

points of view

At federal level

A peek into how judges are chosen

AFTER SEVERAL FALSE starts, I decided not to overcomplicate the self-imposed assignment for this column: Namely, seek out a local angle to the United States Supreme Court story without falling back on such an old journalistic standby as a man-on-the-street opinion poll.

My avenue of approach was stimulated by having read during the hoopla over Judge Douglas Ginsburg that hearings would not begin until the Senate Judiciary Committee received a rating from the American Bar Association's standing committee on the federal judiciary.

Aha, thought I, why not request an interview with the only Michigan attorney who ever has served as chairman of that ABA panel, a committee whose work is little known to the lay public yet which holds a mighty position in evaluating all nominees for the federal bench.

So I did. It resulted in an educational afternoon with the attorney in question, longtime Birmingham resident Frederick G. Buesser Jr., who has offices in Bloomfield Hills and the Renaissance Center. He is a former president of the State Bar of Michigan and the Detroit Bar Association and has represented Michigan in the ABA House of Delegates since 1972. The federal chairmanship that led me his way was 1983-84.

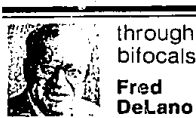
OUR DISCUSSION was academic, dealing not at all with U.S. Appeals Judge Anthony Kennedy.

"Back in the administration of President Dwight D. Eisenhower, the president asked the American Bar Association to form an evaluation committee," said Buesser. Since that time all presidents have consulted with the ABA committee on the federal judiciary with regard to appointments of members of the judiciary.

"That consultation, which was originally worked out between the president himself and the president of the ABA, is now carried on pretty much through the Justice Department."

"The process is somewhat different as between the appointment of members of the federal district and appeals courts and appointment of members of the Supreme Court. The principal distinction is this:

"As to the appointment of district judges and court of appeals judges, a



through
bifocals
**Fred
DeLano**

name is sent by the president through the Justice Department to the ABA committee, specifically to the chairman. The committee then undertakes an investigation as to the qualifications of that person, that prospective candidate. He's just a candidate at that point, not a nominee.

"The committee conducts an in-depth investigation and reports back to the Justice Department as to its evaluation. If the president then sends that name to the Senate, the committee reports to the Senate Judiciary Committee its recommendation and those recommendations are very succinctly phrased. They only give the rating; they never give the reason.

"THOSE RATINGS that are used for all, except Supreme Court justices, are 'exceptionally well qualified,' 'well qualified,' 'qualified' and 'not qualified.' With reference to the Supreme Court, the ratings are

somewhat different. They are 'well qualified,' 'not opposed' and 'not qualified.'"

Buesser said that during his chairmanship the ABA committee had 14 members; now there are 15. They represent the 11 judicial circuits, plus an extra one for California, one for the District of Columbia circuit, one for the new federal circuit, and the chairman.

"When the chairman gets that name in the ordinary course of events he assigns that investigation to the member of the committee who comes from that judicial district. There is a printed brochure of 20 to 25 pages that sets forth the guidelines. At the same time that the Justice Department sends the name to the ABA they also request a report from the FBI."

"All the Senate Judiciary Committee gets is the rating. They get one paragraph, that's all, and it sends them up the wall. The reports are only internal memoranda amongst members of the ABA committee. They cannot be subpoenaed and are exempt from the Freedom of Information Act."

Current chairman of that committee is Harold R. Tyler Jr. of New York, who is a former federal judge himself. I gather that right now he's a very busy man.

The next recession — It will be a mild one

THE QUESTION isn't whether a recession is coming. Its signs already are with us.

The question is whether it will be severe or mild. The answer is, very mild.

This column is where you read in 1979 about the forthcoming plunge in housing sales and prices. Realtors got awfully sore when I reported, correctly, that house prices and interest rates were too high and that their slogan, "Now's the time to buy," was dead wrong.

THE BIGGEST change is that today the federal government has a handle on inflation.

Virtually all our post-World War II recessions were preceded by periods of inflation — double-digit in the late '70s. Both businesses and consumers succumbed to the psychology they must "buy now, because the price will be higher tomorrow," the lily of the real estate salespeople.

Eventually you can't buy any more, so you quit buying. If you're in business, you sell from inventory and cancel new orders. Suppliers quit producing and lay off workers. We have a recession.

Well, inflation has been in the 1.8 to 5 percent range for several years now. People under age 35 or 40 can't remember when it has been so low.

THAT BRINGS us to the second big change — business ordering.

Auto companies used to maintain giant warehouses with stockpiles of steel and parts. No more.



**Tim
Richard**

Those warehouses tied up construction capital. They ate up plant space. They tied up current capital in big inventories at high interest rates. The warehousing practices have been stopped.

Remember Bob FitzPatrick when he headed the Wayne County Economic Development Corporation? His old enormous amounts of work training auto suppliers about "just in time" delivery systems.

You've heard about layoffs recently, but those layoffs are mild, of relatively short duration and announced well in advance. Clearly, business has evened out some of the gyrations in its ordering patterns.

General Motors and Ford, among others, today announce plant closings many months in advance so people and communities can adjust, prepare, retrain.

Maybe the companies do it out of the goodness of their hearts, and maybe they fear U.S. Bill Ford, D-Taylor, and state Rep. Perry Bulard, D-Ann Arbor, will get on their backs with plant-closing legislation. Whatever the reason, we have far more warnings about plant closings than we used to.

Well, inflation has been in the 1.8 to 5 percent range for several years now. People under the age 35 or 40 can't remember when it has been so low.

Meanwhile, Michigan is getting national attention, along with Massachusetts and Pennsylvania, for developing state strategies to diversify its economy and meet global challenges. More about that later this week.

ECONOMIST ART Laffer, the guru of business tax cuts, was in town last month to speak to Michigan National Bank types and made an interesting point about our giant balance-of-trade deficit.

There is so much "protectionist" talk going around unions and Congress that importers are succumbing to the "buy now before the restrictions go on" — a variation of the old real estate fear psychology. So importers are building up their inventories for fear Congress will restrict trade in 1988. No "just in time" deliveries in the world market.

If Laffer is correct, we should see some easing of the import glut next year as inventories are sold off. That will be good news for American producers.

Our economic turnaround won't be pneumonia — more like a burp or a snuffle.

New exhibit puts automobile's role in perspective

WE ARE a car culture.

That is made dramatically clear in the new automobile exhibit at Henry Ford Museum. The car is put into context, and its impact on our landscape, lifestyle and commerce is overwhelming.

For years, the auto collection at the museum was presented in a chronological order. The cars were labeled with brief descriptions of each vehicle and the company that produced it. Little or nothing of what the car meant to the world at large and what Henry Ford, in particular, had wrought on an unsuspecting world.

THAT MANNER of exhibit was Ford's preference. He just wanted to put the "things" out on a floor and let the visitors embellish with their



**Hugh
Gallagher**

own memories. Certainly many of the cars in the collection had a hair-trigger effect on memories or, in the case of stunning Bugatti Royale, drew whispered awe from visitors more accustomed to Fords and Chevs.

But modern museums and modern museum goers require more than things. They have to be shown what those things mean and how they fit in to the broader history of our country. Few things have had a greater

impact on our history than the automobile.

The exhibit is stunning. Ford Museum has stepped into the modern age in museum display with video units running tapes on various aspects of auto history, a movie in a drive-in setting on "Car Culture" and a fine use of color, light and set design.

The museum has searched out buildings and auto memorabilia that tell the story of how the car helped change rural America into urban America. The first thing that catches the eye of the visitor is a giant golden arch from McDonald's. Behind the arch is Lamy's Diner, a wonderful, complete example of this early form of roadside, fast-food accommodation. Graphics tell the story of Howard Johnson's, A&W, Dairy

Queen, White Castle and, of course, McDonald's.

A COMPLETE Holiday Inn room is contrasted with a primitive motor court cabin that served travelers on the road west in Michigan. The story of the motel is also the story of personal and business mobility unknown before the automobile.

A woodland setting in the center of the exhibit highlights camping equipment with examples dating back to the early 1900s. A special feature is a trailer given by Henry Ford to Charles and Anne Morrow Lindbergh and used by them on numerous cross country trips. The trailer exhibit features a signed letter from Lindbergh returning the trailer to the museum. Other examples include a tent top pop-up and a

first-year Volkswagen Westfalia, the first mini-camper.

The exhibit also features video and poster displays on advertising, radio and television promotion and music. A line, reminiscent of the assembly line, guides visitors past the cars that stand as highlights in auto history from the early Olds and Fords to the luxury cars of the '20s and '30s to the world cars of today.

Though much different than Ford's concept, it is hard to imagine that he would complain. This presentation shows that the automobile that Ford brought to the masses changed the world for better or worse. It was more than a means of getting from one place to another, it was a machine that forever destroyed one place to create another.

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