

TRIBUTES

The Three Faces of Stanley Mosk

By OTTO M. KAUS*

Many years ago I read a short story—I think it was by Shirley Jackson—in which the author described her relationship with a new neighbor, Mrs. X. She never actually talked to the lady, but her children, who soon made friends with the X kids, came home with glowing reports about the many virtues of their new playmates' mother. While the envious, frazzled author could barely cope with the essentials of housework and cooking, Mrs. X took these basic tasks in elegant stride. Mrs. X also made her children's clothes, helped the kids with their homework, devised new games for them to play and prepared little snacks between meals—all, of course, without ignoring her husband, with whom she was seen going for long, leisurely walks after dinner when, by rights, she should have been buried in dirty dishes. The author's faith in herself was not restored until, one afternoon, the police came and picked up Mr. X: three wives.

After working with Stanley Mosk on the California Supreme Court for several years I am still in the envy stage, but any day now I hope to prove to the point of demonstration—a group picture, perhaps—that there are at least three of him. The circumstantial evidence is already overwhelming. Consider the following personae, all of which are familiar to friends of Stanley.

The Man of Culture

Having served as a Court of Appeal justice for fifteen years when I first came here, I felt reasonably able to take the Supreme Court job in stride and to live a civilized, cultured life: attending the opera, ballet, concerts, plays, discussion groups—that kind of thing. Little did I know that in three opera seasons I would find the time to see exactly one performance and that the balance of my cultural intake would consist of Hill Street Blues and St. Elsewhere—programs that air *after* our Wednesday

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conference. How is it that Stanley can go to every opera from *La Grande Duchesse* to *Götterdämmerung*, attend every ballet, see every play, participate in panels on and off the air, and speak after dinner to huge, non-captive audiences—all while doing his job on the court? It can't be done.

You don't really do a decent job on a court like ours if your interests go no further than law books. Being up to date on philosophy, political science, history, biography, belles lettres—that's the kind of background that makes a great judge. Well, count me out; I'll have to coast along on the intellectual baggage I brought up here. Compare, however, Stanley: not only does he seem to have read every new book of importance practically before it comes out, he reviews them in the popular media, if you please!

The Man of Leisure

Leisure—what's that? Stanley knows. Can he ever relax! He belongs to two tennis clubs—one with indoor courts for rainy weekends. He plays in tournaments and has even been known to survive the first round. He is a dedicated baseball fan who braves the elements at Candlestick Park and actually seems to know what's going on. Best of all, however, he knows how to vacation: South America, India, Bangladesh, Eire, England . . . you name it, he's been there—and in style. He always seems to know the local bigwigs, and I have the feeling that if he wanted to see Queen Elizabeth he wouldn't have to shinny up a second floor drain pipe at Buck House.

The Man of the Law

Having known a little about the extracurricular Stanley before joining the court, I anticipated that, once there, I'd find out that his judicial output would prove to be the work of proxies. Rubbish. Of course, Stanley—like the rest of us—has clerks and externs coming out of his ears, but there is never any suggestion that they might be anything but hired guns.

The true worth of any justice surfaces, in any event, at the regular Wednesday conference, where one cannot hide behind a law clerk's pen, but has to speak out and reveal one's knowledge or lack of it. It is at these gatherings that Stanley astonishes me week after week. As he is the senior member of the court, it is his lot to speak first: no chance of faking it by automatically agreeing with the previous speaker—or disagreeing if that betters the odds of being right. I shall never know when Stanley finds the time to prepare for our conferences, but prepared he is; fully on top of the facts and the law of each case that comes up, he eases every-

body else's burden by his thoughtful discussion and recommendations. He always helps to put the problem in perspective, whether or not one agrees with his solution.

Of course, participating to the fullest in the work of one of the nation's busiest courts is hardly enough to satisfy the intellectual drive of a person like Stanley. So last year he started his vacation by giving a course on the impact of international agreements on domestic law.¹ A man has to keep busy.

Have I proved my case? Does it matter? Whether there are three of him or only one, I salute the lot. Enviously.

1. Justice Mosk lectured on this subject at Trinity College in Dublin, Ireland.

