

Petition worker's suit hits 180-day limit

By Tim Richard
staff writer

There were bigger political names in court Friday — Dick Chrysler, John Laue.

But Dean Fitzpatrick's name will be on the case as plaintiff. An obscure political worker from Troy, Fitzpatrick is challenging the constitutionality of a state law limiting petition drives to 180 days.

Oakland Circuit Judge Alice Gilbert told him at the close of a 40-minute hearing: "This is a legal challenge that requires reflection. I will issue a written opinion. I'm not putting this on the back burner. I'll decide as quickly as possible."

The plaintiff in Fitzpatrick vs. Secretary of State Richard Austin smiled.

FITZPATRICK likes to work on petition drives. He has worked on Laue's drive to recall Gov. James Blanchard, on Chrysler's part-time Legislature drive and on Prosecutor L. Brooks Patterson's death penalty drive.

"I've never run for office. I have no intention of running," said Fitzpatrick, adding he doesn't belong to a political party.

"I'm a worker. I'm busy with my job and stuff. I put a lot of time into working. My wife left me. I lost my job and stuff," said the now self-employed tool salesman and manufacturer.

Chrysler, who ran second in the 1986 Republican gubernatorial primary, and Laue, who dropped out of the gubernatorial sweepstakes to run for the Legislature, were backing and encouraging him.

DAVID RAAFLAUB, Fitzpatrick's

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— Fitzpatrick's attorney

attorney, had a new wrinkle against the state's argument that petitions for referendums on such matters as constitutional amendments must be filed with the Secretary of State's office no later than 180 days after the first signature is collected.

The Ann Arbor lawyer charged the Legislature violated the Michigan Constitution by tacking amendments onto election bills that had nothing to do with the intent of the original bill. "These changes were dramatic," he said of the bills that started out as voter qualification and election results measures and ended up setting the time limits.

And Raaflaub argued that the Legislature amended the bills into law in a day or two, violating a constitutional provision requiring more time.

He cited the so-called Anderson case, in which former Circuit Judge George LaPlata struck down a legislative redistricting act that was passed into an obscure elections bill.

ASSISTANT ATTORNEY General Richard Gartner asked the judge for summary dismissal of Fitzpatrick's case.

"I worked on the Anderson case," Gartner said, arguing that Fitzpatrick's attorney was misapplying it.

"The court said that reapportionment is entirely separate from election law. The House took a house-keeping bill on election law in 1984 and substituted something entirely different."

In the case of petition drives, however, Gartner said both the original and final versions were intended to amend election law. Both versions were accurately described by the title "A bill to amend the election laws, to regulate primaries and elections and safeguard the purity of elections."

The state attorney said Raaflaub was taking too restrictive a view of the titles.

"We want the suit dismissed, with prejudice," Gartner concluded.

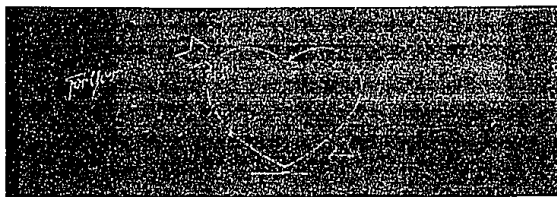
RAAFLAUB replied that the state attorney's view was "too broad." "The object (of the original bill) was to deal with election results. It was altered to deal with petitions . . . Absurd. Ludicrous. Not correct. Equivocation."

"Time limits create an enormous burden on anyone petitioning for changes. It is a burden on the people's constitutional rights," he said.

Gartner declined to reply. Fitzpatrick's suit seeks a court order that the Secretary of State must accept the petitions in question. In effect, such an order would allow Patterson more time to collect death-penalty signatures and Chrysler more time to collect part-time Legislature signatures.

The suit also seeks monetary damages from the state.

After the hearing, Chrysler said his petitions haven't been filed. "The signatures are just sitting there. We are not filing because of the 180-day problem," he said, adding that his group had collected enough names — 300,000-plus.



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To owl, airport is like tundra

By Timothy Nowicki
special writer

Lately I have had a series of interesting experiences with owls that are worth sharing.

While driving by Metropolitan Airport on my way to work the other day, I saw a snowy owl fly across I-94 toward the terminal buildings. I made a quick loop around the airport, but failed to spot it again.

At lunch time I drove entirely around the airport, looking on every light pole and fence post for large white protrusion. Then I circled the terminal buildings.

IT MAY SEEM incongruous to look for a northern nomad of the barren tundra around a busy airport. But because of the open, flat land around airports, snowy owls view them as a habitat close to that of their native territories.

As I was about to head back to work, I looked up at an antenna protruding from the roof of the U.S. Postal Service building — and there it was. Perched on the top of this long, thin pole was a very streaked snowy owl.

Birds with heavy streaking of their plumage are believed to be juveniles. Young birds are inexperienced and cannot defend or maintain a territory against older birds when food supplies are low.

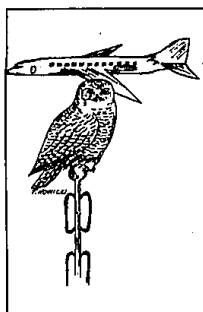
ANOTHER ODDITY was the high promontory on which the bird was perched. Tundra habitat in northern Canada lacks vegetation more than a few feet above ground.

Yet this bird, and others that are seen in Michigan, quickly learn to take advantage of high hunting perches.

From this vantage point, he could not only see mice and voles in the fields, but he could wink at passengers of incoming flights.

All animals and plants are adapted for certain habitats and remain in those areas whenever possible. Some animals are able to adapt to similar habitats if they are displaced.

Others, with more rigid requirements, will die if displaced. Even during temporary displacements — such as migration — animals seek similar habitats.



Snowy owl on the lookout

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