



Republicans say high court is theirs now

For the record, let's bring our hands over the way Michigan Republicans continue to celebrate and click their heels for having elected on Nov. 3 what they routinely refer to as a "Republican majority" on the supposedly nonpartisan state Supreme Court.

That's when Betsy DeVos, the state GOP chair, told applauding committee members that "for the first time since Roe vs. Wade a majority of justices on the state Supreme Court are pro-life."

The cracks followed these more conventionally partisan lines also from DeVos. "It's the first time since 1946 that Republicans have control of all three branches of government," and...

"For the first time since 1956, Republicans control the Michigan Supreme Court." Of course, it wasn't just DeVos doing the boasting.

In a letter read aloud to committee members, GOP National Committeeman Chuck Yoh, who was out of town, wrote that "for the first time in decades, we have the ability to capitalize on a philosophic edge in the Supreme Court and frame the tone of legal decisions for years to come" (my emphasis).

Also, there was lots of informal chitchat among other Republicans about how "at our court" will now hold a hammer over the hated (and largely Democratic) trial lawyers and unions and, of course, over post-2000 legislative reapportionment — all thanks to the court's new makeup come Jan. 1. (Four and, if the chief justice steps down shortly as he has hinted he may, probably five of the seven justices will be termed Republicans, a reversal from the earlier 4-3 Democratic advantage.)

Such casually partisan nomenclature, of course, results largely from Michigan's absurd system of nominating justices at partisan state conventions and then — because the state Constitution says so — electing them "at nonpartisan elections" that, har, har.

Anyway, the clucking is nothing new. Democrats do it, too, when they win a big one on the court... although, to be fair, they're seldom as ostentatious about it as Republicans. And, during the supposedly nonpartisan campaigns, both parties boast their own nominees and often make the opposition while it may be an effective political tactic, tends to demean the judiciary as a whole.

The media plays a role, too, by routinely talking or writing about "Republicans" or "Democrats" on the high court and about which party does or doesn't control it. Meanwhile...

Well, almost nobody pauses anymore to suggest that not all state Supreme Court justices operate as knee-jerk partisans. Some, in fact, operate as smart, competent, fair-minded and — perhaps the thought — independent judges.

Finally, it's worth noting that almost any pool of thoughtful lawyers and judges produces a loud, collective gurgle about the folly of Michigan's partisan/nominating selection process for justices and shows a decided preference for a fair-minded alternative — usually appointment by the governor combined with some sort of merit selection process. And then... then... Nothing ever comes of it. No thing.

FOOTNOTE: Remember that Stating Committee on Judicial Selection that convinced the State Bar of Michigan way back in September 1991 to seek resolution to the Legislature arguing appointment of a bipartisan 15-member commission to lay the groundwork for reforming Michigan's system? What happened? No thing.

HOLIDAY GIVING

Free Press readers help Local charities tell what they need to fulfill missions. Page 3B.



WILLOW RUN

Aviation training The airport could become where pilots and mechanics learn. Page 3B.

MSU DRINKING

Party plan shown The fatal binge began near midnight for 21-year-old Bradley McCue. Page 3B.

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EWD

local news

Sex offender list inexact, police say

BY DAVID ASHENFELTER

The Press Staff Writer

A State Police official estimated Monday that 20 percent to 40 percent of the addresses for 21,000 sex offenders in Michigan are wrong and that correcting them may take some time as police departments learn how to make lists.

ACLU battles information going on Internet

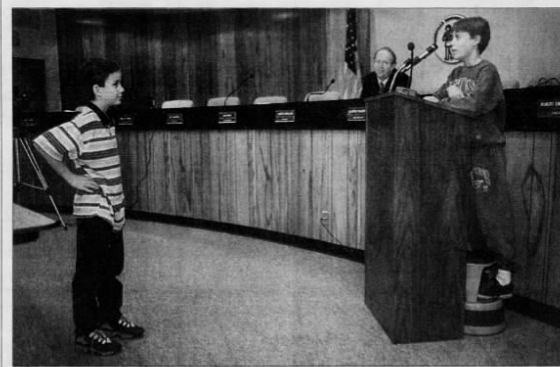
The ACLU used on behalf of an Ann Arbor couple whose address inadvertently remained on the list after they bought their home three years ago from a family whose son was convicted of a sex crime.

The ACLU used on behalf of an Ann Arbor couple whose address inadvertently remained on the list after they bought their home three years ago from a family whose son was convicted of a sex crime.

Judge Patrick Duggan to stop the State Police from the posting until it gives people on the list a chance to challenge the accuracy of the information or a hearing to determine if they pose a threat to society.

ROSEVILLE

Fairy tale characters go to court to teach kids law



The Wizard of Oz, played by Ryan Ramsden at right and questioned by fellow Patton Elementary fifth grader Eric Wiercinski, defends himself against fraud charges. A clock and a medal of honor, top, help acquit him. Sterling Heights attorney Derek Girgenot presides.

BY MARY OWEN

The Press Staff Writer

Wrongful-death lawsuits, custody battles and attempted-murder charges are not typical of children's fairy tales — except among a group in a Roseville elementary program for academically advanced students.

Project Challenge is teaching kids about the legal system by letting them deliberate cases like Wile E. Coyote vs. Acme Manufacturing, for faulty products, and the Farmer vs. Little Bo Peep, for loss of property.

Two judges and six attorneys who are members of the Macomb County Bar Association are presiding over the cases, which started in November. The mock trials will continue until Dec. 8, when Jack — as in Jack and the Bean-

stall — faces trespassing, burglary and attempted-murder charges.

"My goal is to make them knowledgeable about the law and their rights as citizens," said Virginia Smith, who developed Project Challenge 12 years ago in Roseville schools.

Students usually have great speakers from the legal system; this is the second year for the mock trials.

The kids meet once a week in class for the program.

Eleven students from Fountain and Patton elementary schools recently acted out characters from the Wizard of Oz in the case of the People of Fairyland vs. the Wizard.

The great and powerful one faced Dorothy, fifth grader Shelly Palma, tells her side of the story. The mock trial was to help teach students about the law.

Sault Tribe opposes gambling competition

BY BILL MCGRAW

The Press Staff Writer

Opponents of the expansion of Indian gambling in Michigan include religious conservatives, some legislators, some residents of towns destined to be casino sites and the Sault Ste. Marie Tribe of Chippewa Indians.

The Sault Tribe? Against Indian casinos?

Yes. With the Legislature soon, possibly this week, expected to take up the issue of casino agreements between Gov. John Engler and four Indian tribes, the Sault Tribe is in the unusual position of fighting the same type of pact that enabled it to run five casinos in the Upper Peninsula, all of which are expected to bring in record earnings this year.

"We're not lobbying against these tribes having their casinos," said Sault Tribe spokesman John Hatch, who acknowledged Indian gambling has worked for the Michigan tribes that have it. "We're lobbying against the size and locations" of the casinos included in the new compacts, as the agreements are called.

One of the Sault Tribe's chief concerns is a casino that would be operated by the Little Traverse Bay Bands of Odawa Indians. It would be just outside Mackinac City, at the northern tip of the Lower Peninsula.

That new casino likely would draw many Canadian customers who now gamble in the Upper Peninsula. The Ontario government also plans to open a casino in Sault Ste. Marie, Ontario, that could cut into Sault Tribe profits.

Tribal Chairman Frank Etivago said his Little Traverse Bay Bands received support from other northern Michigan tribes that are potential competitors, but the Sault Tribe has attempted to block the new compacts no matter where the groups want to build their casinos.

The Sault Tribe also complains that the four tribes attempting to win approval for their compacts have reached agreements with outside firms for financing and expertise; Sault Tribe spokesman Hatch said that the first seven Michigan tribes

Family agency's policy hampers release of children's files

BY JACK KRESNAK

The Press Staff Writer

For the past four months, the Office of the Children's Ombudsman has been unable to investigate the way state policies and practices affect certain abused and neglected children because of a dispute with the Family Independence Agency over confidentiality and how FIA files should be requested.

A recently released performance review of the Children's Ombudsman's Office says that since July 23, the FIA has declined to release files to the office, which investigates complaints about FIA policies and practices toward specific children.

For more than three years, the FIA had processed such requests based on the ombudsman's general statement that a complaint involved adoption, foster care or actions by the FIA's Children's Protective Services. The FIA now wants more detail about the complaints so the agency can decide which documents need to be turned over, officials said.

FIA Director Maria Livingston-Hammons, who was unavailable for comment Monday, changed how the FIA responds to the ombudsman's requests and had stopped the wholesale mailing of copies of the files when requested by the Ombudsman's Office, said Bill Kordecki, the agency's legislative liaison and acting family advocate.

Kordecki's said Hammons concluded that the 1994 law that established the Children's Ombudsman's Office gives the ombudsman access to files but not necessarily copies on demand.

Hammons and former Ombudsman Richard Bearup have negotiated since July to work out a new arrange-

ment, but Bearup rejected Hammons' suggestion that his investigators review files in local FIA offices because of the cost and travel time, Kordecki said. Hammons and Bearup were unable to reach a written agreement on the issue, but Kordecki said a new method is nearly ready for approval by the FIA and the new ombudsman.

Both Bearup and Hammons have Please see FILES, Page 6B