

Local Charters Hit By Plymouth Case

An Observer Roundup
Overland cities may have to look over their qualifications for city councilmen in the wake of Federal Judge Damon Keith's ruling in a Plymouth case.
Judge Keith ruled unconstitutional the entire section of the Plymouth city

charter setting up candidates qualifications.
Plymouth had required that members of the city commission be property owners for two years prior to the election and be residents for two years.
The Plymouth City Commission decided Monday night to ask the U.S. District Court

of Appeals to reverse Keith's ruling on the city charter two-year residency requirement. The commission voted against appealing the property qualification ruling.

ONLY PLYMOUTH, among Overland cities, had a property ownership rule. Other cities set these residency requirements in their charters:

- Farmington—three years.
- Voters Nov. 2 rejected overwhelmingly a proposal to reduce this to one year. The city council had sought the change to make annexation more palatable to some township areas.
- Garden City—one year.
- Lathrup Village—two years.
- Livonia—two years.
- Southfield—two years.

In all cases, a candidate must be a registered voter. Often other requirements are set, such as that he must never have been convicted of a felony.
Ironically, the oldest city—Garden City, whose charter is nearly 40 years old—has the most liberal residency requirement, one year.

IF TWO YEARS is unconstitutional, what will satisfy Judge Keith? His opinion said:

"Nothing in the opinion is to be construed as denying the City of Plymouth the right to fashion constitutionally acceptable requirements to stand for office, e.g., being a qualified elector."

"In our opinion, a candidate is not like fine vintage wine. His years of residency in a particular community do not necessarily make him a better candidate."

—Judge Damon Keith

To be a qualified elector, one must be 18, a citizen of the U.S., a resident of the state six months prior to the election.

The challenge to Plymouth's charter was brought by Mahlon Green, a 28-year-old renter who had lived in Plymouth in the past and recently moved back.

JUDGE KEITH needed the Plymouthites, who capitalize on the city's colonial facade, with this remark:

"In our opinion, a candidate is not like fine vintage wine. His years of residency in a particular community do not necessarily make him a better candidate."

"If a short sojourn in the community is considered to be a disqualification, the electorate may vote its sentiment at the ballot box."

The voters of Plymouth took Judge Keith at his word. Despite all the headlines, Mahlon Green got in winning his case, with the decision delayed until shortly before election day, he finished a dismal last in a field of eight.

THE CASE FOR a residency requirement was:

stated by Judge Keith, then

just as quickly knocked down:

"A two-year residency requirement assumes that the candidate will be sufficiently knowledgeable of the problems of the city and presumably more able than one who has resided there for less than two years."

"There is no suggestion that Plymouth is such an inordinately complex community that plaintiff (Green), or those similarly situated, require two years to familiarize themselves with the city."

If Damon Keith's name sounds familiar, it may be because he used to be chairman of the Michigan Civil Rights Commission and ruled that Pontiac's public schools must be racially integrated by bussing.

Moreover, Keith used the same section of the U.S. Constitution in both cases—the "equal protection of the

laws" phrase in the 14th amendment.

AN ANGRY retort to Keith's opinion came from former Plymouth City Commissioner Arch Vallier, now a member of the Schoolcraft College board.

Vallier pointed out the president of the U.S. must be a native-born citizen and 35 years of age; a U.S. senator, 30 years of age, nine years a citizen and an "inhabitant" of his state; and a representative, 25 years of age, seven years a citizen and an "inhabitant" of the state (though not necessarily of the congressional district).


In Michigan, the governor must be 30 and a registered voter in the state for four years preceding the election. Judges must be licensed attorneys and not older than 70.

Vallier, however, conveniently bypassed another section of the Michigan constitution. It says a state legislator must be 21 and a registered voter in the district he represents. There is no other residency requirement. In other words, the qualifications are easier for a state legislator than they were for a Plymouth city commissioner—or a councilman in any other Overland municipality.

VALLIER ALSO cited state qualifications for some jobs—two years as a licensed real estate salesman before one can become a broker, eight years of experience for four years formal schooling and four years experience) before one can become a professional, licensed engineer.

If he had wanted to be sarcastic, he could have cited rules governing plumbers who want to become journeymen. Thus, it is a fact that one must show himself to be literate to get the lowest clerical job in city hall, but an illiterate who has just moved into town may serve on the governing body that makes the town's laws.

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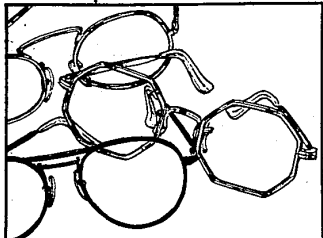
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