

Should Our Judges Be Appointive?

Yes, Says A Top Lawyer, Proposing A Constitutional Amendment

A citizens committee headed by Detroit attorney Jason L. Honigman is seeking a state constitutional amendment to make judges appointive rather than elective.

With the help of the League of Women Voters and the Michigan Jaycees headed by Livemian Pat Dugan, the Citizens Committee for Judicial Selection and Tenure must file some 250,000 valid petition signatures by the end of June in order to put the question on the November ballot.

Honigman is the author of "Michigan Court Rules Annotated" and was the 1956 Republican candidate for state attorney general.

He points out, however, that the proposal has bipartisan support.

Petitions will be placed in Wrigley's, Packard's, K-Mart, Farmer Jack's and

Federal stores, among other places.

THE PROPOSAL, as outlined in the committee's statement, is this:

"Judges should be selected for office by nomination of three candidates by a commission composed of laymen and lawyers, with an odd number of voting members.

"A majority of the commission should be laymen (rather than lawyers) appointed by the governor on a bipartisan basis.

"The lawyer members should be appointed by the State Bar Commission on a bipartisan basis."

From this list of three nominees, the governor would make the judicial appointment.

WHAT CHECK does the public have?

The committee statement goes on:

"After a preliminary term of three years, the judge should be presented for vote by the public on a ballot as to whether he shall be retained in office.

"If approved by the electorate, the judge's tenure in office shall be for a term of years ending upon reaching age 71." (This is a round-about way of saying he has, in effect, a lifetime job.)

"The (nominating) commission shall be constituted on a statewide basis for appointments to the Supreme Court and the Court of Appeals.

"There shall be separate commissions covering regional areas for appointment of judges to all other courts.

"A judge's tenure in office should be, at all times, conditioned upon good behavior and capacity to perform his duties.

"Toward this end, a permanent agency should be established to investigate complaints against the conduct of judges with authority to institute judicial proceedings for their discipline or removal," the committee says.

WHAT'S WRONG with Michigan's present system of picking its judges in elections? The Honigman committee makes this case against it:

1. The "bedsheet ballot." In an interview, Honigman pointed to a 1965 Detroit election with 137 names on the primary ballot. Voters hardly know the men, let alone their qualifications. As a result, "name" candidates are often picked.

2. Reluctance of good lawyers to run.

3. The high cost of campaigning. This can run up to \$150,000 in Detroit.

Michigan's problem, says Honigman, is not so much corrupt judges as mediocre judges. He declined to name anyone in particular, however.

THE HONIGMAN PLAN is similar to the so-called "Missouri plan" in many respects, but the veteran attorney points out there are a number of differences:

Michigan's nominating panel would have a majority of non-lawyers.

Michigan judges would have three years

...rather than one, as in Missouri—before facing a public vote.

Michigan judges would have life appointments, during good behavior, whereas Missouri appellate judges have 12-year terms and trial judges six or four-year terms.

Michigan nominating panels would cover all courts, including the new district courts that will replace the municipal courts and justice of the peace courts. The Missouri plan applies only to appellate judges and to trial judges at the circuit and probate level in the two major metropolitan areas; it doesn't apply to any lower court judges.

Michigan's nominating panel would have to be bipartisan. Missouri has no such requirement.

Michigan's nominating panels would have three-year terms and a two-term limit. Missouri has no such limitation.

School Aid Battle Rages In Collision Of Giants

By DON HOENSCHELL

LANSING—Stearns of the state school aid drive for non-public schools started a year earlier than they intended "because of the chaos in elementary and secondary education."

The first avalanche caught Lansing by surprise, and there was easy going until the public schools countered last week.

Legislators, trapped between powerful forces, have to make a decision. The sheer weight of public school pressure and the sick blitz of the private schools are overwhelming.

THEY HAVE REDUCED the public statements of non-sponsors in the Legislature to: "I can't make up my mind until I see the bill" and "There seem to be a number of constitutional questions."

The campaign was started for the non-public schools by the Committee for Educational Freedom (CEF) and is operated in Lansing through the Michigan Catholic Conference.

The Observer Newspapers found that 99 per cent of the private schools in Michigan are church-connected and 90 per cent of these are Catholic. The CEF banner allows the bishops to disclaim even a remote interest and places the campaign in the hands of laymen, publicly non-denominational, going about doing good.

MORE THAN 100,000 letters have been poured into the office here, and Gov. Romney's office and key lawmakers have given up any idea of answering them.

All inquiries to Dearden's office or to lesser ranking bishops are referred to CEF.

The public schools were

threat of teacher strikes if substantial raises are not forthcoming.

CEF spokesmen argue that the \$21 million they ask for non-public schools is little enough to avert the chaos if they closed and sent 330,000 children to the public schools.

One of the top CEF spokesmen in Lansing is Dr. J.C. Neering, head of radiology at St. Lawrence Hospital here. He said it would cost Michigan up to \$1 billion to take over the non-public schools, taxes and all.

"The GI Bill was deemed constitutional in the Post World War II days and allowed government dollars to follow the student to the school of his choice, whether public or private, so the tradition has been established."

THE BILL, sponsored in the Senate by Senator George S. Fitzgerald (D-Detroit) and in the House of Representatives, Tom Brown (R-Lansing), and J. Bob Traxler (D-Bay City) and 47 others, is uniquely drafted.

Its first two pages first five sections argue for its passage and establishment of a public policy in the state, and invokes the police power (safety, security and public welfare).

The bill states that the state saves approximately \$200 million a year by the existence of non-public schools, that non-public school enrollment has dropped 30,000 students since 1964 and the increased annual cost to public schools is \$18 million.

"It is in the best interest of the taxpayers of the state and school districts for non-public elementary and secondary schools to continue their operation since their closing would impose immediate burdens upon the state and public school districts to continue their operation to support the cost of education of children who are in such non-public schools in the public schools," the bill says.

THE BILL PROVIDES educational grants of \$100 a year to parents of high school students in non-public schools and specifies that the child must take four of nine general courses.

Elementary school children's parents would get \$50 a year if they took two of six courses. If either took less than the two or four courses, his parents would receive \$25 per course.

"No educational grants shall be paid or used for any courses in religious doctrine or worship," the bill says.

In inner-city areas or others designated as deprived by the State Board of Education, the grants would be \$75 and \$150.

THE ISSUES are political-dynamic.

Legislators recalled to The Observer Newspapers that the law passed in the 1950's over the purchase of Boys' Training School land in Lansing by the Catholic church and a Jewish synagogue. The land sales were made.

They remember the 1965 battle over the offering of auxiliary services—such as busing of students—of public schools to the non-public schools. The bill passed and is now law.

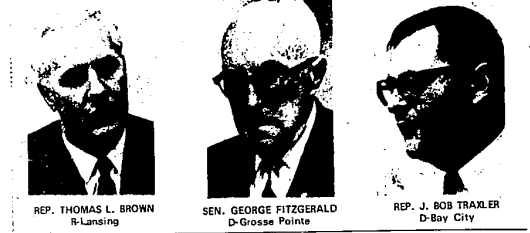
Lawmakers are being bombarded with arguments from both sides.

They often recognize that the way the vote bonds will depend upon the clashing forces—and on the availability of tax money.

REP. THOMAS L. BROWN R-Lansing

SEN. GEORGE FITZGERALD D-Grosse Pointe

REP. J. BOB TRAXLER D-Bay City



GOP Leader Ford Hints At VP Scandal

Implications of political scandals involving V.P. President Hubert Humphrey were made by House Minority Leader Gerald R. Ford Saturday night at the annual Lincoln Day dinner held by the 15th Congressional District Republicans.

The district, which includes Garden City and Westland, has its leaders listed to Ford say that the American people are not getting honesty in government from the Johnson Administration.

Although he didn't refer to Humphrey by name, Ford said that "the smell of scandal now enveloping the Johnson Administration is seeping out from high places—in fact, a place right next to the ultimate seat of power."

The Republican leader referred to two cases involving Minnesota companies, with the second Minnesota underlined in the text of the speech, Humphrey's home state is Minnesota, where he was a Senator.

"THERE IS A stench in the Agency for International Development. It emanates from acceptance of kickbacks from foreign contractors and favors travel vouchers of \$250,000 of non-reimbursable battery additive from South Vietnam, allowed a Minnesota (underlined) firm to unload nearly \$4 million of junk machinery in India, and other cases.

"In the Small Business Administration, we find special handling of a bidding eligibility certificate so that a \$13.2 million Post Office Department

contract went to a now-defunct firm again located in Minnesota (underlined) in a deal that went sour and smacks of favors received for political favors received.

Ford also indirectly accused Humphrey of encouraging urban riots.

"We are now threatened with a second civil war—between the forces of law and order in this country and the black militants."

"Remember Vice President Humphrey saying he might lead to live under slim conditions?" Ford asked.

"There is no excuse for the conditions he spoke of. But there is also no excuse for a Vice President of the United States encouraging rioting by his words."

IN OTHER POLITICAL battles thrown at the Johnson Administration, Ford said that the White House "has a lot of explaining to do" and listed Vietnam War, inflation, and the seizure of a Navy intelligence ship by North Korea in January as a few examples.

"Why does the President brag about 84 months of what he calls uninterrupted prosperity when it is splashed with the blood of Vietnam and when his own Labor Department reveals that inflation has robbed the American worker of every so-called wage gain he made during the past two years," Ford said.

"Why did the President do nothing about inflation in 1966 when it was demanded by special handling of a bidding eligibility certificate so that a \$13.2 million Post Office Department

American people after the price spiral dance is done?

"Why does the Administration carry out its spy operations so carelessly that this nation is humiliated by a fifth-rate communist power?"

The Republican leader lampooned Johnson for comparing himself with Abraham Lincoln, the first Republican President.

"Would you attach a 'Honest Lincoln' name-tag to the man whose protégé was the notorious Bobby Baker of Senate influence-peddling fame, the man who let the way on Vietnam—an every-widening credibility gap?"

FORD ALSO REMINDED his listeners that Johnson, during the 1964 presidential campaign, told the voters that he would not "send American boys to the job that Asian boys should be doing" in South Vietnam.

"The chief reason there is a gap between the Johnson Administration and the American people is that the people have been misled nearly every day of the way on Vietnam—the same could be said about other issues."

Bob Hurley, Wayne State University's wrestling coach, wrestled collectively at the University of Michigan.

Ernie Heyman's 43-3 record in full competition for Wayne State University's fencing team established a WSU record for wins in one season in full competition.



ELECTRONIC LEGISLATORS—This sketch shows a consultant's idea of how law makers' desks should be arranged if the Michigan Legislature proceeds with plans for a new state capitol building. Desks would be arranged in semi-circles; floors would slope so that rear seats would be higher than front seats, making for better visibility both ways; legislators would electronically signal the House speaker or Senate presiding officer for permission to speak, rather than waving their hands; and legislators would be able to view existing bills and proposed amendments on closed-circuit TV screens.

Lower Court Plan Would Upgrade JP's

Several municipal judge and township justice of the peace groups are proposing lower court reform bills that would upgrade the JP Courts by making them all municipal courts.

Backers say such a change would remove two basic objections to the JP system: All judges would have to be lawyers, and the fee system would be ended.

Under the fee system, JP's are paid only when a person is convicted.

A prime proponent of this type of reform is Plymouth Township JP James E. McCarthy.

THE MICHIGAN legislature is considering a constitutionally required reform of the lower court system. Most reform plans would set up broad districts for lower courts and have court revenues sent to county or state levels.

That type of reform has been roundly criticized by municipal judges and JP's because they would have to run in larger districts and because local units of government would lose court revenues.

McCarthy and Judge Calvin C. Rock of East Detroit have placed their names at the top of a proposal to keep the courts local and let the local units keep court revenues.

Their memo says they have the backing of municipal judges and justices of the peace associations in both Wayne and Macomb counties.

THEY SAY the effect of their plan is to expand the municipal court system, where judges must be lawyers, into the JP system, in which no special training is required before a man ascends the bench.

Whereas a new system of district courts could bring in many new judges, the McCarthy-Rock proposal says that "by using a grandfather clause, experienced men could be retained."

By requiring that future can-

dicates be lawyers, they say, "the upgrading of the system would take place."

OTHER ADVANTAGES they cite are these:

"This would retain local judges in their political subdivisions.

"By retaining court revenues in the township, the expenses of maintenance of the court could then be met from these revenues, as well as making any excess funds available for such items as their own local police or other budget needs.

"This would empower the Supreme Court to establish uniform rules for all lower court systems."

They add that the venue statute could be strengthened to "insure that 'court shopping' is eliminated." Court shopping is the practice of some plaintiffs—notably the state police—of taking cases to courts that will give them fast, favorable service.

BACKERS OF the district court plan, however, will find one flaw in the McCarthy-Rock plan. It doesn't provide for fulltime judges.

The district courts would have the effect, in all but the state's largest cities, of combining several cities and townships into a district. District judges would be fulltime men and, under most proposals, would be paid a salary of \$20,000 a year or more.

The district court backers, therefore, are likely to find fault with a plan that allows part-time judges at low salaries.

"Flower Animals" See someone's are delicate "flower animals" but they are extremely dangerous when approached too closely. Their hollow tentacles each have a poisonous barb with which they pierce and paralyze their victims.

Conservatives To Make Bid For Power

Christian F. Powell, chairman of the Oakland-19th District Republican committee, has added his endorsement to a Michigan conservative state convention scheduled March 9 in Grand Rapids.

Announced purposes will be to set up a statewide conservative organization, adopt policy positions and conduct a preferential poll of presidential candidates.

Actual purpose is more likely to be to marshal conservative forces prior to county and state GOP conventions.

THE SPRING Republican state convention will pick delegates to the national convention, where the presidential candidate will be nominated.

Conservatives are sore at Gov. George Romney for his failure to support 1964 presidential nominee Barry Goldwater.

If the conservatives can elect some of their group to national delegate pools, they can seriously embarrass Romney, who would be seeking the presidential nomination himself with

a split in his home ranks.

Powell, a West Bloomfield Township attorney, currently heads a rump GOP group in the Oakland County portion of the 19th Congressional District.

He was ousted from his official party post when the 1967 Republican state convention refused to recognize his group's credentials and instead seated a delegation headed by John Cartwright, east of West Bloomfield.

THE BATTLE is expected to be renewed March 27 at the district GOP convention. Delegates were elected from local precincts in the 1966 primary.

Attendance at the March 9 state conservative convention in Grand Rapids is open to "any Republican in the state" who will sign a membership application to this conservative effort and pay a nominal registration fee," according to an official announcement.

Keynote | will be Phyllis Schlafly, author of "A Choice Not an Echo" and "Safe-Not Sorry."

Over 65? Check Medicare Benefits

(Editor's Note: This is the seventh in a series of articles by Sam F. Test, Social Security District Manager in the Detroit Northwest Office, telling what the Social Security Amendments of 1967 mean to you and your family.)

About 1.4 million people over 65 who missed out on signing up for the supplementary medical insurance under medicare -- which helps pay doctors' bills and other medical bills not covered under hospital insurance -- will also miss out on some new benefits unless they take advantage of the period now open to enroll, provided by recent legislation.

These people will be receiving an application blank in the mail soon which will give them through April 1 to indicate whether or not they want the supplementary coverage. If they sign up by April 1, their coverage will begin July 1.

The premium for the person who enrolls on time will be \$4 a month, matched dollar for dollar by the Government -- so the insurance is worth twice the amount of the premiums people pay for it.

THOSE WHO MISS out on this second chance to take the supplementary medical insurance will have to wait another year, and pay a premium that is 10 percent higher for each full year they could have had the medical insurance, but were not enrolled.

Those now enrolling, who for a year or longer had been eligible but had not signed up, will pay an additional premium of 40 cents a month above the \$4.

A person who is not enrolled for medical insurance may have four months during the first three months of any year, provided this period begins within three years after he had

his first opportunity to enroll.

People already 65 or older who do not have medical insurance may enroll through April 1, 1968. If they do not enroll by that date, they will have to wait until 1969 for another opportunity to do so.

If you are the son or daughter or guardian of an elderly parent who is a bit forgetful or has reading difficulty, or you are not sure whether he or she is signed up for medical insurance, we suggest you check to see whether that elderly person got the letter in January offering this opportunity to enroll.

You may want to advise him, or help him be sure the application for this important protection is mailed back. Remember, more than one out of 10 people over 65 already have it.

Businessmen For Peace Will Meet

The Business Executives Move for Vietnam Peace will host a public meeting at 11:30 a.m. Sunday, March 3, in the Studio-6 Theatre, Greenfield and W. Eight Mile, in Southfield.

The program will include a 33-minute motion picture, "Vietnam: An Eye-Witness Report," presented by David Schenck.

Edward Lamb, former member of the Federal Communications Commission and Industrialist, will discuss "Vietnam's Impact on American Businessmen."

Harold Barry, chairman of the Detroit chapter of the Business Executives Move for Vietnam Peace, announces that the session, with refreshments, is open to the public without charge.