P.S. to the NEWS
by PHYLLIS SCHLAFLY

Box 618, Alton, Illinois 62002
Phone: 618-462-5415

RELEASE: DECEMBER 4, 1979

HOLDING JUDGES ACCOUNTABLE

We are used to report cards on students and sometimes on teachers, to voting-record tallies on Congressmen, and to publicized platforms of important candidates and political parties, but somehow the accountability process has overlooked the judges. Many people become exercised about court decisions, but the judges themselves seem screened by their black robes from the arrows of partisan or single-issue pressure groups.

Federal judges are appointed for life and are almost never removed for any reason. They even ignore retirement laws which apply to everycne else. State court judges sometimes must face the voters on election day, but it would be more accurate to say they "stand" for reelection rather than "run."

In most elections, state court judges do not run against opponents. They run on a ballot where the voter may vote only yes or no. It is an oddity when any judge fails to receive the 51 percent majority necessary to stay in office.

All that may be coming to an end. Our nation's largest state, the same one which brought us Proposition 13 last year, has pioneered a single-issue political action group whose purpose is to go after the state court judges. And sparks are flying all over the state.

The Law and Order Campaign Committee is headed by John Feliz, a Los Angeles police sergeant on leave, whose mission in life is to "redress the balance of power by making the courts accountable." The committee has attracted 65,000 members and hundreds of thousands of dollars.

The death penalty battle of 1977 was the issue that sent the Committee's funds and goals skyrocketing. Californians have voted again and again in support of capital punishment for criminals, but the courts have defied the people's wishes and spared the most vicious criminals.

The Law and Order Committee's most flamboyant project to date was to cut off the

(more)

the salaries of the California Supreme Court justices, each of whom draws $65,000 to $73,700 per year. The Committee persuaded a court to enjoin payment of their salaries under this state constitutional provision: "A judge of a court of record may not receive the salary for the judicial office held by the judge while any cause before the judge remains pending and undetermined for 90 days after it has been submitted for decision."

The Committee contended that some 29 cases before the Supreme Court are over the 90-day rules, including one that is nearly four years old. Lurking in the background is the widespread belief that Supreme Court Chief Justice Rose Bird delayed a very controversial decision last year in order to aid her own reelection, which she won by a bare 52 percent.

Now that the Law and Order Committee has secured the attention of the judges and the people, it is getting down to the real meat of its accountability project -- an exhaustive study of several years' sentencing records of each of the California state judges, plus a questionnaire sent to judges. The findings will be turned over to independent review boards for evaluation in each of the state's Appellate Court districts. The boards' findings will then be published before the election.

Justice Bird has reacted with the usual hysteria of a liberal whose soft-on-crime, free-with-other-people's-money record is finally exposed. She is denouncing what she calls "the politics of fear" and "the law of the jungle," and indulging in name-calling of the backers of the Law and Order Committee.

Justice Bird appears to be paranoid about the possibility that the Committee will rate judges on ideological grounds. But the only ideology about judges to which the Law and Order Committee is committed is that the judiciary exists to <u>interpret</u> the law, not to make it. Policy-making, or legislating, is the prerogative of the legislature, not the courts.

The lesson of Watergate was supposed to have been that even Presidents are not above or beyond the reach of the law. The California Law and Order Committee is out to prove that even judges are not above or beyond the reach of the law.

(end)