

Famed judge makes a case for theater

Retired federal judge H. Lee Sarokin, famous for freeing Rubin 'Hurricane' Carter in 1985, defends Colorado's IRP6 defendants in latest play



By Pam Kragen | 4:55 p.m. Nov. 3, 2015



Retired U.S. District Court Judge H. Lee Sarokin, center, watches actors during a reading of one of his plays Monday night at North Coast Repertory Theatre in Solana Beach. — David Brooks

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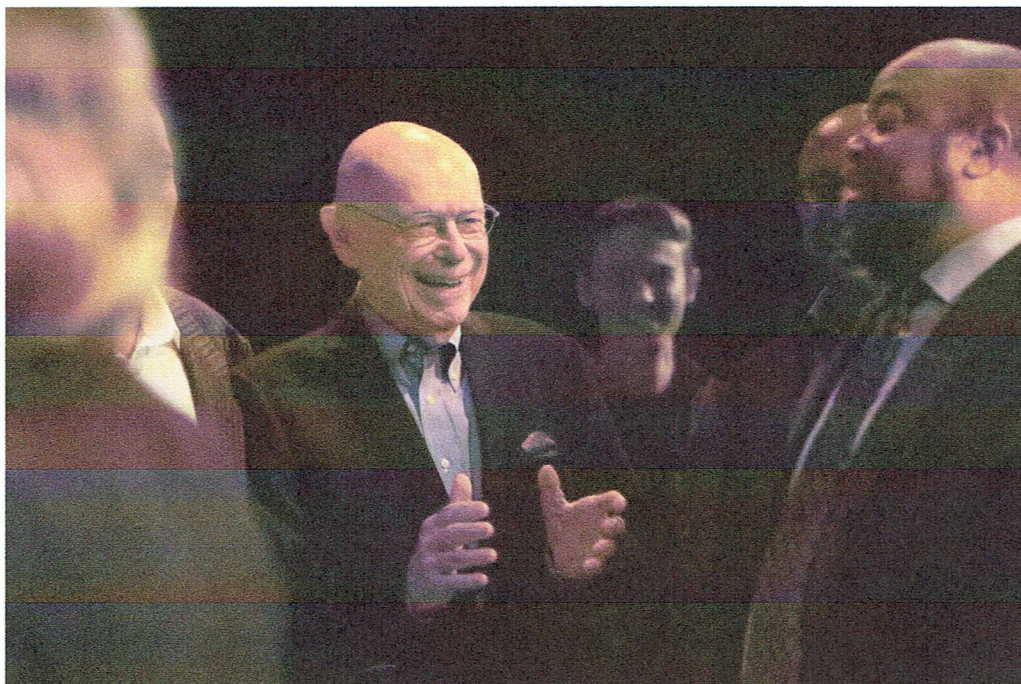


SOLANA BEACH, CALIF. — Thirty years ago this week, former middleweight boxer Rubin "Hurricane" Carter was freed from prison after serving 19 years for murders he did not commit.

The decision by U.S. District Court Judge H. Lee Sarokin — dramatized in the 1999 film "The Hurricane" — may have been the most famous of the New Jersey jurist's career, but just one of 2,000 opinions written during his long and distinguished career as a civil rights champion.

Now 86 and living in La Jolla with his wife, Margie, and their rescued Lhasa Apso, Sarokin may be officially retired from the law, but he's far from idle. He's still issuing opinions, but in a different form. He has published more than 200 columns on the website Huffington Post and about every eight months he shows up at North Coast Repertory Theatre with a new play.

On Monday night, more than 100 people gathered at the Solana Beach theater for a reading of Sarokin's latest works, a pair of one-acts based on real events. The first play ("The Molester?") is a fictional satire inspired by the corrupt dealings of former House Speaker Dennis Hastert. The second ("The Race Card Face Up") is on a topic that has consumed Sarokin's energy for much of the past two years.



Retired U.S. District Court Judge H. Lee Sarokin, now a playwright, talks with Mark Christopher Lawrence, right, who was among the actors featured in a reading of his play "The Race Card Face Up" at North Coast Repertory Theatre on Monday evening. — David Brooks

The play is based on the case of six Colorado software designers known collectively as the IRP6 (<http://freetheirp6.wix.com/freetheirp6>). The men — five black, one white — are serving prison sentences of seven to 11 years for fraud and tax-related crimes. In the play and a clemency request he sent to President Obama on Friday, Sarokin suggests the men were wrongfully convicted, sentenced to terms that far outweigh their alleged crimes and court transcripts and procedures were mishandled in their prosecution.

Wiping away tears after watching the "Race Card" reading, Sarokin told the audience he was embarrassed to admit that he was moved by his own words, but he feels a deep conviction to help free the men whose sentencing he believes may have been racially motivated. It's a subject that first brought Sarokin national attention on Nov. 7, 1985, when he overturned Carter's convictions for a 1966 triple homicide. Carter and his co-defendant were black, the victims were white.

Sarokin and Carter became close friends after the verdict. For 28 years, the former boxer called the former judge each Nov. 7 to thank him. Carter died from prostate cancer in April 2014, and the day before he passed away, he called Sarokin to say goodbye.

"He said 'I wanted yours to be the last voice I hear because you gave me my life back,'" Sarokin recalled on Monday. "He was a remarkable person, a good man and such a great testament to the human spirit."

Denzel Washington played Carter in "The Hurricane" and Sarokin was portrayed by actor Rod Steiger, a casting decision detested by the soft-spoken and humble jurist. "If I couldn't play the role myself, I asked them not to cast someone who was pompous and arrogant. Then they cast the most pompous, arrogant actor in the world."

Although the Carter verdict was Sarokin's most famous case, he said it wasn't his most important. In 1988, he oversaw a landmark ruling against big tobacco, the first to award cash damages for the cancer-related death of a longtime smoker.

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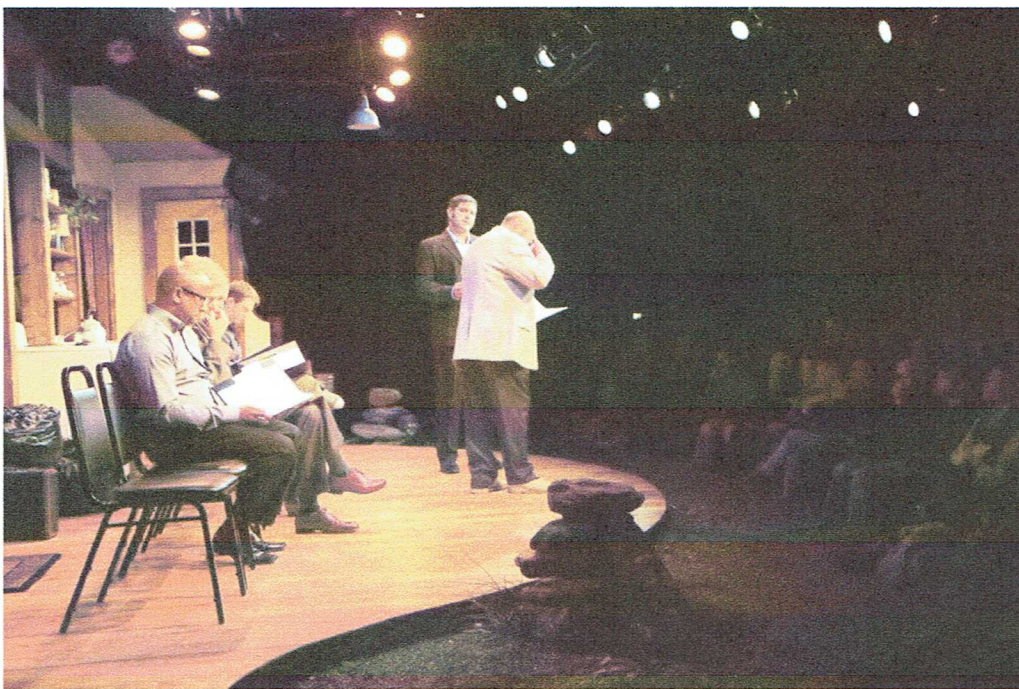


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Actors Patrick J. Duffy, left, and Brian Salmon, seen from behind, perform in "The Molester?," one of two short plays by retired U.S. District Court Judge H. Lee Sarokin, presented Monday night at North Coast Repertory Theatre in Solana Beach. — David Brooks

Sarokin served on the U.S. District Court in New Jersey from 1979 to 1994. Then he spent nearly two years on the U.S. Court of Appeals, a period he said he found terribly boring. After he resigned in 1996, he and Margie moved to San Diego where he has taught the law, tutors English language learners and the blind and regularly performs around town as a jazz drummer. About six years ago, he added playwriting to the mix.

Growing up near Manhattan, Sarokin said he always had a passion for theater. His first date with Margie (they've been married 45 years) was to the Sam Shepherd play "Operation Sidewinder" at Lincoln Center. They subscribed to Manhattan Theatre Club and the Metropolitan Opera and still fly to New York every year to catch the latest Broadway shows. They also frequently attend plays in San Diego.

Sarokin said he often found himself frustrated by overlong and dull scripts, so he decided to see if he could do better himself. His first play, "Who Is the Enemy," was the fictional story of an American professor who sued the President of the United States for declaring him an enemy combatant. For an educated opinion, he sent his first script to Frank Gilroy, a close friend who has since passed away. Gilroy — who won the Pulitzer Prize for his 1964 play "The Subject was Roses" — praised his work so Sarokin's been penning plays ever since.

Although he's had no professional training as a playwright, Sarokin said the law was good preparation. "I loved being a trial judge and trials are just like theater. They unfold like a play and you never know what will happen or how things will end up."

Up until "The Race Card Face Up," all of Sarokin's plays have been drawn from news stories, not legal cases. Like his court opinions, he said the scripts emerge in his mind fully formed after a good night's sleep.

"I know it sounds strange but I hear their voices. I hear them speaking in my head and I just have to write them down," he said, adding that most plays take him about two to three days to complete.

About five years ago, Sarokin approached David Ellenstein, North Coast Repertory's longtime artistic director, and asked if he'd take a look at a script. Ellenstein was honored and saw promise in the work. He teamed Sarokin with director Jay Mower and they've since collaborated on six readings.



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“His plays are usually short, gripping and about hot-button issues without any sugar-coating,” Ellenstein said. “They’re open to audience interpretation instead of preaching a point, and they’re very immediate and accessible.”

In the audience on Monday was Solana Beach theatergoer Janet Caulk who said she has come to see several Sarokin plays.

“I really like them. It feels like you’re on a jury when you’re watching them,” she said. “They’re very engrossing.”

Sarokin said he has no illusions his plays will end up on Broadway, but he hopes “The Race Card Face Up” will stir up publicity for the IRP6 defendants. The men were developing a cross-platform software that would have allowed law enforcement agencies to share information, but when they ran out of money before producing a viable product, their business was raided by the FBI and shut down.

Sarokin said he has tried unsuccessfully to have the case taken up by Barry Scheck of The Innocence Project; Jeffrey Toobin, the legal expert for CNN and The New Yorker; and professor Charles Ogletree, who directs the Hamilton Houston Institute for Race & Justice at Harvard Law School. Sarokin said he’s been told that it may be too late to help the men because they’ve exhausted their appeals.

Sarokin said he first learned about the case during a radio interview two years ago and it has since become his obsession. He has studied the court documents extensively and exchanged multiple letters with the men and their families. His script is written in the documentary style of a radio interview.

“This is all drawn from the records and letters,” he said. “I have added the flourish but they gave me the facts.”

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