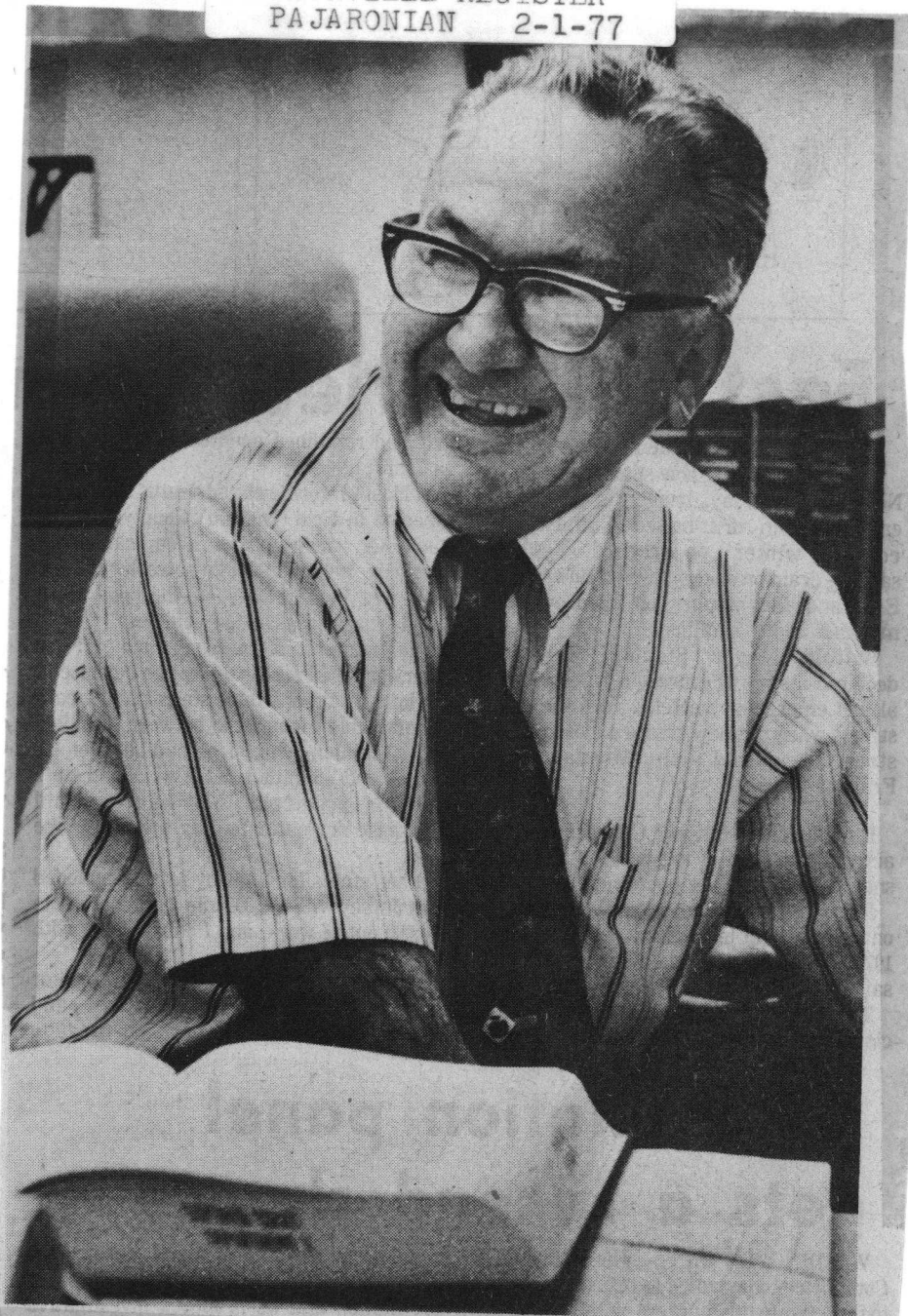


WATSONVILLE REGISTER
PAJARONIAN 2-1-77



Judge Franich grants final interview before retiring

'Respect for law... sense of humanity'

By MARJ VON B

Twenty years ago Charles "Chick" Franich, second son of an immigrant apple grower from Yugoslavia, was appointed to the judgeship of Watsonville Municipal Court.

But it was not a political patronage appointment. The governor was a Democrat, Franich a Republican.

Franich came with the qualifications. Valedictorian of his 1933 Watsonville High School class, he was a Phi Beta Kappa scholar in his junior year in Stanford University.

A 1940 graduate of Stanford Law School, Franich spent five years as a FBI special agent before going into private law practice in his home town.

He was appointed to municipal court in 1957 by Gov. Goodwin J. Knight but accepted the appointment with inner reservation.

"I thought I could try it out, and if I didn't like it, I could always return to private practice."

Last Friday, more than 20 years later, there were tears, solemn praise and laughter, as he and associates looked back on those years, at a luncheon in Santa Cruz honoring him at his retirement from superior court. He was appointed to superior court in 1961 by Knight's successor, Gov. Pat Brown.

In his career on the bench, Judge Franich, now 61, has become respected, not only for his knowledge of the law, but for his sense of humanity and compassion in applying it.

His superior court colleague Judge Harry F. Brauer summed it up when he said, "All any judge can ask is that he be able to look himself in the mirror each night."

Brauer said, "Judge Franich has lived that precept all his judicial life, indeed in all his life."

Calling Franich's retirement an "end of an era," Brauer declared, "It will be many and many a day before his shoes will be filled in our court, or any court."

Franich laughingly took his quota of good-natured ribbing, including a not too subtle reference to the prowess of his lungs, the gift

of a "Franich telephone."

It was a megaphone that would "enable his voice to be heard from Watsonville to the courthouse in Santa Cruz."

Franich, his wife Bridie and their younger daughter, Ann, a 16-year-old Watsonville High School senior, chuckled at the affectionate jibes.

(The couple's married son Charles, his wife, Ruth; and their other daughter, Mary a UCLA graduate student, could not be present.)

But Franich's voice broke and tears came, when he told the assemblage, "It's been a wonderful 20 years."

Recovering his composure, he added, "but I couldn't have done it without my wonderful wife."

Earlier last week Franich talked with a reporter about the intervening years.

"When I graduated from law school, lawyers were a dime a dozen," he recalled. "There were no jobs anywhere, or places you could work for nothing, for that matter."

The only offer he had, he said, came from lawyer Frank Murphy, Sr., father of the former state assemblyman, Frank Murphy, Jr.

"He offered me desk space in his office, with no salary . . . It was a frustrating experience."

Franich said he made an application to become an FBI agent prior his knowledge that he had passed the bar exam, because the outlook for private practice was so bleak.

At the FBI training center in Washington D.C., time went by and other fledgling lawyers got word of their success or failure in the bar exams, but not Franich.

"I got nothing and finally concluded I had flunked," he said. "Then, I got a letter from my brother Marty telling me I had been notified by letter at home that I had passed."

"He said he hadn't bothered to tell me sooner, because he was sure I knew I was going to pass anyway."

Franich shook his head and laughed. "I (Continued on page 9)



Judge Franich (center) walks with members of Frazier jury during tour of crime scenes in 1971

Franich looks back on years as judge

(Continued from page 1)

was so mad at him, I could have killed him."

After five years with the FBI, Franich decided, for family reasons, to return to Watsonville and go into private practice.

But often during his years as a judge, he alluded to his experience as a federal law enforcement officer and the understanding it gave him of the criminal defendant, as a person, and not just a prisoner who stood remotely before the judge in the courtroom.

He began his law practice in 1945 with Augustus Castro, in quarters above the old Register-Pajaronian office on East Lake Ave. Castro left about a year and a half later, and then Franich became associated with John L. McCarthy, a former assistant district attorney.

Then in 1957 he was appointed by Pat Brown to fill an unexpired term in municipal court, vacated by Judge Gilbert Perry upon his election to superior court.

Being a judge in those days was different, Franich said.

"There were no judge's handbooks, no seminars or special training to prepare you to be a judge.

"You just assumed the bench and learned the hard way."

There was no regular bailiff on duty in the courtroom at all times to take charge of the prisoners and keep order in the courtroom, he said.

"There were two sheriff's deputies who acted as bailiffs when they were not on call, but they might leave right in the middle of a case."

Also, "a defense attorney in a court trial was rare and in many instances there was no district attorney present," he said.

"Defendants were reluctant to hire an attorney in those days, and often defended themselves."

He recalled, "There was a great deal less of the formality, which we now seem to insist upon, maybe rightly so as safeguards . . . But we have detached a lot of the humanity in the proceedings."

Most cases were of a far less serious nature, though, he said.

Many of the defendants were in court for public drunkenness. "In the old days I used to refer to the skid row bums who slept

under the Pajaro Bridge as the 'Knights of Lower Main Street.'"

The judge said, "They would come in so often, I got to know them like the back of my hand.

"I'd give them 30-to-60 days in jail in the winter time, to sober them up and put some food in them and protect them from the winter weather."

In those days, too, "murder was a rarity."

A decided contrast from the mass murder image of Santa Cruz County that started with the trial of John Linley Frazier, who killed the Ohta family in 1970.

Judge Franich presided over the Frazier trial and also that of Herbert Mullin, who confessed to killing 13 persons a few years later.

"In many respects, the Frazier trial was more of a challenge," Franich said because the death penalty was involved and the eight-week trial was held out of the county (in Redwood City.)

Actually there were two separate trials for Frazier, one to determine his guilt or innocence, and the other to determine his sanity.

"I shall never forget the complete outrage of the jurors in that case," Franich said, "when they found out in the sanity phase the psychiatrist for the defense knew all along the defendant was guilty . . . And they were left to decide his guilt on the circumstantial evidence."

But, he added, "That's our system, and there it is." Though Franich imposed the death penalty on Frazier, the convicted murderer escaped the gas chamber when the U.S. Supreme Court struck down the death penalty law as being unconstitutional.

Was it difficult, emotionally, for the judge to impose the death penalty?

"It is a lot more difficult than just being for the death penalty . . . But when five persons are killed as uselessly as they were in that instance, it is not as much as an emotional drain as it might be in another case."

Contrary to views held by others, Franich said he believed "the death penalty has to be a deterrent."

But he said, "There is the difficulty of applying it equally. There is no question that those with influence or who are wealthy

have a better chance to get off, and that has always bothered me."

However, he said he wondered if life in prison was "not more punitive," and if the cost of maintaining that life term should not "better be used to aid the victims' families."

As for rehabilitation in prison, Franich said he long has thought state prison does not rehabilitate, nor do the large youth authority institutions.

Franich also is critical of the proliferation of laws by the legislatures and the higher court rulings.

"You can make as many laws as you want, but they are only as good as the human beings who administer them."

Of the higher court justices he said, "They got off on tangents and don't realize what the problems of the trial judges are."

He explained, "It's a philosophical and practical world, and you have to merge the two for true justice."

He also took the higher courts to task for what he termed "the attitude that government could do no wrong."

He said the courts had "pushed the individual aside" in court issues with the government, especially in environmental and planning issues.

In some cases, it was obvious the government had engaged in subterfuge of deliberate delaying court action, staving off a possible unfavorable decision, until the land owner went broke and was no longer able to fight the case, Franich said.

"If you can divest somebody of his money and property, then you may as well forget his civil rights," he stated.

Monday, Judge Franich returned to his courtroom for his last day before a retirement, which will not begin in full, until his successor is appointed. Afterward he — like other retired judges — can serve when he wishes under Judicial Council assignment anywhere in the state.

After a two-week vacation he will be back on the job, until Gov. Brown makes the decision.

"I owe a debt of gratitude to the people of Santa Cruz County for giving me the opportunity to do something I consider worthwhile in my life," Franich said.