

## POINTS OF VIEW

## What if judicial candidates could say what they really think?

Justices of the Michigan Supreme Court are elected statewide. Candidates are nominated respectively at the state Republican and Democratic conventions, but they appear on the November ballot as "non-partisan" judicial candidates.

Most voters have no idea who they're voting for, much less the qualifications and judicial philosophy of the candidates. Moreover, in recent years enormous amounts of money—as much as \$1 million for one campaign—have been raised to finance these campaigns, giving the distinct impression that justice in Michigan's highest court is up for sale to the highest bidder/contributor. And, given the increasingly partisan cast the court and its decisions have demonstrated in recent years, it's not surprising the political rhetoric has become increasingly shrill and unseemly.

"This is a terrible system. Consider but two current examples.

Last week, I received a visit from Wayne County Circuit Court Judge Edward Thomas, who almost certainly will be a Democratic Party nominee for Supreme Court justice. Judge

Thomas, who worked his way through college and law school on the assembly line, has an excellent reputation as a thoughtful, balanced and thorough judge. In fact, he was ranked among the top 10 judges in the Detroit metro area in a 1991 article in *Detroit Monthly* magazine.

I asked Judge Thomas what the judicial canons of ethics allowed him to talk about while campaigning. Not much, it turns out. He can talk about decisions he has made, but only if the case is all over and not before an appellate court. He can discuss his judicial philosophy, but he can't talk about any matter of substance that might ever come before the Supreme Court.

After our conversation, I made a note to myself: "Ed Thomas is a real nice guy. He's smart, decent, thoughtful, down to earth. Too bad he's running for Supreme Court."

What I meant is that Judge Thomas is about to be caught in the maw of big-time judicial politics in Michigan. He'll have to raise tons of money, campaign day in and day out throughout the state, take lots of abuse from his opponents and suffer a



PHIL POWER

gag rule that insures he talks in irrelevancies.

And when Election Day rolls around this November, it's a sure thing he will be nearly as unknown across the state as he is today.

So whether he wins or loses is little more than a crap shoot. That's a lousy way to pick a Supreme Court justice.

Example two has to do with the flap that arose last week surrounding Robert Young Jr., who was originally appointed to the Michigan Supreme Court by Gov. John Engler and who almost certainly will be a Republican Party nominee for election this fall.

Young, who is African American, was the target of a flier put out by the Michigan Democratic Party and distributed at the recent National Association for the Advancement of Colored People (NAACP) dinner in Detroit. The flier asserted that Judge Young is a "staunch believer that Brown vs. Board of Education was wrong." ("Brown" is the landmark

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case outlawing racial segregation in schools.)

Young promptly wrote Mark Brewer, Democratic State chairman, saying that "this statement is a lie ... an attempt to create an ugly, racist campaign to impugn me as Michigan's only sitting African American justice. Such virulent race-baiting has no place in our political discourse." Young pointed out that he is on the record (in an Aug. 22, 1999, editorial in the *Detroit News*) as being "a beneficiary (of Brown) — and I think society is a beneficiary — of ending segregation." He also demanded a retraction and a public apology, as well as threatened a lawsuit.

Brewer says Young told a group of lawyers last year that "Brown was wrongly decided." And, indeed, it's been a long line of argument among

conservative jurists that lots of U. S. Supreme Court decisions are based on "sociology" rather than hard law. So it's entirely possible Young may agree with the substance of the Brown vs. Board of Education opinion while at the same time disagreeing with the juridical logic the Supreme Court used to reach its decision.

So what are we to make of the whole brouhaha? Just this. It's the most current example of how politicizing the selection of Michigan Supreme Court justices has resulted in partisan rhetoric that is shrill and unseemly.

Don't hold your breath, but wouldn't it be great if all the candidates, Democratic and Republican alike, actually said what they no doubt think and condemned our system of electing justices for the fraud it really is.

Phil Power is chairman of HomeTown Communications Network Inc., the company that owns this newspaper. He welcomes your comments, either by voice mail at (734) 953-2047, ext. 1880, or by e-mail at ppower@homecomm.net

## LETTERS

## Shame

Discrimination is alive and well in Farmington Hills in 2000.

We are the owners of a beautiful manufactured home we have put up for sale in Marywood Estates Mobile Home Park, a community for residents 55 and over. My understanding of the Fair Housing Law is that one resident has to be at least 55, and that a limited number of exceptions can be made as long as there are no children under 18. We had a bona fide purchaser age 75 — along with his son, 44, and daughter-in-law, 46 — who changed his mind and withdrew his offer after the park owner told the older gentleman, "If something happens to you, your son and his wife would have to move."

In November of 1998, when we purchased the home, my husband was 64

and I was 48. At that time I asked the park owner if I would have to move if that situation occurred and was told, "Oh no, of course not." Shame on people who make up their own rules as they go along.

Karen Wolf  
Farmington Hills

## Deserves better

I have been upset ever since I read your article in the newspaper regarding the Memorial Day parade and going over Wally Christensen's head to get a Vietnam mother to place a wreath in her son's name. We know she has her reasons.

I know that Wally and his wife, Lorraine, have worked on the parades each year from before one parade

ends for the next year's parade. He places his themes in sequence each time. The 50th anniversary of the Korean War is a special time. It takes many hours, days, weeks and months to prepare. Wally has met these challenges each time with many, many hours and with his family behind him in these projects.

On the Honor Board in the hallway at the American Legion Post there are many names with parents, spouses and children working there at the post and serving the needs of the post in many ways. No one demanded requests in return — just remembering the memory of their loved ones.

Wally and his wife have worked so hard for the city of Farmington and Farmington Hills preparing for these parades to the delight of thousands of viewers on the sidewalks along the parade route. Wally gave speeches,

selling his cause and getting the money and donations in the articles he needs to present a good story for his themes.

The pictures blown up and posted on the walls of the Legion are proof of his dedication. Themes that took him and his wife and also post members a year to acquire.

I make an apology to Wally and Lorraine. It's not us all who want to go over you to get what they want. We do appreciate all your works and dedication to the United States Armed Forces in preparing for these special affairs. Your heart is in the right place. Your hours of volunteering are overwhelming. Please don't stop. We need people like you here in the city to do the good you do.

Putting flags at the cemetery would not miss one military person. Has their list carefully planted in their

hands, baseball, the bingo, Las Vegas nights, parades, poppies, chaplain work for the American Legion. You are out in force for all. You and your wife deserve better than the last editorial in the Observer.

I know you have many workers at the post who assist you in these special events and they need to be thanked as well for their dedication to the causes. It takes more than the two of you doing a good job and they are behind you 100 percent. We all are, and I'm sure that many a reader of the Observer and the citizens of Farmington and Farmington Hills will say the same.

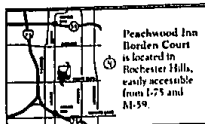
Jackie and Bob Dix  
Farmington

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