

Circuit court: not a contest

By TOM LONERGAN

Elections usually mean discussions of issues, views and promises from the candidates, and eventually a winner.

But to hear the candidates for the only contested seat on the Oakland County Circuit Court bench tell it, their race hardly fits the pattern — except that two of the three will survive the Aug. 5 primary election.

THE CANDIDATES seeking to succeed retiring Judge William Beer are Robert C. Anderson, 55, of Pontiac; Michael S. Freud, 31, of Keego Harbor; and James F. McCarthy, 42, of Pontiac.

"Outside of saying your name, address, years in (attorney) practice, and saying you want to run a good court and you're for justice for all and all that thing, you really can't get into issues," said Anderson, a district judge in Waterford Township.

"You can't say what you're going to do in the job, like, 'I'm going to put the criminals in jail.' You can't say that," said McCarthy, an assistant county prosecutor.

But Freud, a Southfield-based attorney, says there is an issue — the circuit bench's backlog of such civil cases as divorce, auto negligence and other damage suits.

Freud said he would promote more frequent use of a year-old mediation procedure to speed up resolution of civil suits and "allow the judge more time to try cases."

ACCORDING TO a year-old report, it has taken 30 months for a civil case to reach trial in the Oakland court and six months for a criminal case.

Court Administrator Fred Mester said, "We will be improving on that this year." He said use of mediation and the addition of three judges elected to the county bench in 1978 will mean an improvement in the backlog for 1979-80.

Anderson and McCarthy favor the mediation process, but haven't raised the court backlog as an issue.

In mediation, a panel of three is selected by the two lawsuit parties and a judge to determine a settlement. If the mediation settlement is rejected, the case goes to trial.

Because discussion of issues is limited in a judge's race, McCarthy said the candidates should talk about their personal philosophy.

"I BELIEVE in capital punishment," he said. "I believe it is something that would enhance justice."

McCarthy's boss, Oakland County Prosecutor L. Brooks Patterson, is leading a petition campaign to put restoration of the death penalty for some crimes in Michigan on the November 1982 ballot.

Patterson has endorsed McCarthy. "I just think it (capital punishment) is a proper form of justice," said McCarthy, an assistant prosecuting attorney for the county since 1973. "No matter what the statistics say, I say this does curtail crime."

Freud said: "If there was a death penalty on the books, I assume it would only have specific applications. I would look at the heinousness of the crime."

he said, such as "mass murder or maiming or torturing of a victim."

Anderson said he wouldn't know how he'd vote if the capital punishment

Capital punishment?

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— Robert C. Anderson



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MICHAEL S. FREUD

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JAMES MCCARTHY

question were on the ballot today.

"I'm not so sure I'd want to be the one to murder an individual — to take their life," he said.

"Would everyone be treated always the same? There are crimes of passion; you're not going to deter those. I don't think you're going to deter many people from a crime with a death sentence."

REGARDING SENTENCING, where judges have some leeway and can influence juries, the candidates offer slightly differing views.

Freud answered: "If there is a crime of violence . . . that person who per-

petrated the crime in my view has to be taken out of society. I don't believe society has to be subjected to a person of an assaultive nature."

McCarthy said: "I'm certainly going to be hard-nosed when it comes to criminals . . . but I'm going to try each case on its merits."

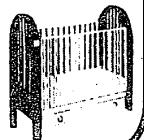
McCarthy has prosecuted cases often before circuit Judges Richard D. Kuhn and Robert L. Templin. "Those (judges) are tough sentencers, and I believe in that philosophy," he said.

Anderson, recounting his eight years as a district judge, said, "I presume I've been labelled firm but fair."

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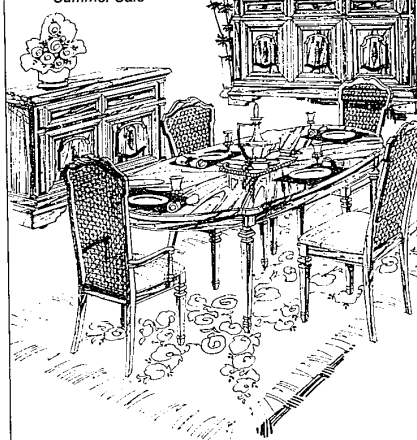
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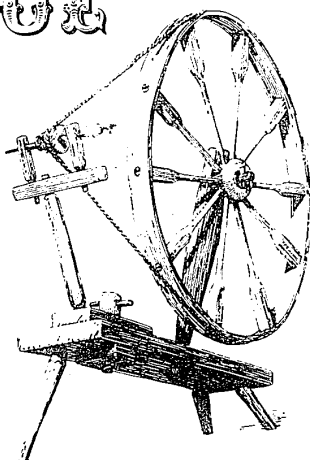
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