room full of schoolchildren in a few seconds. It is my unerring view that if the Bill of Rights were repealed tomorrow and no judge could enforce them, that it would not make a ripple in the amount or nature of crime in this country. To hold judges responsible for crime is like blaming doctors for disease.

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The Honorable William Jefferson Clinton
President of the United States

The current tactics will affect the independence of the judiciary and the public's confidence in it, without which it cannot survive. So long as I was the focus of criticism for my own opinions, I was resigned to take the abuse no matter how unfair or untrue, but the first moment I considered whether or how an opinion I was preparing would be used was the moment I decided that I could no longer serve as a federal judge.

The court and the country will survive easily without me. Some undoubtedly will cheer my departure, but what they may view as a victory is, in reality, a defeat for our judicial system and its most essential ingredient--an independent judiciary.

I thank you for the confidence you demonstrated in appointing me to this distinguished court. I regret that there are those who are willing to sacrifice my life's work and reputation for their own political gain and have deprived me of the opportunity of fulfilling my commitment to the work I love and the principles I hold most dear.

Respectfully yours,

