

Patterson rips court for ballot decision

Tom Henderson
Staff writer

Brooks Patterson, an ardent supporter of the death penalty, blasted the Michigan Court of Appeals for its decision Tuesday upholding a state law that, in effect, bars November 1987 referendums on the death penalty and on curbs for utility rate increases.

In the ruling, the court upheld a 1973 law that set a limit of 180 days for collecting signatures for ballot proposals. In the process, it overturned a 1974 opinion by State Attorney General Frank Kelley that invalidated the law and allowed groups four years to collect signatures for proposals on the ballot.

Signatures to put the issues of capital punishment and utility rate curbs on the Nov. 4 ballot were collected over three years.

"I'VE LOST A lot of confidence in the courts and I've lost respect for the judicial process," said Patterson, Oakland County prosecutor.

"I think it's an incredible decision when the state constitution allows

for petition drives, the Legislature passes a law in conflict with the constitution and the court upholds the Legislature," he continued.

"Not only do I think that people who support capital punishment have lost, but the public at large has lost its right of petition. The 180-day limit is just too restrictive. And frankly, that's why the Legislature imposed it. They didn't want anyone doing an end run on them."

Patterson said if the Appeals Court decision is upheld in the state Supreme Court, it will mean an end to citizens' petition drives to place measures on the ballot.

"It will be impossible," he said. "I don't know of any organization that could do it in 180 days. You'd have to have an organization of 30-40,000 people. We have 23,000 supporters and it took us 2½ years."

When asked what he thought would happen to an appeal before the Supreme Court, Patterson said: "I thought our chances were less than 50-50 in the Court of Appeals and they've gone down from there."



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NANCY PUTNAM, a spokeswoman for the Michigan Citizens Lobby, which was behind the ballot proposal to limit utility rate increases, said

Wednesday: "The Citizens Lobby was surprised by the decision. Our lawyers are drafting an appeal and conferring with the Attorney General's

Office about their plans to appeal."

"We're going to ask the Supreme Court to take it up on an emergency basis. We have to move as fast as possible to get it on the ballot Nov. 4."

Consumers Power and Detroit Edison, the state's largest utilities, had sued to block the Citizens Lobby's ballot proposal, which would have banned rate increases to pay for unfinished power plants or those unnecessary to meet energy needs.

Dan Loopp, a spokesman for Kelley, said the attorney general stands by his opinion that the right of the public to petition should be taken in the light most favorable to the petitioner.

Loopp said the Attorney General's Office would appear before the Supreme Court Wednesday asking the court to hear the appeal on an emergency basis.

The ruling could affect other petition drives under way, including one to establish a part-time Legislature, which is supported by Richard Chrysler, the unsuccessful candidate

for the Republican gubernatorial nomination.

Petition signatures for the ballot must be validated by the Secretary of State's Office by Sept. 5. According to the election division, two weeks are needed to process the signatures, which means the office would normally begin checking signatures Friday.

A total of 304,001 validated signatures is required to place a proposal on the ballot; 760,002 are required to recall officials elected statewide.

John Lauve, the chairman of the Recall Blanchard Committee, tried to file a friend of the court brief before the Court of Appeals but was denied.

"It's so outrageous, I don't know what to say, I'm so mad," he said of the ballot decision. "It's stealing elections in America. They've disenfranchised hundreds of thousands of voters."

"We need judicial reform in Michigan and I'm going to work to make it happen. They hide behind the cloak of the Court of Appeals."

Lauve said his group has collected 600,000 signatures in three years to recall Blanchard.

Area man elected to board

Gabriel Werba, president and chief operating officer of Anthony M. Franco, Inc., a Detroit public relations firm, was elected to Michigan State Chamber of Commerce Board of Directors.

As a director of the state chamber's 86-member board, the Farmington Hills resident is involved in establishing policy on major economic, legislative and political issues for Michigan business.

A graduate of the University of Texas, Werba also attended New York University's graduate

school of business administration and his school of law. He moved to Detroit in 1964 and joined the Franco agency in 1974. He had been executive vice president and a director of the agency until he was named to his current position in July 1986.

Werba is active in civic organizations and serves on the boards of directors for the Oakland Citizens League and the Inner-City Business Improvement Forum, and on the investment committee of Sinai Hospital. He is also active in cultural organizations,

currently serving on the boards of directors of Orchestra Hall, the Detroit Film Society and Detroit Chamber Winds.

Werba is an accredited member of the Public Relations Society of America, a past officer of its Detroit Counselors Academy and a founder, past president and past director of the National Investor Relations Institute's Detroit Chapter.

The state chamber was formed in 1959 to represent a broad cross-section of business interests throughout Michigan.

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