

THE LAW IN BRIEF

By Richard J. Margolis

FRAMED

The New Right Attack on Chief Justice Rose Bird and the Courts.

By Betty Medsger.

Foreword by Richard Reeves.

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In 1977 California's Gov. Jerry Brown appointed Rose Bird, a liberal and a member of the Governor's Cabinet, Chief Justice of the California Supreme Court. The first woman ever to serve on that court, she instantly became a target of conservative attack. The following year, after much public fuss, her appointment was only narrowly confirmed in what, under normal circumstances, would have been a routine state-wide referendum.

These and subsequent events form the tale that Betty Medsger, a West Coast journalist, relates in "Framed" with care and more than a touch of malice toward Justice Bird's political enemies. The story is additionally spiced with unflattering cameos of Governor Brown's predecessor, Ronald Reagan, and of his most notorious appointee to the state Supreme Court, William P. Clark Jr., who now presides over the Department of the Interior. With considerable relish, Miss Medsger cites Mr. Clark's assessment of how his mentor picked appointees: "He values loyalty above competence."

In Miss Medsger's rather one-dimensional scenario, Mr. Clark emerges as a courthouse mole for the right-wing opposition to Rose Bird, and in particular for H. L. Richardson, a Republican State Senator who led the crusade to unseat Justice Bird. With Justice Clark's approval, and possibly with his help, Senator Richardson was able to plant a story in The Los Angeles Times on the eve of the 1978 election that did considerable damage to Justice Bird's reputation as well as to those of her liberal colleagues on the bench. The story alleged that they had intentionally postponed until after the election an announcement of a decision to overturn a law "that requires prison terms for persons who use a gun during a violent crime."

The hue and cry that ensued eventually compelled the State

Legislature to appoint an investigating commission, whose labors unearthed not a scrap of evidence to support the charge. In the end, however, the commissioners seemed oddly reluctant to clear those judges accused of playing politics in judicial robes. As Miss Medsger repeatedly reminds us, the liberal justices were allowed to "spin in the wind indefinitely. . . . It was justice denied."