

POINTS OF VIEW

Dear Sirs: Your driving stipulations are about as clear as mud

to: C. R. Thelen, Director
Program Support and Testing
Division
Michigan Department of State
Bureau of Branch Office Services
Lansing, MI 48918

I recently received from you a letter addressed to my son, Nathan Power. Nathan is 17 years old. He has a level 2 Michigan graduated driving license. Although Nathan disagrees with me, I think the graduated license program is a fine idea because it sets up an incentive for new drivers to drive safely for a period before they get an unrestricted license.

Nathan is a good case in point. The speeding ticket (45 mph in a 40 zone) he got in August is his third since he started driving. Both Nathan and I realized at the time that he was going to have to wait a while longer before getting an unrestricted license.

I believe your letter has to do with this violation, although I must say it's hard to tell because of the way it's

written.

It starts: "Your level 2 license is now extended through 08/21/2000 and your probationary period is now scheduled to end on 06/17/2000." The extension to August 21, 2000, seems reasonable; that's a year after his speeding ticket. But why does the probationary period end on June 17? Doesn't that just confuse things?

Your letter goes on to say that before Nathan can get a level 3 license, he "must drive 12 consecutive months prior to your eligibility date without any of the events shown in the shaded area posted to your record. Your current probationary level 2 will be extended until these requirements are met or until you reach the age of 18, whichever is sooner."

I take it you mean that Nathan must have a clean driving record for a year before he gets an unrestricted license. But the new term, "probationary level 2" throws me. Is this an entirely new category? Or is it just a type meaning probationary?



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The events in the shaded area (why it should be shaded is not clear to me) are also confusing: "Receive a traffic conviction/civil infraction or probate court disposition" is probably understandable by a practicing lawyer, but to a 17-year-old? "An accident in which you are cited for a hazardous action" seems relatively clear, but "violation of your graduated licensing permit?" I thought the shaded area included things that were violations

of the graduated licensing permit.

The sentence above the shaded area reads: "The probationary period is extended each time one of the events shown in the shaded area is posted during the last 10 months of the three-year probationary period." By how much is the probationary period extended? A year? Ten months?

And what is so significant about the last 10 months of the probationary ("probationary") period?

The last sentence of the letter was the clearest: "If you have any questions regarding this notice, please contact the nearest Secretary of State branch office."

Now don't get me wrong. I'm fairly cross at Nathan's driving record, and we've had some strong words about it. But Nathan understands that the consequence of his speeding is delay of his unrestricted license. He's learning to drive better and he's learning something about accepting the consequences of his own behavior. That's

great.

But I'd hope that a letter from your office hammering in that valuable message could be written in simple, clear English that makes these points in a way understandable to a 17-year-old.

I fear the lawyers in your office have got hold of a perfectly reasonable policy and gummed it up with incomprehensible legalisms. Don't feel badly, though.

This problem affects virtually all communications citizens receive from their government.

If you have any questions regarding this letter, please contact me at ppower@homecomm.net or at (734) 666-4081.

Phil Power is chairman of Home-Town Communications Network Inc., the company that owns this newspaper. He welcomes your comments, either by voice mail at (734) 963-2047, Ext. 1880, or by e-mail at ppower@homecomm.net

Limiting AG's authority would undercut people's rights

The politics of it are fascinating enough. Republicans control much of state government — the House, the Senate, the governor's office. The one piece they don't control is the Attorney General's office.

And now they want to limit the Attorney General's powers. A series of bills sponsored by Sen. Ken Sikema, R-Grandville, in the Senate and Reps. Andrew Richner, R-Grosse Pointe Park, and Clark Biesbe, R-Jackson, in the House would significantly reduce her powers. For one, opinions of the AG would no longer carry the weight they do now. On matters of state law, Attorney General opinions are presently seen as having the force of law, until overturned by a court. For another, the AG would no longer be able to take on the state government in court unless she gets approval from the governor.

Jennifer Granholm, Michigan's Attorney General and the first female to hold that office, apparently made some enemies in Lansing when she decided to go into a lawsuit over state gaming compacts on the side of four Indian tribes, against the state of

Michigan. And Republicans are feeling that they shouldn't have to worry that the Attorney General — the state's own lawyer in their view — is going to come after the state itself.

Granholm herself has been quick to point out the political ramifications of the bills, but has been missing from the discussion so far is the effect on the average state resident. Reduce the authority of the Attorney General's office and Joe and Josephine Q. Public will lose a powerful ally in their dealings with Michigan's largest and most powerful corporations, and perhaps most importantly in their dealings with the state government itself.

No matter how well intentioned the folks who inhabit our bureaucracies may be, be they state or corporate, there are times when they don't operate in our best interests. And when that happens, Mr. and Mrs. Average have only a few choices of how to handle the matter.

On the one hand, they can pony up the legal fees needed to hire their own attorney. If they do, they had better be prepared to spend big bucks, because the state government and



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corporations have vast resources they can tap to defend themselves.

Or residents can go to the Attorney General and try to enlist the support for that office. It does not come automatically. When the AG's office gets a request from a citizen, it reviews it first for merit and to determine whether there is a significant question of state law.

And that is precisely why having the Attorney General on your side is such an attention-getter.

"Someone has to

speak for the little guy," said Rep. Marc Shulman, R-West Bloomfield. He comes to the issue from a unique perspective. For one, he's a freshman legislator and a Republican, but he is also an alumni of the Attorney General's office. A lawyer, he worked there for 16 years under Granholm's predecessor, Frank Kelley.

Shulman said he sees nothing wrong with the way the Attorney General's office is operating currently. Other lawyers and the courts seem to keep the AG and its opinions in the proper perspective, he said. If there is concern that the Attorney General can legislate from her office, the courts have traditionally looked past AG opinions to the intent of the senators and representatives, he said.

There are legitimate issues about the Attorney General's office, Shulman argues. He suggests that there may be legitimate concern about the amount it can spend hiring indepen-

dent counsel. Often, the office will contract with an outside law firm to conduct work on a given legal matter.

And if the AG's office decides to take on a major corporation, legal fees could run fairly high. So perhaps there should be a limitation to, say, require Granholm to get legislative approval before she takes on a case, using an outside law firm, in which the legal fees are expected to exceed \$100,000. After all, it is legislature that's supposed to set state budget.

Now that's a fair issue. But politics aside, if lawmakers put serious curbs on the AG's ability to act in matters against the state and in the area of consumer protection, it will be the residents of Michigan who lose out.

Mike Malott reports on the local implications of state and regional events. He can be reached by phone at (248) 634-8219 or by e-mail at mmalott@homecomm.net.

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