

Bar Objects To Highway Hearing By Appellate Court

The Michigan State Bar Association, in a legal brief filed by the bar's criminal jurisprudence committee, advised the State Supreme Court to rule "hands off" on any grand jury probe of the Highway Department by the Appellate Court.

Responding to the request of the high court, the committee said the appellate court has no jurisdiction to perform the "inquisitorial" role.

Cov. George Romney had asked the Supreme Court to decide if the appellate court could conduct a grand jury investigation into alleged wrongdoing in the road department.

THE REQUEST was made to clear up questions which might furnish grounds for challenge of any indictments issued in what could be the first grand jury in the young court's history.

Last month, the high court said it would consider the request but asked for advice from the state bar committee.

That committee now has voted unanimously against any appellate court grand jury. It suggests a circuit court probe instead.

"OBVIOUSLY," the original one-man grand jury was amended to provide for the conduct of such investigation by a circuit court, "a court of law and of record" . . . says the brief.

Michigan's appellate court was set up as a "conservator of the peace" under the 1963 constitution which "never possessed inquisitorial powers comparable to those exercised by one-man grand juries" under present state law, says the brief.

Traditionally, all one-man grand jury investigations have been held by justices of the peace, police courts or circuit judges, said the brief which adds "the court of appeals is not the court of law and record" referred to in the present grand jury act.

CIRCUIT COURTS have conducted grand jury investigations since the last amendment to the act, says the brief. No reference is made to the appellate court in the act because no changes have been made in the law since the appeals court was formed.

If the legislature had wanted the Appellate Court to hold the "inquisitorial function" the present one-man grand jury act would have been amended or the law forming the court would have provided for it, says the brief.

"The exercise of such original jurisdiction by this court (the Supreme Court) or the court of appeals is expressly prohibited in the constitution itself," adds the brief.

THE STATE BAR committee said it would be "ubiquitous process" of law for an appellate court judge to hand out an indictment because his finding could "seriously affect" presumption of innocence and impartiality of both judge and jury in a trial.

An Appellate Court should be "above the battle and political strife" and shouldn't play the grand jury role, said the brief. Giving the appellate court grand jury powers would "further compound the confusion" created by recent U.S. Supreme Court decisions, the brief states.

Appellate jurisdiction of high courts would become meaningless if both courts were involved in grand jury investigations, said the committee.

"Even a relatively dull imagination can conceive of circumstances in which both the Court of Appeals and the Supreme Court would be disqualified because of prior inquisitorial service. . .," said the brief.

THE SUPREME COURT has given Atty. Gen. Frank J. Kelley and others leave to the case until Friday to file briefs. Deputy Atty. Gen. Leo S. Coban said a brief will be filed early this week.

The American Civil Liberties Union said it would file a brief.

HEART TROUBLES Cardiovascular diseases of some type or another afflict almost 22.5 million Americans, says the Michigan Heart Association. For more information contact the Association at 13100 Puritan, Detroit, 48227.

U.S. Big Backer Of Research

The University of Michigan spent nearly \$60 million on research last year, with more than three-quarters of it coming from the federal government.

Some 30 per cent was provided by defense agencies, but this proportion has declined as federally-sponsored research has expanded in other fields.

After the defense establishment came the Health-Education-Welfare Department. It spent \$15.7 million at the U. of M., most of it through the medical programs of the National Institutes of Health.

THESE FACTS came in a summary for the 1966-67 fiscal year from Geoffrey Norman, U-M's vice president for research.

Altogether, the federal government contributed \$45.8 million, or 77 per cent of the total.

The university itself provided another \$5.6 million. The final \$8.5-plus million came from industry, foundations, health organizations and other sources.

Norman said it isn't true that the federal government provides "undesignated" funds that the university may use as it pleases. All federal funds must be justified in terms of their contributions to the sponsoring agency's goals.

"The university per se does not perform research. Rather it is the individual faculty members or groups thereof that develop projects which find support from sponsors."

HE NOTED THAT more than 3,700 students, about equally divided between graduates and undergraduates, took part in the projects active in the past year.

Funds for research purposes are primarily awarded on a competitive basis. Norman pointed out that the evident success which U-M faculty members have in obtaining financial support for their research projects is a recognition of their competence, stature, and performance.

"The dollars received in support of research are of great importance to the university in maintaining those scholarly activities which contribute to its reputation as a leading institution in graduate training in so many fields of learning."



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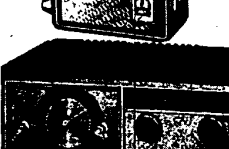
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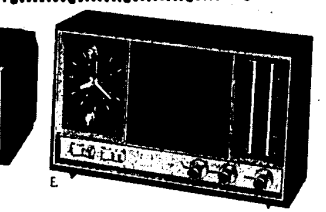
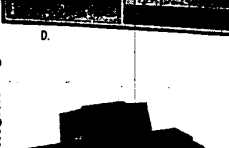
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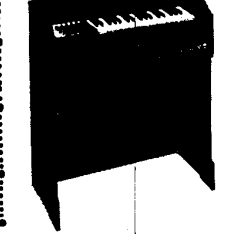


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