Judge Candidates Disagree on Crime Rate

Opperthauser

EDITOR:

A statement has been made by Michael J. Hand, a candidate for Judge in this District, boastfully claiming that the percentage of crimes committed in the jurisdiction of the City's Municipal Court, in which he is the part-time Judge, has declined despite a 21 per cent increase in crime nationally. He has also unequivocally stated that: "This is due to the enlightened but stern enforcement of the law in his court."

Two months ago, when I made reference to the amount of crimes involving vandalism, thefts, assaults and drug violations in the total Farmington Community, my opponent wrongly and unfairly, (only two days prior to the primary election when I had no chance to reply) denied this, and publicly criticized me, stating:

"Scrupulous attention to facts, careful evaluation of statements, and close scrutiny of authority should be the hallmark of a judge and candidate for the judiciary. Judges must be guided by the facts and the law and not subject to making unfounded conjectures and wild assertions."

I believe a candidate for Judge should be fair, and also practice what he preaches. I challenge him to show the City Police Department records which substantiate his claim that "crimes committed" in the City of Farmington within his jurisdiction (which does not include juveniles) have declined in 1968.

Actually, there are no such records, since in many of the crimes committed, whether or not the violator is an adult or juvenile is never known because he is not apprehended.

Possibly his policies have resulted in the police making fewer arrests, if this is what he refers to, but the records show that crime in the City has substantially increased as correctly reported recently in this newspaper.

Creating a false sense of security concerning the rising rate of crime in a community will only compound an already serious problem.

The truth of the matter, concerning my previous statement, is that the City Police Department's reports show that actual crimes involving vandalism, thefts, assaults and drug violations have increased from 435 for the first nine months in 1967 to 505 for the first nine months in 1968, for an increase of over 16 per cent.

Even if a reduction in crime had really occurred, I think it would be most egotistical and unfair for him to claim sole credit for it by stating that: "This is due to the enlightened but stern enforcement of the law in his court." Such an exaggerated and politically motivated claim fails to give any credit to our fine, courageous police officers, to the untiring efforts of our service organizations, our churches and clergymen of all faiths, and to the dedicated efforts of countless individual citizens, who, through positive acts and personal example, are constantly fighting crime by teaching proper respect for our laws and the rights of others. When crime is decreased, they will deserve a fair share of the credit.

Even though my opponent wrongfully claims a "decline" in crime in his jurisdiction, and that this is due solely to his policies, I do not feel that it would be fair for me to claim that the actual increase in such crime is solely his responsibility. I do feel, however, that it is important that the voters in both the City and the Township are aware of how he has distorted the facts, of his unwarranted egotism and of his lack of candor, before they are called upon to vote for the candidate they want to be the first Judge of our new District Court which will serve both the City and Township of Farmington.

EARL C. OPPERTHAUSER
Trustee, Farmington Township
Candidate for District Judge

Hand

In a press release given to your paper, my opponent for the new post of District Judge, Earl C. Opperthauser, has challenged the statement made in my advertisement of Oct. 20, 1968 that there had been a decline in 1968 as compared with 1967 in crime within the jurisdiction of the Farmington Municipal Court. He has stated that "he has distorted the facts." True facts cannot be distorted, but unscrupulous persons can try to use facts to present a distorted view, so let us look at the facts.

The criminal jurisdiction of the present Farmington Municipal Court is limited to misdemeanors committed by persons 17 years or older; crimes committed by persons under 17 are under the exclusive jurisdiction of the Juvenile Division of the Oakland County Probate Court, and felonies are under the jurisdiction of the Oakland County Circuit Court; the new District Court will have similar jurisdiction. Traffic offenses constitute a large percentage of the misdemeanors handled by the court.

The police department of the City of Farmington prepares a monthly operations report in a form which permits a statistical evaluation of crimes reported, arrests and convictions. Since the FBI is primarily interested in the statistics of major crimes in seven categories, such as murder, rape, aggravated assault, etc. the form is divided into six parts and only crimes evaluated under the so-called Part I are reported to the FBI.

The other parts concern mainly misdemeanors, with a few felonies and various other phases of police activity. Each of these parts must be read and evaluated with care because they include data on occurrences which are not crimes, such as stray dogs, lost persons, emergency trips, etc.

Mr. Opperthauser states, "The truth of the matter concerning my previous statement, is that the City Police Department's reports show that actual crimes involving vandalism, thefts, assaults and drug violations have increased from 435 for the first nine months of 1967 to 505 for the first nine months in 1968 for an increase of over 16 per cent."

Now, what is the truth? In the "statistics" quoted by Mr. Opperthauser he has made no distinction or separation of the statistics pertaining to felonies as distinguished from misdemeanors, he has lumped them all together.

For instance, he cites thefts, which can be a felony if it is forcible entry, safe burglary, larceny from a person, etc., whereas petty theft is a misdemeanor; he cites assaults, which includes assaults by gun, or by knife, or by other dangerous weapons, which are felonies, whereas simple assault and assault and battery are misdemeanors; he cites "drug violations" in general. Most drug violations if they involve narcotics are felonies, if they involve hypnotic drugs they are usually misdemeanors.

Since felonies are not within the jurisdiction of the Municipal Court it has no part in the punishment of these crimes. The careless, or deliberate, confusion of statistics by Mr. Opperthauser shows a surprising lack of analysis and candor. But delving deeper into the report and taking the figures from parts other than Part I, especially Part II, which covers mainly misdemeanors such as Other Assaults, Forgery and Fraud, Driving Under the Influence, Motor Vehicle Violations, etc., I select a few examples:

Simple assault, 1967 - 4, 1968 - 5; Assault and battery 1967 - 35, 1968, 25; Forgery, 1967 - 10, 1968 - 6; No acct. checks, 1967 - 62, 1968 - 16; NSF checks, 1967 - 54, 1968 - 19; Malicious destruction of property, 1967 - 90, 1968 - 122.

As can be seen by the above figures, there has been an increase in some areas of crime and a decrease in others, but in those crimes cognizable by my court, there has been a decrease and the total crimes reported under Part II of the report shows a decrease from 962 in 1967 to 861 in 1968.

Also in the field of motor vehicle traffic accidents, which are directly related to violation of traffic laws, the Oct. 8, 1968 report by the Michigan State Police shows an overall increase in the state of 3.9 per cent but the City of Farmington Police report shows a decrease of 4 per cent from 311 in 1967 to 298 in 1968.

I seek no credit for the tremendous role played by our excellent police force and concerned citizens in the prevention of crime and the apprehension of offenders and I view with pride their accomplishments, but I feel that the court has assisted them by its policies and practices in handling offenders.

It is not too surprising that Mr. Opperthauser might have difficulty in checking or interpreting law enforcement facts since, to the best of my knowledge, he has never appeared in any case in any of the Farmington courts. Several weeks ago I called both of the township judges to verify this and during our respective terms of office he has never appeared.

I regret that I find it necessary to repeat what I said in my letter printed in your paper on Aug. 4, 1968 in response to a political advertisement of Mr. Opperthauser similar in tone to his press release, and I quote:

"Scrupulous attention to facts, careful evaluation of statements, and close scrutiny of authority should be the hallmark of a judge and candidate for the judiciary. Judges must be guided by the facts and the law and not subject to making unfounded conjectures and wild assertions."

And I paraphrase the conclusion of that letter to say that his failure to research the facts correctly and his lack of candor in interpreting them is an ominous portent of his qualifications for a judicial post. I am content to leave the final judgment, as it must be, to the voters.

MICHAEL J. HAND,
Municipal Judge,
City of Farmington

A Final Note

EDITOR'S NOTE: When Municipal Judge Hand replied to Opperthauser's charges, Mr. Opperthauser requested the opportunity to make an additional statement. This was granted to the candidate. Hand saw the additional statement and said that he saw no need to reply.

The following is the additional statement:

"As I suspected, my opponent, in replying to my challenge, has not been fair or humble enough to admit that he was wrong in claiming that I made 'unfounded conjectures and wild assertions' about the increase of 'vandalism, thefts, assaults and drug violations' in the Farmington Community.

"Instead he has cunningly attempted to confuse this issue about these crimes and the total increase of crime by selecting statistics of only certain other crimes and has even cited a small reduction of traffic accidents and talks about stray dog reports in trying to hide the real crime figures.

"He also fails to acknowledge that there are no figures to show which crimes in the city's monthly police report are cognizable by his court and which are not since the felonies and misdemeanors are both lumped together in many categories and the police do not know which crimes were committed by persons seventeen years of age or over since many persons are never apprehended.

"Yet, using figures for total crimes committed he attempts to not only absolve himself from the unfairness he has exhibited, but to back up his claims that he alone has actually reduced crime in the jurisdiction of his court.

"I firmly believe that we cannot effectively deal with crime in the community by sweeping the evidence under the rug. We must look at it objectively, evaluate it intelligently and take positive action to organize the entire community to deal with it.

"We must establish the kind of volunteer-citizens, probation - rehabilitation program similar to the nationally acclaimed and highly successful one in Royal Oak, which program has been emulated by 58 cities all over the United States.

"I think it is a reflection upon the complacency and unconcern of my opponent that he has for over five years failed to establish such a positive program.

"If I am elected as the first Judge of the new District Court for the Farmington Community, I will immediately replace complacency with positive concerned action and unite our citizens in this endeavor."

CLIP AND SAVE
FARMINGTON
LUNCH MENUS

NOV. 4 – NOV. 8

MONDAY, Nov. 4
City Chicken, Buttered Mixed Vegetable, Parsley Potatoes, Orange Bread & Butter, Fruit, Milk

TUESDAY, Nov. 5
COOK'S CHOICE

WEDNESDAY, Nov. 6
Cheeseburger on Bun, Relishes, French Fries, Stewed Tomatoes, Orange Cake, Milk

THURSDAY, Nov. 7
Beef Stew on Mashed Potatoes, Cheese Stick, Hot Bread & Butter, Dessert, Milk

FRIDAY, Nov. 8
Hot Dog on Bun, Relishes, Baked Beans, Buttered Carrots, Pudding with Fruit, Milk

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CITY OF FARMINGTON
COUNTY OF OAKLAND, MICHIGAN

1968 MOTOR VEHICLE HIGHWAY FUND BONDS

Sealed bids for the purchase of the above bonds will be received by the undersigned at the City Hall, 23600 Liberty Street, Farmington, Michigan, until 8:00 o'clock p.m., Eastern Standard Time, on Monday, the 18th day of November, 1968, at which time and place said bids will be publicly opened and read.

Said bonds will be dated October 1, 1968, will be 25 coupon bonds of the denomination of $5,000.00 each, will be numbered consecutively in direct order of maturity from 1 to 25, inclusive, and will bear interest from their date at a rate or rates not exceeding six per cent (6%) per annum, expressed in multiples of 1/20 of 1%. Said interest to be payable on April 1, 1969 and semi-annually thereafter on October 1st and April 1st of each year. The interest rate on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate and each coupon period shall be represented by one interest coupon. Accrued interest to the date of delivery of such bonds must be paid by the purchaser at the time of delivery.

Said bonds will mature serially as follows:

$15,000.00 October 1, 1970;
$20,000.00 October 1st of each year from 1970 to 1981, inclusive;
$25,000.00 October 1st of each of the years 1982 and 1983.

Both principal and interest will be payable at a bank or trust company qualified to act as paying agent, under the Statutes of the State of Michigan or of the United States of America, to be designated by the original purchaser of the bonds and subject to the approval by the City.

Bonds maturing in the year 1978 will not be subject to redemption prior to maturity.

Bonds maturing in the years 1979 to 1983, inclusive, will be subject to redemption prior to maturity, at the option of the City, in inverse numerical order on any interest payment date on or after October 1, 1978, at par and accrued interest to the date fixed for redemption, plus a premium as follows:

2% of par value on each bond called for redemption prior to October 1, 1980;
1% of par value on each bond called for redemption on or after October 1, 1980, but prior to maturity.

Notice of redemption shall be given to the holders of bonds to be redeemed by publication of such notice not less than thirty (30) days prior to the date fixed for redemption, at least once in a newspaper or publication circulated in the State of Michigan, which carries, as part of its regular service, notices of sale of municipal bonds. No further interest payable on bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided the City has money available for such redemption with the paying agent.

For the purpose of awarding the bonds the interest cost of each bid will be computed by determining, at the rate or rates specified therein, the total dollar value of all interest on the bonds from December 1, 1968 to their maturity and deducting therefrom any premium. The bonds will be awarded to the bidder whose bid on the above computation produces the lowest interest cost to the City. No proposal for the purchase of less than all of the bonds or at a price less than their par value will be considered.

The bonds are to be issued pursuant to the provisions of Act 175, Public Acts of Michigan, 1952, as amended, for the purpose of defraying part of the cost of major highway improvements in the City of Farmington, and are issued in anticipation of Motor Vehicle Highway Fund payments to be received by the City of Farmington, and the said bonds will pledge the full faith and credit of the City of Farmington for their payment.

A certified or cashier's check in the amount of $2,500.00, drawn upon an incorporated bank or trust company, payable to the order of the Treasurer of the City of Farmington must accompany each bid as a guaranty of good faith on the part of the bidder, to be forfeited as liquidated damages if such bid is accepted and the bidder fails to take up and pay for the bonds. No interest will be allowed on the good faith checks and checks of unsuccessful bidders will be promptly returned to each bidder's representative or by registered mail.

Bids shall be conditioned upon the unqualified opinion of Miller, Canfield, Paddock and Stone, attorneys of Detroit, Michigan, approving the legality of the bonds, a copy of which will be printed on the reverse side of each bond. The cost of such opinion and the cost of printing the bonds shall be paid by the City. Bonds will be delivered at Detroit, Michigan, or such other place as may be agreed upon with the purchaser. The bonds will be accompanied by the usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds. Payment shall be made in Federal Reserve Funds.

The right is reserved to reject any or all bids.

Envelopes containing the bids should be plainly marked "Proposal for Bonds."

ELIZABETH BRINES
Clerk, City of Farmington

APPROVED: OCTOBER 22, 1968
STATE OF MICHIGAN
MUNICIPAL FINANCE COMMISSION

PUBLISH: November 3, 1968

VOTE FOR
RICHARD D.
KUHN
REPUBLICAN
PROSECUTOR

POSITION ON ISSUES:

1. Kuhn believes too many high school students are being subjected to marijuana and dope. "The sellers and pushers of these illegal drugs must be dealt with severely."
2. Kuhn believes we must give full support to our police and other law enforcement officers.
3. Kuhn believes there is no room for permissiveness when it comes to violators of the law.
4. Kuhn believes our homes, churches, businesses and streets must be made safe for our families.
5. Kuhn believes Law and Order must be put above politics.
6. Kuhn says, "Lawlessness will not be be tolerated."

- Experienced Trial Attorney
- Graduate of M.S.U.
- Solid family man - 4 children
- Active Church Member
- Charter Member of Waterford Jaycees
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- Preferred by lawyers and citizens groups
- A Man of Integrity

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Endorsed by
Mrs. Stanton G. Dondero Hon. Frank Irons Stanley S. Kresge
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