

# INSIDE MICHIGAN POLITICS

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## **THE EMPIRE STRIKES BACK: TAYLOR RIPS 'LEFT-WING' TRIAL BAR AT GOP STATE CONCLAVE**

Lambasted for months by Michigan Democratic Party Chairman **Mark Brewer**, state Supreme Court Chief Justice **Clifford W. Taylor** held little back when he accepted the GOP's nomination for a second full eight-year term at his party's fall convention in Novi's Rock Financial Showplace Aug. 23.

Taylor excoriated his detractors in language no justice would ever have used as recently as a decade ago. With the other three members of the so-called 'Gang of Four' arrayed behind him on the dais (indeed, he was nominated by one of them, a defiant-looking **Maura Corrigan**), Taylor made no mention of the one Republican-nominated Supreme who was conspicuously absent — **Elizabeth (Betty) Weaver**, whose relations with her four GOP colleagues are strained.

But let Taylor speak for himself. Here's a nearly complete transcript of the essence of his remarks (you won't find them printed anywhere else):

*If you have followed the news stories, it's quite clear that the Democratic Party, in particular Mr. Brewer; the Michigan trial lawyers or whatever name they carry themselves by these days; the criminal defense lawyers; and virtually every satellite left-wing organization in Michigan have slated me for — let me be delicate here — 'special attention.'*

*This is for good reason. The Democratic Party wants to go back to the days of frivolous lawsuits. They want to go back to the days where trial lawyers could shop around for judges who would deconstruct the law or the Constitution (in pursuit of) a particular cause ... They want to go back to a system of law that (seems to be) predicated on the rule of law but really on the rule of men and women.*

*And why? They don't like it that four of us — (Steve) Markman, Corrigan, Taylor and (Bob) Young — have imposed an old-fashioned idea on our judiciary. These are simple rules. Warren Buffett said, when you ask him how to make a lot of money on the*

*market, "They're simple, but they're not easy." We are to interpret the law, not make it. We are not legislators in robes. We are not elected to represent any group or cause. We're not a Republican Court. We're not a Democrat Court. We're not a business court. We're not a labor court. We are a court of law! Not only that, they are outraged that, again ... Markman, Corrigan, Young and Taylor think that unneeded judges should be eliminated, that perks like cars for judges should be ended. They are offended, in short, that the hayride must end ...*

*I believe we are now in a fourth great transcendent stage (Editor's note: This peroration followed what Taylor described as three earlier 'stages' of U.S. history consisting of **1**) The abolition of "chattel slavery;" **2**) The emancipation of women; and **3**) Free trade, all three of which Taylor credited to the Republican Party). *And that is whether or not we are going to leave this era with our right to self-government intact. On the left, they have become weary of trying to prosper under a regime of self-government. They can't get their lousy ideas accepted, and so they have turned to the American judiciary and attempted to hijack it so that they can put their ideas into effect that way. So the great honor of my court is to stand athwart that — the most prominent court in the country to do that. We are leading the way to — sort of the 'tip of the spear' is the phrase — ... to move our country back to the traditional role of American judges.**

*My race is going to be a difficult one, but it's going to be a difficult one for all the right reasons — we stand for great American principles, we stand for the principles that our founding fathers gave us. We've lost our way in the American judiciary, but we can come back. I appreciate greatly that you give me this nomination and that you would stand with me in this great cause. Thank you."*

## **NEWS & VIEWS: RMGN Ballot Proposal Thrown Out; Two Incumbent Judges Lose Another Battle to Rid Themselves of Challenger**

**NEWS:** As predicted by **IMP** (earlier than anyone, way back in the issue of June 23, Vol. XI, No. 39), a three-judge panel of the Michigan Court of Appeals ruled (8/21) that a broad proposal called Reform Michigan Government Now (RMGN) to, among other things, reduce the size, makeup, pay and ben-

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efits of the courts and the Legislature shouldn't be allowed on the 11/4 ballot.

**VIEWS:** This is one of those rare instances where most key players in both political parties heaved huge sighs of relief at the judges' decision. Republicans were buoyed because, if the proposal had gotten on the ballot and passed, they would have been decimated and Democrats might have taken control of virtually everything in state government for at least the next decade. Meanwhile, Dems would have been quaking in their boots for two reasons: **1)** If RMGN had attained ballot status, they would have been forced to either defend a proposal they didn't like, or run away from it even as they sought (re-)election; and **2)** If RMGN were approved by voters, it would have eliminated 38 seats in the Legislature, many of which are now held by Democrats.

**NEWS:** The state Court of Appeals, in a split 2-1 vote, has upheld an Ingham Co. Circuit Judge's decision to allow Tawas City attorney **Christopher P. Martin**'s name to be added to the ballot in a race for two seats on the four-county 23rd Circuit Court. The two incumbents — **Ronald "Little Napoleon" Bergeron** and **William F. Myles** — neither of whom has ever been elected in the entire, four-county jurisdiction, fought tooth-and-nail to prevent Martin from qualifying on the grounds that he hadn't filed an adequate number of signatures on his nominating petitions. He hadn't — but that was because the Secretary of State's elections division had posted erroneous info about what it took to qualify on its website. Martin was given two extra days to file more signatures, which he did. The two sitting jurists appealed but were ruled to have no standing in the case; they appealed that verdict, too, but have now been twice rebuffed. They have appealed again, however, because they're both desperate to stifle competition, and they realize that if they lose in the courts, one of them almost certainly will lose in November when they have to face a real opponent.

**VIEWS:** The two judges' latest (and final appeal) is to the Michigan Supreme Court. Here's where Cliff Taylor & Co. have a chance to prove they're not the arrogant apologists for the Establishment (and their own jobs) that they're depicted as being by their antagonists. They can strike a blow for the "little guy" who has been wronged by the system (even the Secretary of State now has agreed Martin belongs on the ballot) and force the two incumbents to do something they clearly don't dare do — face the voters, who can decide (which is why we have elections).

## **MICHIGAN GOP PICKS FALL SLATE; DEMOCRATS CONVENE IN LANSING ON 9/6**

Michigan Republicans chose their fall candidates at the Rock Financial Showplace in Novi on Saturday, Aug. 23. The crown jewel nomination was Chief Justice **Cliff Taylor** (see above), but also at stake were two spots apiece on the state Board of Education, University of Michigan Board of Regents, Michigan State University Board of Trustees, and Wayne State University Board of

Governors. In most cases, at least partial control of the panel hangs in the balance:

■ **State Board of Education.** Democrats now control this panel, 6-2, but they have two seats exposed this year. It now appears both incumbent Dems, **John Austin** and **Kathleen Straus**, will be renominated. Saturday before last, Republicans countered with **Scott Jenkins** of Williamston, the state House GOP's former education policy director, and **Richard Zeile**, headmaster of a Lutheran school in Taylor. Whatever happens in November, Democrats can't lose control of the SBE, although they could be tied if there's a GOP sweep that leaves the panel divided, 4-4. If the Democrats sweep, their margin stays the same, 6-2; if the two parties split, the Dem majority will be whittled to 5-3.

■ **MSU/Trustees.** This is the board where the Democratic majority is the slightest, 5-3. It's also the only panel where a Republican incumbent is running for re-election (Birmingham attorney **Scott Romney**, **Mitt**'s brother). If the Dems can knock Romney off and retain the other seat as well, they'll expand their margin to 6-2. If Romney is re-elected, however, and the Republicans also win the other seat with Birmingham businesswoman **Lisa Bouchard** (sister-in-law of Oakland Co. Sheriff **Mike Bouchard**) they'll tie the Democrats in representation on the panel, 4-4. In question right now: Two-term incumbent Democrat **Dorothy Gonzales**, who has led the ticket both times she's been on the ballot — she wants to run again, but will "Big Labor," which dominates Democratic conventions, let her? If the two parties split the two seats, Dems will maintain their current 5-3 edge.

■ **U/M/Regents.** Democrats control this board, 6-2, and both seats that are at risk this year are held by Dems — Detroit attorney **Laurence B. Deitch** and **Rebecca McGowan** of Ann Arbor. The Republicans nominated **Susan Brown** of Portage, who ran and lost in 2006, and Ford Motor Co. executive **John LaFond** of Plymouth. The GOP could pull into a 4-4 tie by sweeping both seats on 11/4. If the Dems sweep, they'll keep their current majority by the same margin as today; if Brown, say, steals a seat she'll reduce her party's disadvantage to 5-3.

■ **WSU/Governors.** Democrats enjoy their most robust majority on this board, 7-1 — but it can't get any larger this year because both seats up are held by Dems. **Paul Massaron** of Southfield and **Jacquelin Washington** of Detroit are the incumbents; it's unclear, however, whom the nominees will be. Republicans **Danialle Karmanos** of Orchard Lake, wife of the CEO of Compuware, and **Torion Bridges** of Detroit, state Co-Chair of African-Americans for John McCain, can pare the Dems' margin to 6-2 or 5-3 if one or both of them win — but this is the one board where they can't pull the GOP into a tie.

## **NOV. 4 BALLOT PROPOSALS (unanalyzed, unfiltered)**

The Board of State Canvassers has finally approved wording of two questions that every Michigan voter will find on his or her general election ballot when s/he goes to vote Nov. 4. Here they are:

## PROPOSAL 08-1

### A LEGISLATIVE INITIATIVE TO PERMIT THE USE AND CULTIVATION OF MARIJUANA FOR SPECIFIED MEDICAL CONDITIONS

The proposed law would:

- Permit physician approved use of marijuana by registered patients with debilitating medical conditions including cancer, glaucoma, HIV, AIDS, hepatitis C, MS and other conditions as may be approved by the Department of Community Health.
- Permit registered individuals to grow limited amounts of marijuana for qualifying patients in an enclosed, locked facility.
- Require Department of Community Health to establish an identification card system for patients qualified to use marijuana and individuals qualified to grow marijuana.
- Permit registered and unregistered patients and primary caregivers to assert medical reasons for using marijuana as a defense to any prosecution involving marijuana.

Should this proposal be adopted?

Yes

No

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## PROPOSAL 08-2

### A PROPOSAL TO AMEND THE STATE CONSTITUTION TO ADDRESS HUMAN EMBRYO AND HUMAN EMBRYONIC STEM CELL RESEARCH IN MICHIGAN

The proposed constitutional amendment would:

- Expand use of human embryos for any research permitted under federal law subject to the following limits: the embryos —
  - are created for fertility treatment purposes;
  - are not suitable for implantation or are in excess of clinical needs;
  - would be discarded unless used for research;
  - were donated by the person seeking fertility treatment.
- Provide that stem cells cannot be taken from human embryos more than 14 days after cell division begins;
- Prohibit any person from selling or purchasing human embryos for stem cell research;
- Prohibit state and local laws that prevent, restrict or discourage stem cell research, future therapies and cures.

Should this proposal be adopted?

Yes

No

## CAMPAIGN 2008: OTHER KEY STATE HOUSE RACES

**IMP** correctly forecast the outcomes of 31 of 44 pri-

mary races for the state House we wrote about (70.4%), including contests in 45 open districts, with fields ranging up to 17 candidates.

Other than **IMP** forecasts, however, there were some other 8/5 results worth noting — and interpreting with an eye towards November (open district numbers are followed by the term-limited incumbent's name in parentheses):

**19th** (Pastor). The Democrats' preferred candidate in this Livonia-based district, **Steve King**, was nearly upset by former Victoria's Secret brand manager **Jennifer Rutkey**, who drew 48% of the vote. Now King, founder of the Dittilies rock 'n' roll band, will face off with Republican **John Walsh**, a Schoolcraft College administrator, in a marginally GOP district.

**20th**. This is the only state House race this year between a sitting rep, Democrat **Marc Corriveau** of Northville, and a former House member, Republican **Jerry Vorva** of Plymouth. Corriveau pulled a big upset two years ago in what was thought to be a GOP enclave, but he'll be tough to beat this time around. Vorva gives his party a chance, however.

**24th** (Brandenburg). Macomb Co. Commissioner **Sarah Roberts** of St. Clair Shores crushed her seven Democratic primary opponents with 63% of the vote. She'll now face the incumbent's 26-year-old son, **Bryan Brandenburg** of Harrison Twp, who was unopposed on 8/5.

**25th** (Bieda). Former Warren city councilman **Mike Wiecek** nearly doubled up publisher **Hawke Fracassa** in the GOP primary, but the combined Republican vote was way less than half that of the unopposed Democratic candidate, **Jon Switalski** (D-Warren), cousin of a state senator and two judges. The 25th was a seat Republicans had aspirations of winning just half-a-dozen years ago — now it appears beyond reach with a skimpy 44.7% GOP base.

**29th & 95th**. These two districts are similar in that they are "majority/minority" in their Dem primaries, and about the only way a white Democrat can win is if there is a huge field of African-Americans with but a single serious Caucasian aspirant. *Voila!* — the black vote is split six-ways-to-Sunday and the honky squeezes through with a plurality. Once he's in office, the white lawmaker consolidates his incumbency so that, when he inevitably faces only one or two black challengers while seeking re-election, he crushes them. That's what happened with **Mike Hanley** (D-Saginaw), who served three terms in the House at the end of the last century (1994-2000), and it happened again in 2006 and on 8/5 this year with **Tim Melton** (D-Pontiac) and **Andy Coulouris** (D-Saginaw). Each benefited two years ago from a massive field of black opponents (Coulouris won easily, Melton in a squeaker); this year, they blitzed their opposition — Melton with 71% against two opponents, Coulouris with 77.6% against a single foe. These are overwhelmingly Democratic districts that the GOP has no chance to win in November.

**34th** (Clack). **Woodrow Stanley**, the former Flint mayor recalled from office five years ago, punched his ticket to Lansing as a state rep after pounding three opponents in the 8/5 Dem primary. Stanley, now a

Genesee Co. commissioner, will roll to victory in November in a district with a 86.1% Dem base.

**36th** (Palmer). Macomb Co. Commissioner **Pete Lund** (R-Shelby Twp) buried his lone GOP primary rival with 72% of the vote and is heavily favored in a 60.6% GOP base district.

**42nd** (F. Accavitti). Roseville Mayor **Harold Haugh** rolled up nearly two-thirds of the Dem primary vote against two opponents and is a prohibitive favorite in November in a 65.1% Dem base district.

**37th** (Vagnozzi) & **43rd** (Amos). Former Oakland Co. GOP chief **Paul Welday** won with slightly more than half the GOP primary vote against two opponents. Meanwhile, ex-Farmington Hills Mayor **Vicki Barnett** got nearly the combined Republican tally running unopposed on the Dem ledger. A few miles north, Lake Angelus city councilwoman **Gail Haines** was unopposed in the GOP primary, as was Democrat **Scott Hudson** of Waterford. Haines's vote was about a third more than Hudson's, and she's favored in November. Anything can happen between Welday and Barnett.

**44th** (Stakoe). **Eileen Kowall**, an Oakland Co. Commissioner and wife of White Lake Twp Supervisor (and former state rep) **Mike Kowall**, edged Independence Twp trustee Dan Kelly, 46%-39%, with four other Republicans splitting up the remainder. Kowall is a heavy general election favorite against Davisburg Democrat **Mark Venie** in a district with a 63.6% GOP base.

**47th** (Hune). Handy Twp Supervisor **Cindy Denby**, the outgoing incumbent's principal aide in the state House, blew away three other candidates with 57% in the GOP primary. She's a big 11/4 favorite against Whitmore Lake Democrat **Scott Lucas** in this district with a 61.7% GOP base.

**56th**. This seat doesn't seem to be on anybody's radar screen anymore. Republican **John Manor** ran two straight energetic races but lost both times. Now, the woman whom he beat in a primary four years ago, Monroe business owner **Jean Dahm**, will try to knock off freshman incumbent **Kate Ebli** (D-Frenchtown Twp), but Dahm will have trouble in what is now a 55.9% Dem enclave.

**65th**. Freshman incumbent **Mike Simpson** (D-Jackson) won his Dem primary with 74% of the vote over two opponents. He's got serious competition in November in Blackman Twp Supervisor **Ray Snell**, who got 25% more votes in the 8/5 GOP primary than the three Dems combined.

**83rd**. Running unopposed, Fort Gratiot Republican businessman **Steve Kearns** got more than three times as many 8/5 votes as did popular Democratic incumbent **John Espinoza** in what is still considered a marginally GOP district. So, is Espinoza in trouble? The smart money says not, but watch out!

**84th**. Another Thumb district where the GOP primary vote was nearly three times bigger than the Dems'. The Republican primary winner, with almost 60% of the tally against two opponents, was former Tuscola Co. GOP Chair **Anna Kabot**. Still, freshman incumbent

**Terry Brown** (D-Pigeon), who stole the seat from the GOP in '06 in a huge upset, knows how to campaign and is the favorite on 11/4.

**94th**. Incumbent **Ken Horn** (R-Frankenmuth) will get a re-match with his '06 Democratic opponent, Hemlock High School teacher **Bob Blaine**, in this marginally (52.9%) Republican seat in southern Saginaw County.

<b>REAL CLEAR POLITICS</b>						
<b>Most Recent Polls</b>						
<b>General Election: McCain vs. Obama</b>						
(Michigan)						
Poll	Date	Sample	Obama (D)	McCain (R)	Spread	
RCP Average	8/07 - 8/21	—	46.0	41.7	Obama +4.3	
Detroit News	8/18 - 8/21	600 LV	43	41	Obama +2.0	
Detroit Free Press	8/17 - 8/20	600 LV	46	39	Obama +7.0	
Rasmussen	8/07	500 LV	49	45	Obama +4.0	

  

<b>General Election: McCain vs. Obama</b>						
(national)						
Poll	Date	Sample	Obama (D)	McCain (R)	Spread	
RCP Average	8/14 - 8/25	—	45.2	43.6	Obama +1.6	
Rasmussen Tracking	8/23 - 8/25	3000 LV	46	46	Tie	
CNN	8/23 - 8/24	909 RV	47	47	Tie	
Hotline/FD	8/18 - 8/24	RV	44	40	Obama +4.0	
USA Today/Gallup	8/21 - 8/23	765 LV	48	45	Obama +3.0	
ABC News/Wash Post	8/19 - 8/22	LV	49	45	Obama +4.0	
Gallup Tracking	8/22 - 8/24	2644 LV	45	45	Tie	
Fox News	8/19 - 8/20	900 LV	42	39	Obama +3.0	
CBS News/NY Times	8/15 - 8/19	869 LV	45	42	Obama +3.0	
NBC News/Wall St. Jrnal	8/15 - 8/18	1005 LV	45	42	Obama +3.0	
LA Times/Bloomberg	8/15 - 8/18	1248 LV	45	43	Obama +2.0	
Reuters/Zogby	8/14 - 8/16	1089 LV	41	46	McCain +5.0	

## HE SAID IT

■ "The secondary speeches were so complimentary that even I thought these people must have litigation pending. I'd like to thank each one of them for suspending rationality for a few moments on my behalf and, as for the gold medal, I'll take it as long as I don't have to do the floor exercise." — *Michigan Supreme Court Justice Cliff Taylor, after listening to his fellow justice, Maura Corrigan, nominate him for another term and Oakland Co. Sheriff Mike Bouchard, Republican National Committeeman Keith Butler, state Rep. Tonya Schuitmaker (R-Lawton), and former John Engler chief of staff Dan Pero second the motion at Michigan Republicans' state convention in Novi on Aug. 23.*