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CORRESPONDENCE

Where is thy sting?

Sacramento Spectator (CPR, Sept./Oct.) writes, "You just happen to have a fund raiser two days before a committee or floor vote on legislation that has been pending for a year or more. All readers who think a lobbyist can say 'no' in this situation please raise your hands." Didn't the FBI, Justice Department, and Dan Walters several years ago conduct a "sting" to end purported "vote-selling," sending legislators to prison and turning the Capitol upside down? What did I miss?

Jason Frank
San Francisco

Logophile lauds Criticus

A thank you note for "Sirius Matters" ("Criticus," CPR, July/August 2000). A retired professor and active logophile, I was especially charmed by this roundup of follies. Your writings are customarily the part of the *Review* that I read first. Please keep it up!

W.S. Penn, Jr., Ph.D.
Ultracrepidarian Society of America
Davis, California

Criticus Responds:

When I first saw letterhead from something called the Ultracrepidarian

Society of America I figured I'd been found out and was in for a drubbing. After all, I had just been privately lambasted by my zeppelin-fiend friend for saying that blimps are deflated each night when in fact they are deflated very infrequently because refilling one with helium is costly. I assumed a similar charge would be coming from the USA, and I was preparing my Algorean answer, which was that I only appeared to be saying they were deflated every night when what I was trying to convey was that they could be deflated every night just as their newspaper counterpart (viz., the L.A. Times) was by nighttime an empty piece of trash. That seemed the only way to wiggle out of it. Imagine my delight, then, to read the above letter and find that it was complimentary and not even on the blimp topic. My best thanks to Mr. Penn.

Oh, yes, for those few readers who may not know what "ultracrepidarian" means, let me offer you the official Oxford English Dictionary definitions. As an adjective: "Going beyond one's proper province; giving opinions of matters beyond one's knowledge." As a noun: "One who ventures beyond his scope; an ignorant or presumptuous critic." Constant Readers may say, "Not Criticus surely." Criticus feels compelled to say, "Well, maybe on rare occasions."

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C. Total paid circulation	1474	1341
D1. Out-of-County free distribution periodicals mail	313	301
D2. In County free distribution periodicals mail	65	61
D3. Other free distribution by mail	0	0
E. Free distribution, not mail	0	30
F. Total free distribution	378	392
G. Total distribution	1852	1733
H. Copies not distributed	368	477
I. Total	2220	2210
J. Percent paid and/or requested circulation	80%	79%

I certify that the statements made by me above are correct and complete. John Kurzweil, Editor

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No More Souters

President George W. Bush must avoid repeating his father's 'Souter' mistake (and seek to repeat his brilliant Clarence Thomas nomination) in filling Supreme Court vacancies.

M A R K S . P U L L I A M

BY ALL accounts the presidential race is a dead heat, too close to call. Politics is often that way. In California, the GOP lost control of the state Assembly in 1996 by a few thousand votes (total) in swing districts. In elective politics, however, term limits guarantee change, and no election is more enduring than the next. Campaigns ebb and flow like the tides.

The judiciary is not nearly as transitory. Judges, once appointed, may serve for decades. Stanley Mosk, appointed by Governor Pat Brown (Jerry's father) in 1964, just celebrated his 36th anniversary on the California Supreme Court, a record. The greatest legacy a governor or president can leave is his judicial appointments, men and women who will continue to serve long after their sponsor has left office. Legacies work both ways: the lens of time magnifies good appointments as well as errors of judgment. History remembers that President Nixon appointed William Rehnquist to the U.S. Supreme Court and that Ronald Reagan appointed Antonin Scalia, and that George Bush appointed Clarence Thomas. These conservative jurists steadfastly shape the law despite succeeding elections and shifting political administrations. But history also recalls that Republican presidents appointed Earl Warren, William Brennan, Harry Blackmun, John Paul Stevens, and David Souter, five of the most liberal judges in modern times. The same phenomenon occurs at the state level. Gray Davis may wield a mighty veto pen, but he has yet to name a jus-

tice to the California Supreme Court. Governor Pete Wilson is all but forgotten as a political figure, but Justice Janice Brown, whom he appointed, is just hitting her stride.

The moral is that George W. Bush, if he is elected president, must take his judicial appointments seriously, especially those to the U.S. Supreme Court. He should strive to find the soundest, most resolute candidates available to fill vacancies on the bench, so that the voters who elected him will admire, rather than deride, his legacy. All too often, after being sworn in, judges start preening themselves for flattery from a different audience — the overwhelmingly liberal group of bar activists, law professors, and reporters who comprise the "legal establishment." Sometimes the "Greenhouse Effect" (Republican U.S. Supreme Court appointees' tendency to move left, courting praise from the *New York Times*) is difficult to predict, especially when an appointee has little or no track record of prior judicial rulings. But other times warning signs are apparent if one takes the time to look for them.

FOR EXAMPLE, assume hypothetically that President George W. Bush (knock on wood) were to consider appointing California Chief Justice Ron George to the U.S. Supreme Court when a vacancy arose. Superficially, George would make a good candidate. He has nearly 30 years of judicial service, trial and appellate; a brief but illustrious background as a prosecutor; and a decade of experience on what used to be the nation's most prestigious and influential state court. Even though he is a

Mark S. Pulliam, California Political Review's legal issues correspondent, is an attorney in private practice in San Diego.