

Mail tips offered

If you want your cards, letters and packages to arrive in time for the holidays, there's no time to waste. That's the word from Thomas Newman, Royal Oak district manager of the post office. The district includes Oakland, Macomb and St. Clair counties.

Besides mailing early, Newman offers this advice: "Saturday and Sunday are the best days to drop off cards and letters in collection boxes. During the holiday season, we pick up mail

from collection boxes seven days a week. And with the decrease in business mail on the weekends, we can speed up the time in which your mail is processed."

During the holiday season, as many as seven million pieces of mail are processed in the Royal Oak facility.

Offering Sunday hours are Clarkston, 5886 Ortonville Road, from 8 a.m. to 1 p.m. Dec. 21; and Royal Oak, 200 W. Second Street, 10 a.m. to 3 p.m. Dec. 21.



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Term-limit decision not due soon

By TIM RICHARD
STAFF WRITER

Patrick Duggan may have been taking notes when a federal court on C-SPAN quizzed lawyers in the California legislative term-limit case.

Duggan, a Livonia resident and Reagan appointee, is a U.S. district judge in Detroit. He will hear the lawsuit against the Michigan Constitution's term limits section passed by voters in 1992.

All 11 judges in the 9th U.S. Circuit Court of Appeals in California heard the case on banc (sitting together) Nov. 20.

A day earlier, Bill Ballenger, proprietor of the Inside Michigan Politics newsletter, predicted Duggan may be in no hurry to decide the Michigan case. Ballenger sees the case going to the U.S. Supreme Court in October 1998 for a decision in 1999.

Ballenger predicted a 5-4 decision, with Justice Anthony Kennedy casting the swing vote. He didn't predict the outcome.

2 Harsh rules

California's and Michigan's term limit rules rank Nos. 1 and 2, respectively, in harshness, said Ballenger.

California allows an eligible to serve three Assembly terms of two years (total six years) or two

Senate terms of four years each.

Michigan's rule is three House terms and two Senate terms, a total of 14 years.

Both states have lifetime bans on further service in the Legislature.

Michigan's term limits amendment already has been modified by the courts. Originally, Michigan voters set term limits for U.S. senators and representatives. Unconstitutional, said the U.S. Supreme Court; the U.S. Constitution alone sets rules for Congress.

It's possible that, if a court doesn't strike down Michigan's term limits entirely, it could modify them by lifting the lifetime ban on further service in the Legislature.

Interruptions

Back to the California arguments.

Judge Andrew Kleinfeld interrupted attorney Remcho immediately to say, "I can't find the provision of the U.S. Constitution that's supposed to be violated" by California's term limits.

Remcho: "States may not violate basic constitutional rights," for example, by barring a minister from attending a political convention.

There followed a debate over whether Assemblyman Bates had a "basic" constitutional right

to run for legislative office.

Remcho: "The U.S. Supreme Court said term limits are fundamentally undemocratic."

Kleinfeld, interrupting: "That's not what it said. It said the states lack power to impose qualifications for Congress" (as in Michigan's original ban).

Remcho, continuing: "Term limits put a severe limit on the right of voters to elect whom they want... a severe burden."

Judge Diarmuid O'Scannlain: "Your brief says the civil is lifetime term limits. But we also have term limits for the governor and attorney general."

Remcho: "Term limits are inherently unconstitutional. There are less restrictive means" to accomplish the goal of keeping lawmakers from becoming entrenched.

Burden on voters?

Chief Judge Proctor Hug: "Is the right to vote for a particular candidate a state interest?"

That question had already been answered by attorney Deborah LaFetra, of the Pacific Legal Foundation, the group which advocated term limits.

LaFetra said Bates' Assembly district has 370,000 residents of whom 100,000 are barred from running because they are under-age, felons, aliens, etc. California's term limits rule raised that

number "infinitesimally" to 100,001. "The voters didn't have their votes diluted or debased in any way. There is no burden on the right to vote," she said.

Remcho replied the term limits rule is unfair because it tilts the choice of candidates to voters who prefer inexperience. Power belongs "only to people who don't believe in experience."

Arguing for the state, and in favor of term limits, was Harvard law professor Einer Elhauge. He quoted the Declaration of Independence on the right of the people to institute government for their own ends and organize it as they wish.

Fees of term limits, Elhauge said, say in effect that the U.S. Constitution, which limits the president to two terms, "somehow denies the same right to people in limiting the terms of their legislators."

Term limits don't work any hardship in the civil rights area, Elhauge said. Since California passed term limits, "the number of women (in the Legislature) is up 26 percent, the number of Hispanics is up 260 percent, Asians went from zero to two."

One of the lower court opinions against California's term limits said the people weren't adequately informed about the lifetime ban on further service in the Legislature.

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