

POINTS OF VIEW

Straightening out court weighs in as major issue

The big state issue of the future never was discussed by candidates in the just-concluded 1994 campaign.

Courts. How to pay for them. How to deploy the judges. And how to fix the Friend of the Court office which handles child support payments under the direction of circuit judges.

"Those are very good questions. It's going to be a very active issue," Gov. John Engler told me during an interview late in the campaign.

The courts have three separate problems, in the same way that the public-schools issue of recent years was several problems — such as too little money in some districts, poor quality, high property assessments, and abuse of union power. We'd best solve all three court issues at once.

1. Money for outstate courts. Public Act 438 of 1980 set up full state funding of Wayne County Circuit Court, Detroit's 36th District Court and Detroit Records Court. Full state funding of other courts was to follow. But a recession brought the state treat-

ury to its knees, and the outlying 82.5 counties never got their money.

In the last budget, outstate lawmakers tried to insert a little money for suburban and outstate courts. In a couple of weeks, lawmakers will wrestle with the problem again. But remember: Engler has whacked \$1.8 billion out of an \$8 billion budget in his first term, so there's not a lot of cash to pass out.

2. Deployment of judges. At present Michigan has four kinds of trial courts: 179 circuit judges, for major civil trials, divorces and criminal cases; 107 probate judges, for probating of wills, juvenile cases, neglect and adoption of children; 29 recorder judges, who handle criminal cases in Detroit; and 259 district judges, who handle small civil cases and misdemeanors.

"In some communities, we have too many judges for too few cases; in others, too few judges for too many cases," Engler said. The political problem is that the Legislature won't eliminate judges' jobs where there are too few cases.

And Engler won't agree to adding



TIM RICHARD

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more judges in places like the Northville-Plymouth-Canton district or the Farmington-area district unless judges' jobs are eliminated elsewhere. "We've created no district judgeships since I've been governor," he said.

A lot of legal scholars think we need only one "trial court." Just do away with the artificial jurisdictional boundaries between them. "Any solution," Engler agreed solemnly, "involves sorting out the jurisdictions."

It may not be so difficult. For years, our district judges have been aiding the circuit judges in the county seats; the circuit judges have been helping out on the Court of Appeals. A single "trial court" would allow pooling of work assignments for our judges.

3. Friend of the Court. State Sen. Robert Geake, R-Northville, was bombarded with hundreds if not thousands of complaints from people who deal with the Friend of the Court over child support collections and payments. He held a series of 10 public hearings across the state.

FOC's report to the chief circuit judge. It's hard for a citizen with a

complaint to voice it to a judge, the way he can boiler at a city council or county board meeting under the Open Meetings Act. County boards don't do as much attention to FOC as they do to operations they get to scrutinize.

Geake's solution: Put FOC under the direction of county boards, not judges. Judges shouldn't try to be administrators anyway. I'm sure Geake is 100 percent right.

But circuit judges, being vain, are likely to balk at any reduction of their jealously guarded authority. The way out, obviously, is to reorganize the Friend of the Court at the same time we set up a single trial court, and do that at the same time we solve the problem of full state funding of the trial courts.

Let's see if John Engler and the Gang in Lansing can do for the courts in 1995-6 what they did for all the schools with Proposal A.

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LETTERS

Stay in touch

On Nov. 2, an organizational meeting was held at the Farmington Hills Library of a group to support these members of Farmington Hills City Council who are targets of a recall effort. Whether one is for or against the recall, it is interesting to look at the wording of the notice of that meeting.

1. The would-be organization called itself Citizens to Save our City. In fact, the recall is directed simply against some individual members of the City Council. That they should equate their endangerment with that of the city reminds me of the absolute monarch Louis XIV of France, who said, "L'état, c'est moi" ("I am the state"). Is that what a few years on the City Council does to folk elected to it?

2. The notice alleges that "a special interest group has been trying to intimidate these City Council members . . . who have been steadfast in their efforts to protect the community from the unreasonable demands of the special interest group."

The implication here is that the "community" is the entire city. In fact, utilizing a PUD is conditioned on its "resulting in an improvement to the public health, safety and welfare of the area affected. The people whose voice these council members have ignored are residents of that area. To call them a "special interest group" is a misuse of that term, which is usually applied to lobbyists and others with political or financial interests — such as politically well-connected developers. "Please meet with us and . . . rescue our city

from this special interest group that is so intent on tearing our community apart for their own selfish interests."

This is the third use of "special interest group" in five sentences. The writer of the invitation "doth protest too much, methinks." The same goes for "tearing the community apart" and "selfish interests."

4. The last paragraph reads: "The future of Farmington Hills could be very different if this self-serving group manages to remove our council and replace it with their emotional, inexperienced, self-serving candidates."

Remove whose council? And how can the writer of the invitation describe as yet unknown candidates in any way? And then there is "self-serving" used twice in one sentence. I think I am beginning to know the writer. I have

heard him speak from the council desk in City Hall.

5. Finally, the invitation exhorts: "This may be the most important meeting you attend this year. Please be there."

Since the meeting was held in the public library, some observers dropped in. A few members of the council were there, but only four or five other people showed up, and the meeting folded. Is this indicative of the extent to which these council members are in touch with their constituents?

Robert Gardon, Farmington Hills

Let them know

Recently, it was announced that the National Institutes of Health recommended that feder-

al tax dollars be used to support the research of the Human Embryo Research Panel, which would create human embryos for the sole purpose of experimentation.

They tried to assure us, however, that these embryos would be destroyed at the age of two weeks, just before the spinal column appears.

Have we all gone mad? Has society sunk so low that we will now fund the creation and destruction of human lives in the name of research? It appears that nothing is sacred any more — not even human life.

If you are against this type of "research" at taxpayer expense, then let our congressmen and the NIH hear about it. National Institutes of Health, Attn: Human Embryo Research Panel, 9000 Rockville Pike, Bethesda, MD 20892.

Lynn L. Jahncke, Farmington Hills

Single-issue groups block progress on state concerns

The election of 1994, certainly one of the most tumultuous and angry in my memory, is finally over.

Now that the votes have been counted and the dust is settled, I sense three major underlying trends which will drive the evolution of our political system for years to come.

1. Our political and governmental system is now so complex, so filled with checks and balances, so vulnerable to blocking votes by determined single-issue groups that it is now nearly impossible to get anything significant done. No wonder most voters feel helpless and frustrated.

2. Consider just two recent examples, one large and one small. Charter schools are among the most promising innovations in Michigan education. When the people of Michigan passed Proposal A, they authorized creation of a number of experiments, from the dubious (the Noah Webster Academy, a home school network) to the admirable (the academy at Wayne State University, aimed at inner city youth).

Predictably, those with most to lose from a less monopolistic school system sued. And last week Ingham County Circuit Judge William Collette threw out the baby with the bath water by ruling that all charter schools are unconstitutional, necessitating endless appeals and probably killing some of the most promising starts.

3. A teacher friend reports that students in her class no longer don costumes for Halloween because a small group of parents protested to the school board, claiming that Satanism was being sanctioned when kids dressed up.

2. Political relationships have evolved from the concrete and personal to the abstract schemers of the 30-second TV spot. No wonder most voters feel manipulated and alienated.

In the pre-TV days, campaigning was conducted up close and personal, with candidates walking door to door, making their speeches before audiences of real people, trying to answer real questions.

No longer. Speeches are out; 30-second spots are in. Events are staged for media consumption; questions are prescripted. How many candidates did you get a chance to look in the eye during this campaign? Not many, I'd bet.

All this produces inevitably a disconnect between voters and candidates whose personas consist almost entirely of electronic images.

"They're not the same type of day to day people as you or me," said a warehouse worker quoted



PHILIP POWER

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in the New York Times. "They're in a completely different world. They aren't somebody you would want to socialize with."

3. Enough people feel frustrated enough with the workings of the present system to provide the preconditions for a political realignment. Maybe.

One of the striking things about this year's election was how well Jon Coon ran as the Libertarian candidate for the U.S. Senate. Third party candidates typically do very badly in our political system, but Coon's showing this year suggests the same kind of yearning for something new that produced all those votes for Ross Perot two years ago.

I wouldn't be surprised to see fundamental stresses shake in Michigan's political system over the next few years. Gov. Engler may have won a landslide, but he'll have a tough time governing in the center and simultaneously keeping the Religious Right in the GOP. And there are plenty of Democrats who think their party will remain brain dead as long as it is as dominated by organized labor as it is today.

Who knows? We may wind up with a Republican Party controlled by the Religious Right, the Democratic Party run by organized labor and liberals and some kind of coalition between moderates of both parties uneasily occupying the center.

Phil Power is chairman of the company that owns this newspaper. His Touch-Tone voice mail number is (313) 953-2047, Ext. 1880.

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