

Local Judges Split On Honigman Plan

Critics Of Appointment System Say It Doesn't End Politics

Suburban judges and justices of the peace are splitting almost down the middle on the question of whether they should be appointed or elected.

Michigan elects all its five classes of courts—the Supreme Court, Court of Appeals, circuit courts, probate courts, and local (Detroit Recorders, city municipal and township justice) courts.

But a citizens group headed by prominent Detroit attorney Jason W. Honigman is proposing a state constitutional amendment calling for an appointive system.

THE HONIGMAN proposal is that a bi-partisan nominating panel, with laymen in the majority, would suggest three names to the governor, who would pick one of them for the judicial vacancy.

The judge, three years later, would run on his own record for re-election. Judges would be required to retire at 70.

Honigman says his proposal would take judges out of politics—but Observers and judges who oppose the plan argue just the opposite. The critics say that the appointment process would simply set up a new arena—the nominating panels and

the State Bar Association—in which politicking would go on.

Here is what a cross-section of local judges say about the Honigman plan: ROBERT NELSON, Farmington Township justice of the peace, was "strongly in favor" of the Honigman plan. Nelson, who also maintains a private law office, said:

"Prior to the constitutional convention in Michigan a few years ago, the subject was studied by the judicial committee of the State Bar, but the convention gave the bar's recommendation little consideration.

"The American Bar Association has advocated adoption of such a plan since 1912.

"I am opposed to one or two particular features. For instance, instead of having a committee from the state bar make recommendations, I think it should be the responsibility of the entire bar membership, when statewide positions on the bench are involved, and to regional membership in more localized positions.

"As for the governor making the appointments from among those recommend-

ed, that's a step to the old ways.

"Nonetheless, the plan as outlined by attorney Honigman is a vast improvement over our present Michigan system and I would take it even with its imperfections," Nelson said.

BUT BYRON WALTER, Farmington Township's other JP found two major flaws in the appointment plan.

Walter, who in private life is a vice president and trust officer of Manufacturers National Bank of Detroit, said:

"I am not necessarily sold on the plan. While the public may have necessary familiarity with all candidates for the bench, not all attorneys do either. "The men they would consider still would be the ones they know, and they still would be subject to pressure. I am not at all certain that they could be as objective as painted. There always is a good deal of politics in any nominating system, and there still would be in this one.

"What's more, the idea of a judge running against himself is a bunch of nonsense," Walter said.

FARMINGTON'S MUNICIPAL Judge

Michael Hand, a practicing attorney in Detroit, declared he has been "in favor of the adoption of such a plan in Michigan for years."

"Some men virtually have made a career of running for the bench and eventually have been elected just because they've gone to the post so often. Their election has not been on a basis of competence, but of the public's familiarity with their names.

"However, even if some modified form of the Missouri plan is adopted in Michigan, the state will have to face financial reality to lead to selection of competent, qualified judges.

"In discussions of the court reorganization bill now before the Legislature, the latest salary suggestion I have read being made for district judges is \$15,000 per year. There isn't a lawyer in this area who has his bill who could afford to consider such a position."

DUNBAR DAVIS, appointed last year to fill a vacancy as Plymouth's municipal judge, said the proposed appointment system wouldn't put an end to politics.

"I think we should stick with the present system because it works. We have many fine judges under this system.

"If they think they will take judges out of the political arena, they are mistaken. Actually they will be putting judgeships into another arena—namely the State Bar.

"We all know that the State Bar is controlled by just a few and not all the attorneys in the state."

"Why could a lawyer pick a judge any better than the public? "The public is so unpredictable we don't know how it would work. Therefore, I'm in favor of staying with the way we already have just because I know it works—and works well."

"It seems this plan comes up about every 10 years. Does anybody know how it is working in the other states that are supposed to function under this plan?"

AN OPPONENT of the change, Plymouth Township Justice of the Peace James McCarthy objected to the lifetime feature of the appointment system.

"I would like them to be elected because I feel people are bound to make mistakes. If you give a man a job for life, then you never have the opportunity of correcting that mistake.

"If judges were appointed by the Bar Association then the whole system would be strictly politics. They would only appoint those whom they liked and not

necessarily those who could do the job.

"However, I am in favor of the governor appointing people to the Circuit Court when there is a vacancy, and also for local governments appointing a judge when there is a vacancy. But I still want the appointments to be confirmed by election at a later date."

LIVONIA'S MUNICIPAL Judge James McCann felt the Honigman plan would actually fall to take the selection of judges out of politics.

"As this proposal now stands, it calls for one attorney and two laymen to recommend three candidates for each court position. The governor would appoint one of these three for a three-year term, then this person would run for office and, if elected, he would serve for life," McCann said.

"The basic plan and objectives, I agree with, but:

"If I'm opposed to making the courts into political footballs.

"Persons nominated and appointed would be for political reasons—patronage—as well as ability. I feel when a political party and a governor are responsible for placing a judge in office, that judge cannot help but be indebted to them.

"My feeling is the judge should be responsible ONLY to the people. The people should elect him for the probationary period. Then if they are satisfied with the job he is doing, they may then re-elect him for life.

"I agree that this three-year probationary period is time for people to decide whether they like or dislike the judge—to decide whether or not he is doing a good job."

REDFORD TOWNSHIP Justices of the Peace Randall C. Kohler and John M. Dillon had different reactions.

Dillon said flatly, "I'm against it." He offered several reasons.

Kohler said he would not state an opinion, preferring to give more thought to it first.

Dillon basically disagrees with the philosophy of removing the judges from direct responsibility to the electorate.

There is, he said, an advantage to appointive status, which is that all judges would then be free of political party and special interest group pressures.

But, he pointed out, the proposal would make the judges immune to any responsibility other than malfeasance.

"We should be proud of our Michigan system of letting the people elect them,"

he stated. "Incompetent judges can always be removed at the next election."

Newspaper scrutiny, along with state and local bar association endorsements, tend to keep judges on their toes, he said.

"The plan is silent on how this committee would be appointed. The fact that some are non-attorneys doesn't impress me. I believe the ones best qualified to decide would be the attorneys who come into contact with the candidates."

GARDEN CITY Municipal Judge Richard L. Hammer feels that the choice of judges "should be left with the people—where it belongs."

Commenting on the Honigman proposal, Hammer said that "while there is no question about the drawbacks and undesirable features of the elective system, it is still the best."

He advised those members of the Detroit Bar Association backing the Honigman proposal that if they educated the public on judicial candidates, they would be putting their time to a better use.

The main drawback in the appointive system for judges, Hammer said, is that there would always "be a group of people—whether it's called a bar association, group, or committee—to do the selecting of judges. Like any group, they come under the control of another group, such as a select bar association, union, and others, and could turn it into a social lawyer's bar group, which has happened in other states, in which all judges are picked from a select circle."

JP's Not Dependent On Guilty For Pay

Redford Township Justice of the Peace Randall C. Kohler may have had no comment on the Honigman Plan for appointing Michigan judges, but he pointed to what he called a misconception about the fee system under which JPs work.

Specifically, he mentioned the Feb. 28 story reporting a plan to upgrade justice of the peace courts into municipal courts.

The misconception is that JPs are paid only when a person is convicted, Kohler said.

Actually, Kohler explained, fees are set by state law and determined by the kind of work the JP does in a particular case. Some JP work involves no fines at all—for example, the issuance of a warrant or the handling of a simple arraignment. These costs are borne by the prosecuting agency.

Ford Due At Breakfast For McDonald

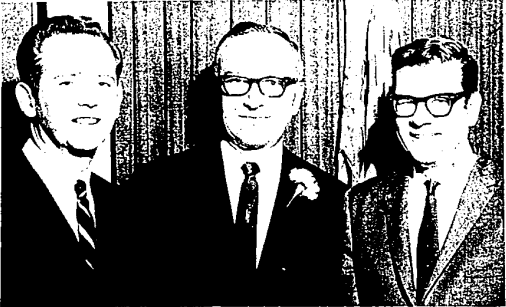
Congressman Gerald Ford, minority leader in the House of Representatives, will discuss current bills and the Vietnam situation in the second annual Congressional Breakfast to be held Friday morning at 8:30 a.m. in the Kingsley Inn, Bloomfield Hills.

The annual event is sponsored by the Friends of Congressman Jack McDonald organization. Reservations may be made by contacting Robert Smith, 31643 Delaware, Livonia, chairman of the organization.

Clerk Retires

Mrs. Ruth E. Henry, 2323 Prospect, Farmington, retired last month after 16 years of service with the Michigan State Highway Commission. She had been a traffic division clerk in the Detroit Metropolitan District office.

public affairs



BAKER GETS A BOOST — State Rep. Raymond Baker (center) announced at a recent testimonial dinner in his honor that he'll seek a fifth term. The Farmington Republican got visits from Lt. Gov. William Milliken (left) and 19th District Congressman Jack McDonald (right). Baker represents the 64th House District in southern Oakland County.

Conservatives Renew Bid For GOP Power

By TIM RICHARD

Conservative Republicans, many of them from Observersland, will make their perennial attempt to build up power in the state GOP organization this year.

The attempt will begin with district conventions, and one source says the conservatives expect to control at least seven of Michigan's 48 votes to the Republican National Convention.

RICHARD DURANT, controversial head of the 14th District GOP organization, last weekend was elected chairman of the "United Republicans of Michigan" at a Grand Rapids convention.

Vice chairman is Mrs. Mary Rice, wife of Farmington businessman Stewart Rice.

In a split, the 150 persons at the convention favored a national ticket of Gov. Ronald Reagan of California for president and Sen. J. Strom Thurmond of South Carolina for vice president.

Second choice was a ticket of Richard Nixon and Reagan, Alabama's George C. Wallace picked up 13 votes. Govs. George Romney of Michigan and Nelson Rockefeller of New York got nothing.

Dems Will Debate War

An intra-party debate on the Vietnam war will be the feature of an Oakland County Democratic issues conference. It's scheduled for Tuesday, March 12, at 8 p.m. in the Oakland County Board of Supervisors auditorium, 1200 N. Telegraph, Pontiac.

Opposed to the war is Zoltan Ferency, former state chairman who is now supporting the presidential bid of war "dove" Sen. Eugene McCarthy. D-Nim.

Defending U.S. policy will be Sam Fishman, state citizenship director for the United Auto Workers and a member of the Democratic committee in the 18th Congressional District.

The Democratic seminar is open to the public, and a question period will follow, according to county Chairman George Gogolian.

Durant predicted that at least seven national conventions held out from Michigan would hold out for a conservative candidate while the Romney forces will control 30 to 35 that they will attempt to deliver to Rockefeller.

About a dozen persons from the 19th Congressional District attended the conservative gathering.

LOCALLY, THE conservatives will hold their own 19th District-Oakland convention on March 27 in a savings and loan auditorium at 761 W. Huron, Pontiac.

Chairman of that group is Christian F. Powell, a West Bloomfield justice of the peace who attended the convention in

State Crime Conference Thursday

Gov. Romney has invited some 850 persons to a one-day conference on crime Thursday in Detroit's Cobo Hall.

Speakers and panelists will discuss topics ranging from the National Crime Commission Report, juvenile courts, criminal laws and prisons to a topic called "Social Protest and the Administration of Justice."

Sponsors include the state's Commission on Crime and Delinquency, League of Women Voters, American Civil Liberties Union, Michigan Welfare League and state associations of police chiefs, sheriffs, prosecutors and probate judges.

'Concerned Dems' Meet

The 19th District's Michigan Conference of Concerned Democrats will hold their monthly membership meeting Friday at 8 p.m. at the Oakland County Board of Supervisors building, committee room "A", 1200 N. Telegraph, Pontiac. Guest speaker will be Rev. Maurice Greer while topics will be the "Vietnam Crisis" and the "Kerner Report."

Grand Rapids. Powell's delegation was unseated in the 1966 Republican state convention, which instead recognized the credentials of a Romney-lined group headed by John Carwright, also of West Bloomfield.

CARTWRIGHT'S GROUP will hold the official convention March 27 at 8 p.m. in the Oakland County Board of Supervisors auditorium in Pontiac. Purpose of the district convention will be to elect 57 delegates to attend the state convention.

Hart Dinner Set April 20

Michigan Democrats are selling tickets to the April 20 annual dinner honoring Sen. Philip Hart.

The dinner will begin at 7:30 p.m. in Oakland University's Vandenberg Hall in Rochester, and continue at Dinner Chairman Monte Gerald of Madison Heights.

Tickets are \$7.50 a person and \$15 a couple. Reservations may be made for tables of six or eight. Tickets are obtainable from the Oakland County Democratic headquarters at 1700 S. Telegraph, Pontiac.

Theme of the dinner will be "The Second Decade—The Beginning." It refers to the beginning of Hart's 11th year in the U.S. Senate. Hart was lieutenant governor when he defeated incumbent Republican Sen. Homer Ferguson in 1958.

Dem Women Will Honor Martha Griffiths

Democratic Women of the 17th District will honor Congressman Martha Griffiths at their spring luncheon and fashion show.

The event is scheduled for Saturday, March 16, at 12 noon in the Raleigh House on Telegraph Rd., Southfield.

Co-chairmen are Mrs. George Fromgill, Mrs. Kenneth Down and Mrs. Hiram Phelps.

The state convention, scheduled for April 26-27 in Detroit's Cobo Hall, will pick the delegates to the national convention and presidential electors. The national convention will be held Aug. 8 at Miami Beach, will nominate candidates for president and vice president.

THE POWELL forces will send their district-elected delegates to the state convention. They expect they will again be refused seats.

Why do they do it? Because, according to Powell's publicity chairman David Bradbury, to attend the Cartwright convention and attempt to unseat that group would be to admit that Cartwright's group is constituted legally.

The Powell forces still contend that theirs is the "official" 19th District organization, even though their position may cost them political power at the state convention. Bradbury said there will be two key indications as to which group has the greater support among rank-and-file Republicans—the comparative number of elected delegates who attend each meeting, and the number of vacancies that each one can fill.

DELEGATES to the district conventions were elected in August of 1966 and hold office two years.

The delegates attending the March 27 conventions will be the ones elected in 1966.

While the conservatives will make some show in this round of conventions, they can be expected to make their real push for power in the Aug. 6 statewide election of a new batch of precinct delegates.

Corporate Tax Due March 15

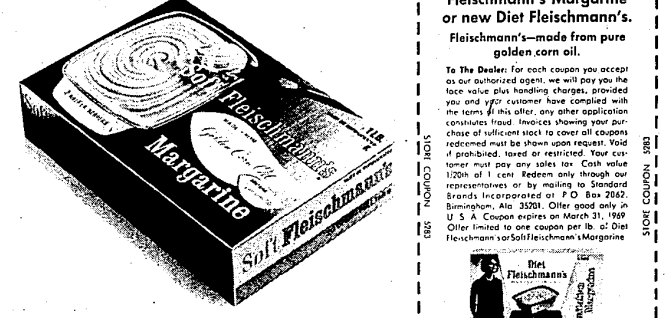
Friday, March 15 is the deadline for several Federal tax obligations of corporations reporting on a calendar-year basis.

Corporations must file a 1967 income tax return, Form 1120, on an application for extension, Form 7094, by that date. They also must pay at least 50 percent of the balance of the tax

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