

POINTS OF VIEW

Is the GOP playing politics with judicial appointments?

"The presidential appointments process now verges on complete collapse," So concludes Paul C. Light of the Brookings Institution (usually a liberal Washington think tank) and Virginia L. Thomas of the Heritage Foundation (usually conservative) in a study of the experiences of 435 cabinet and sub-cabinet officials who served in the Reagan, Bush and Clinton administrations.

Some found treatment by the White House appointments people "an ordeal."

Others - 35 percent of Reagan administration appointees and 67 percent of Clinton's nominees - were held hostage to the politics of the U. S. Senate in waiting for confirmation hearings.

That's one reason a lot of talented people are not about to consider appointment to top government positions.

A perfect instance of this general problem concerns the nominations of two Michigan lawyers to fill vacancies on the U. S. Sixth Circuit Court of Appeals that have been twisting slowly

in the wind of the U. S. Senate for far too long.

Helen White is presently a member of the Michigan Court of Appeals; nominated by President Clinton in January 1997, Judge White has yet to receive a hearing from the Senate Judiciary Committee. Kathleen McCree Lewis, the daughter of former U. S. Solicitor General Wade McCree, is a partner in the Dykema Gossett law firm in Detroit; her nomination has been pending before the Judiciary Committee since September 1999.

Circuit Courts of Appeals are enormously important federal appellate courts, just one step down from the U. S. Supreme Court. Appointments to these courts are made by presidential nomination, followed by hearings conducted by the Judiciary Committee and by a confirmation vote of the entire Senate.

The Sixth Circuit is authorized to have 18 judges. Currently, the court has four vacancies, one of which goes back five years. For the court to operate at 75 percent efficiency means long delays to the litigants and enormous workloads for the remaining



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judges (each of whom now has a caseload of 550 cases each year). Authorities now consider the number of vacancies in the federal court system to constitute a "judicial emergency."

What's going on here?

Michigan's Sen. Carl Levin, a Democrat and a minority member of the Judiciary Committee, says it's because Republicans in the Senate, hoping to win the presidency this fall, have decided to hold up judicial nominations from the Clinton White House.

As evidence, he produces a table showing that while the Democrats controlled the Senate during the Bush Administration, a total of 86 federal judges were confirmed. However, when the GOP ran the Senate during the first term of the Clinton Administration, 17 judges were confirmed. So far in Clinton's second term, the Senate has confirmed just seven judges, with a total of 33 judicial nominees

hanging fire before the Judiciary Committee without any hearings scheduled on their nominations.

There are at present 81 vacancies in the federal judiciary.

Michigan's other senator, Spencer Abraham, is also a member of the Judiciary Committee, but, as a Republican, his party controls the committee.

I asked Joe Davis, a spokesman for Sen. Abraham, how come it's taken 3-1/2 years (in the case of Judge White) and eight months (in the case of lawyer Lewis) just to get the committee to hold hearings on their nominations.

According to Davis, "Sen. Abraham does not know whether or when hearings will take place. He wants them to take place, though."

That's nice. Frankly, I suspect if Sen. Abraham really wanted the Judiciary Committee to hold hearings on these nominations, he'd find a way to do it PDQ.

A member of the Sixth Circuit, Judge Gilbert S. Merit, wrote in March to Senate Judiciary Chairman Orrin Hatch: "The Founding Fathers

certainly intended that the Senate 'advise' us to judicial nominations, i.e., consider, debate and vote up or down. They surely did not intend that the Senate, for partisan or factional reasons, would remain silent and simply refuse to give any advice or consider and vote at all, thereby leaving the courts in limbo, understaffed and unable properly to carry out their responsibilities for years."

Sen. Abraham is running for re-election this fall. He is stressing his performance as an effective senator in his campaign. Somebody should ask him why he can't get his committee to give two able, thoughtful and well-respected Michigan lawyers the courtesy of timely hearings on their nominations to the federal judiciary that is currently hamstrung in carrying out its work.

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) 953-2047, Ext. 1880, or by e-mail at ppower@homecomm.net

LETTERS

You're the cause

This is a response to a letter published in the May 11 Farmington Observer, authored by Ms. Leah Brewer, concerning her dog being impounded, receiving a violation, and being "shocked and appalled."

Ms. Brewer, like you, who cause the police to respond to calls to remove an injured or dead dog from the roadway.

Your dog is your property and your responsibility. When you do not do what is required by law and your property is impounded, you portray yourself as a victim rather than an offender.

Shame on you, Ms. Brewer, for demeaning an officer who was clearly doing his job. Your mere consequences is that you may have to pay a fine, but one concerned officer made certain

that your dog (your property) was safe and returned to you.

Time to get a life, Ms. Brewer, and take responsibility for your own actions (or lack thereof). Your dog spent the night in "doggy-jail" because of your negligence. You are the cause of your own problem.

V. Ziegler
Farmington Hills
Black Veterinary Hospital

Don't blame others

Dear Leah Brewer: How do you find the Farmington police picking up a lost dog "harassment"? I understand the grief of losing a "family member." I guess I don't understand why you aren't thanking the person who called

about your lost dog and thanking the Farmington police, excuse me, "Barney Fife," for rescuing your dog from death by an automobile, starvation, or who knows what could have happened.

And for the record, the Farmington police take your loved "family member" to our wonderful local veterinarian's office, Dr. Black, for safe keeping until the owners can be found. They are not whisked away to "puppy jail" like they would be in other cities. And then if no family members call to locate the pet, it is destroyed.

Dr. Black does not kill "family members." I don't know how you grew up but "stray dog" is not a "spine chilling word" to me. And to answer your question, why does the city of Farmington even need its own police/fire department for 2.7

square miles? Move if you don't like it. I love it! That is why I have not left the city. I like a police response of less than two minutes when I have a problem. (I had a sick father staying with me due to a heart transplant who had complications after the fact. I called the Farmington police and they were at my house before I was off the telephone.)

Do you think the city of Detroit would have even bothered to rescue your dog? They don't even come if you are being held at gunpoint. I seriously do not think the Farmington police even remember who you are to keep driving by your house. They are patrolling the neighborhood like they do everyday.

Well, my letter sounds as rotten as

yours, but my family loves living in the city of Farmington because of our wonderful police and fire department. My children recognize the local police because of the great job they do patrolling the neighborhoods, stopping and talking to the kids, and visiting the school and educating our children about alcohol and drugs.

These men and women are our friends, not our enemies. I think you should think of this from another perspective and be thankful. It is the law to have your dog licensed and current on shots. How can you blame anyone but yourself for the incident that occurred?

Gayle McAuley
Farmington

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