

Sure sentences will cut violence, says Soapy

The best way to reduce acts of violent crime is to make certain sentencing is fair and certain.

That's the position of G. Mennen Williams, chief justice of the Michigan Supreme Court.

The former governor explained his stance at a luncheon gathering last week in Plymouth.

The major thrust of his address was to support proposals for standard sentencing being pushed by the Michigan Bar Association and contained in legislation now before the State Senate.

THE PHILOSOPHY of punishment has shifted from the biblical "eye-for-an-eye" approach to the stress on rehabilitation during the 1950s.

"The idea of rehabilitation included the notion of indeterminate sentencing, where a judge would sentence a person to one to 10 years. That's a lot of leeway in-between."

The two major problems with



G. Mennen "Soapy" Williams

rehabilitation, Williams noted, were: not every person is susceptible to rehabilitation; rehabilitation requires very costly resources in facilities and

in human skills—resources which were never provided.

"As a result the rehabilitation theory came under considerable criticism, and many experts began to question whether most prisoners could be rehabilitated."

"There's a different idea now about criminal justice, and that is to have rehabilitation with mandatory standard and mandatory minimum sentences."

The proposal of the state bar association, the justice added, is based on a philosophy of deterrence—that fair and certain punishment will deter criminals from acting, particularly from committing crimes of violence.

"Every judge has his own ideas about sentencing," said Williams, "and there's a great variation in sentences for the same crime. It's not the judges' fault. The judges do the best they know how to but there just isn't

any standard for establishing sentences."

WILLIAMS SAID there's really no conclusive data now available to determine if the deterrence philosophy really works.

The chief justice pointed out that 1½ years ago the legislature approved a bill requiring a minimum two-year sentence for anyone found guilty of committing a felony with a gun.

At about the same time, Williams said, the Wayne County prosecutor set up a special division to prosecute repeaters of heinous crimes.

The third movement at this time was establishment of a computer program to clean up the dockets in Recorder's Court. This resulted in a reduction from 271 days to 45 days in the delay between the time of arrest and trial.

"At the end of the first year after the gun bill became effective, felonies

committed with a gun went down by 32 per cent. Total felonies went down, but not by that much. The evidence, then, isn't conclusive but suggests we should go ahead with the program of standard sentencing."

THE RECOMMENDATIONS of the bar association would establish a standard sentence for violent crimes which would be followed 80 per cent of the time by sentencing judges.

For the 20 per cent of the time when the judge doesn't apply the standard sentence, he could choose between definite minimum or maximum sentence.

First degree murder would carry a life sentence with no parole. Second degree murder would carry a standard sentence of 10 years which would be used 80 per cent of the time, a minimum of two years and a maximum of life with no parole.

Felonies involving bodily injury, such as rape, assault or kidnapping, would have a seven-year standard sen-

tence, two-year minimum and maximum of 30 years.

"The legislation has been introduced now to establish this program," said Williams, "but it may not go through this year. When the program is enacted, more people will be going to jail and staying longer, and our jails are already overcrowded. And so we will have to find more jail space before this program can get started."

"In the long run, the program should act as a deterrent to crime and we won't have as many people in jail, but in the meantime there will be an upward curve in jail population."

Williams, a graduate of University of Michigan Law School, was six times elected governor of Michigan, served as assistant secretary of state for African affairs under President Kennedy, as ambassador to the Philippines under President Johnson, and has served for the past eight years on the Michigan Supreme Court.

Senate OK's more judges for Oakland

By MICHAEL MATUSZEWSKI

The Michigan Senate voted 30-1 last week to create three more circuit court judgeships in Oakland County.

Top officials, however, maintain that the county cannot afford the new judges. County Executive Daniel T. Murphy said the new judges, their staffs, expansion of court-related services and construction of a new courthouse wing to accommodate the judges would cost the county at least \$5 million.

Three senators from the Observer & Eccentric area—Daniel Cooper (D-Oak Park), Donald E. Bishop (R-Rochester) and Bill Huffman (D-Madison Heights)—voted for the bill. Sen. John A. Weinborn (R-Kalamazoo) cast the only dissenting vote.

The bill has been referred to the House of Representatives' Judiciary Committee. The house will be laboring under a deadline to pass the bill and get it signed into law to allow prospective candidates enough time to meet a June 6 filing deadline for the August election.

EXPLAINING HIS vote, Cooper, who introduced an amendment cutting the recommended number of new Oakland judges from four to three said, "The circuit court proved that it had problems in terms of a backup in both the criminal and civil dockets. The docket on civil cases is backed up more than 30 months."

"We already backed away from the Supreme Court's recommendations. To do otherwise and cut more would have been irresponsible," he said.

BISHOP ECHOED Cooper's sentiments. "The criminal cases have to be disposed of within 180 days or the Supreme Court says the persons have to be released. The situation in Oakland County is getting worse, not better."

Bishop added that one Oakland circuit judge told him he will not be able to try a civil case this year because he's trying to clear up his docket of criminal cases.

"I just don't think the public is going to tolerate that," Bishop said.

COUNTY OFFICIALS, however, say that the public will not tolerate higher taxes or cutbacks in essential services which will be necessary to cover the total cost of the additional judges.

Murphy said that the mandated addition of three judges would mean no raises for county employees and possibly some layoffs. It would also mean, he said, that the county would have cut its contributions to the county road commission and might have to scrap the long-awaited small-bus, countywide dial-a-ride bus transportation system.

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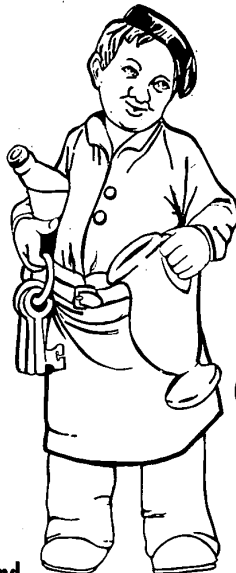
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