Farm workers rarely have had a greater champion than Rose Bird, the late chief justice of California's Supreme Court who's been dead for five years now, her vital help for farm workers largely forgotten by the general public.

Much was made of Bird's unyielding opposition to capital punishment, a stand that was most responsible for voters ousting her from the court in 1986. But close attention also should be paid to her role in granting basic rights to farm workers and others who had long been denied them.

Bird's public efforts on their behalf began two years before she joined the court in 1977, during her tenure as Democratic Gov. Jerry Brown's secretary of agriculture. Bird, the first woman to hold any cabinet-level position in California, was also one of the few non-growers who've held the agriculture post.

Bird assuredly was the only secretary, before or since, to be concerned with protecting farm workers from their politically powerful and notoriously exploitive employers. It was under her leadership, for instance, that the state banned use of the short-handled hoe, a torturous tool that kept thousands of field workers bent almost double for most of their working day.

Most growers had abandoned the hoe for tools that allowed workers to stand upright, but California's lettuce growers insisted that it was needed for speed and efficiency. They had prevailed during previous administrations, despite physicians' reports of workers who suffered ruptured spinal disks, arthritis of the spine and other serious back injuries because they were forced to use what the United Farm Workers called "this despised tool."

Growers and their Republican and big business allies were outraged at Bird over the hoe ban. They were even angrier over her work in helping draft the landmark Agricultural Labor Relations Act that finally granted union rights to the state's farm workers.

They waged a heated campaign to try to block Bird's confirmation as chief justice a few months later, then embarked on a decade-long drive to remove her from the court. They ran one of the most vicious election campaigns in California history in finally convincing voters to oust Bird and two other liberal justices, Cruz Reynoso and Joseph Grodin.
Although using Bird's opposition to the death penalty as the campaign's main theme and enlisting prosecutors to lead it, the wealthy growers and other business interests who bankrolled the effort were concerned mainly with the court's pro-labor stance.

Among the decisions that angered them was one that upheld the right of state employees to bargain collectively in the face of challenges raised by Republican Attorney General George Duekmejian and others.

They were downright infuriated by a later ruling that state and local government employees had the right to strike as long as they did not endanger public health and safety. Only firefighters were specifically excluded.

Bird argued that all workers, be they in government or private industry, have nothing less than a constitutional right to strike. "The individual's freedom to withhold personal service is basic to the constitutional concept of liberty," Bird wrote. "Without this freedom, working people would be at the total mercy of their employers, unable either to bargain effectively or to extricate themselves from an intolerable situation. Such a situation would make a mockery out of the fundamental right to pursue life, liberty and happiness . . ."

Business interests attacked the decision as what one of their newspaper backers called "an act of monumental judicial presumptuousness . . . only the latest example of the anti-business bias of the state high court under the leadership of Rose Bird."

Organized labor, however, was highly pleased that "civil rights have finally come to public employees in California," as one of their union leaders declared. "We are no longer second-class citizens."

The decision was handed down as Bird's opponents were mounting their election campaign against her, but that did not deter her from taking the strongest possible stand in favor of public employee rights – one stronger than even her fellow liberal justices. That was typical of Bird, who invariably refused to compromise on what she felt were vital principles. It was that inflexibility which helped secure basic rights for innumerable working people, and she would not abandon it even though it eventually would cause her downfall.
Even many of those who led the drive that finally removed her from office recognized Rose Bird's integrity, eloquence, brilliance and, above all, unflagging devotion to what she believed to be fair and just whatever the cost to her.