Lansing League of Women Voters
Voter Guide

FALL GENERAL ELECTION
November 2, 2004
LEAGUE OF WOMEN VOTERS VOTER’S GUIDE

CANDIDATES FOR THE FALL GENERAL ELECTION

The League of Women Voters is a national nonpartisan organization established to encourage citizen participation in government. It never supports or opposes any political party or candidate. The League of Women Voters does support or oppose governmental action on issues after careful study, without regard to the stand of any political party. Issues are never indicated in VOTER GUIDES. This Voter Guide can be found at City Hall, libraries, local businesses and at www.msu.edu/user/lwvla.html. Talking Book versions of the Voter Guide are available through the Center for Independent Living and the Service for the Blind and Physically Handicapped at the Library of Michigan (1-800-922-9012).

Publication of these statements and opinions of the candidates is solely in the interest of public service and in no way is to be construed as an endorsement thereof by the League of Women Voters. The League of Women Voters takes no responsibility for any of the views or facts as stated by the candidates.

The Fall General Election is on November 2, 2004. Candidates have been gracious enough to draft responses for this Voter Guide. Candidates are limited to a personal statement of forty-five (45) words and answers of thirty-five (35) words. Candidates appear in alphabetical order. All candidate responses are in bold.

Kathy Esselman
President
Lansing League of Women Voters
State Representative

Election assigned to this office: General Election 11/02/2004

Office Description: Michigan's State Representatives serve in the lower house of the legislature. They must be at least 21 years of age, a citizen of the United States, a registered voter in the district they represent and never have been convicted of a felony. They cannot have any employment with either the United States, state or local governments and dual office holding is prohibited. State Representatives are limited to three 2-year terms.

Salary: $77,400 plus expenses

Vote for 1

STATE REPRESENTATIVE – 67TH DISTRICT

DIANNE BYRUM (D)

Personal Statement: I work hard to listen to the people of the 67th District and to make sure their voice is heard in state government. For 12 years, I have held coffee shop office hours throughout the district and strive to be responsive to people’s needs.

1. Though the economy is improving, Michigan’s fiscal crisis continues. How would you deal with next year’s budget if state revenues do not improve? What three programs would you protect and what programs would you cut?

My priorities have been to protect education funding, to refocus our efforts on job creation and economic development, and to keep our health care system solvent. That will continue to be my focus.

2. There is a great deal of development in the rural areas of Ingham County, which has altered the character of small towns and rural townships. Rapid change can create conflicts over the character of the community and land use. What can the legislature do to promote wise growth?

The legislature can work to encourage regional planning, especially in the area of transportation and infrastructure. However, local communities must decide to build cooperative relationships with each other to share resources.

3. The lack of affordable health insurance has a direct impact on entrepreneurship. If a married couple both have strong entrepreneurial instincts but have health insurance through their jobs, generally one person will go into business. What could the state do to help provide affordable health insurance for all Michigan residents?
Ingham County has started a program to expand health coverage by having the county, employers, and the employee share one-third of the cost. Many at the state level, including myself, are monitoring that program.

4. What can be done to stop or slow the importation of Canadian trash?

The Michigan House Democrats led the effort to pass legislation requiring that out-of-state trash meet Michigan standards. Now the trash lobby has taken the state to court to block the new law.

BETH CHANDLER (R)

Personal Statement: As a mother, small-business owner and former teacher, I can appreciate and address the impact of legislative issues on the real people of this district. Not having been a politician, I can listen openly to input and represent my employers without political baggage or agendas.

1. Though the economy is improving, Michigan’s fiscal crisis continues. How would you deal with next year’s budget if state revenues do not improve? What three programs would you protect and what programs would you cut?

I believe we have a spending problem, not a revenue problem. I would begin by protecting education, children’s services and emergency services. Cuts will involve careful study and consideration of long-term effects for all citizens.

2. There is a great deal of development in the rural areas of Ingham County, which has altered the character of small towns and rural townships. Rapid change can create conflicts over the character of the community and land use. What can the legislature do to promote wise growth?

The best solutions incorporate what’s valuable from both sides and consider long-term effects and all people, not just short-term effects and a few people. Gaining this information will require open discussion with the citizens involved.

3. The lack of affordable health insurance has a direct impact on entrepreneurship. If a married couple both have strong entrepreneurial instincts but have health insurance through their jobs, generally one person will go into business. What could the state do to help provide affordable health insurance for all Michigan residents?

Options include allowing small business to band together for purchasing healthcare packages, investigating the reasons behind the exorbitant amount we must pay for healthcare, and exploring ways to involve socially conscientious organizations outside of government.

4. What can be done to stop or slow the importation of Canadian trash?
Though we are constrained by Federal commerce regulations, we need sensible, stringent requirements on the type and amount of waste we will accept. We also need our US Congressmen to fight our cause in Washington.

STATE REPRESENTATIVE- 68TH DISTRICT

DELRAE FINNERTY (U. S. Taxpayers Party)

Personal Statement: Born in West Branch, have lived in U.P.’s Eagle Harbor, Ann Arbor, Grand Rapids.
Extra-curriculars plus piano, swimming.
Four college majors
Raped, left with baby. Hurt by irate driver.
Homeowner, do volunteer work, garden, tend pets.

1. Many First Responders, police, firefighters and EMTs who serve in the National Guard have been deployed overseas which can lead to short staffing and slow response time in an emergency. Lansing and other large cities, charged with protecting state and public buildings, are often disproportionately impacted. What could be done to ease this situation?

I find EMTs work other jobs due to extremely low pay. Up the earnings. Seek strategic deployments: only so many from a set place at the same time.

2. Though home ownership has increased during the past ten years, access to affordable housing for people on marginal incomes has declined. This disproportionately impacts upon single parents, children and the elderly. What can the legislature do to increase affordable housing?

Correct skyrocketing (prohibitive) real estate rates. Reform/revoke inhibiting ordinances and zoning factors (Set the direction.) Cluster living?

3. The No Child Left Behind legislation sets strict standards for school districts and imposes heavy penalties on schools which fail any of several criteria. How can the state help school districts to meet the federal mandates?

I must ask how we can allow a superior third party to tell us how to teach our children. I see that No Child Left Behind has missed our mark. The state could stimulate needed changes to the mandates. In who’s best interest?

4. In a Detroit Free Press Article by Laura Potts she cited “A 2003 study by the President’s New Freedom Commission on Mental Health found that 66 percent of boys and 75 percent of girls in juvenile detention have at least one mental disorder.”(Children in Need: Mental Health, Detroit Free Press Tuesday, September 7, 2004) According to a professional interviewed for this article young people are often incarcerated because
there are no public health care facilities available. Since the cost of imprisonment far exceeds the cost of mental health care, such a situation is costly as well as harmful. What could be done to improve juvenile public mental health care in the state?

**Prevention.** Much “mental illness” comes from shots, toxins in food/water/air. DSMR claims mental illness’ which are not. Convert detentions to mental health arenas.

**MARK HARM (R)**

Personal Statement: I will advocate state funding for a police foot-patrol in our district, terror prevention and recovery training and equipment for our National Guard, fixing the system of one-way roads that drives away consumers from our district’s businesses, and creation of an Arts and Cultural Center.

1. Many First Responders, police, firefighters and EMTs who serve in the National Guard have been deployed overseas which can lead to short staffing and slow response time in an emergency. Lansing and other large cities, charged with protecting state and public buildings, are often disproportionately impacted. What could be done to ease this situation?

**There needs to be an increased focus in the National Guard on training in such emergency services in case of a major terror attack and to allow the uncalled guard units to provide replacement services.**

2. Though home ownership has increased during the past ten years, access to affordable housing for people on marginal incomes has declined. This disproportionately impacts upon single parents, children and the elderly. What can the legislature do to increase affordable housing?

**Concentrating low-income housing leads to harmful social effects.** Low-income housing needs to be widely distributed, with the goal of matching the housing to the job market while ensuring access to training and education centers.

3. The No Child Left Behind legislation sets strict standards for school districts and imposes heavy penalties on schools which fail any of several criteria. How can the state help school districts to meet the federal mandates?

**Shift more authority to the parents of the attending students.** Make school contracts and financial records available on the Internet to reduce corruption. Increase objective testing of reading and math skills.

4. In a Detroit Free Press Article by Laura Potts she cited “A 2003 study by the President’s New Freedom Commission on Mental Health found that 66 percent of boys and 75 percent of girls in juvenile detention have at least one mental disorder.”(Children in Need: Mental Health, Detroit Free Press Tuesday, September 7, 2004) According to a professional interviewed for this article young people are often incarcerated because there are no public health care facilities available. Since the cost of imprisonment far
exceeds the cost of mental health care, such a situation is costly as well as harmful. What could be done to improve juvenile public mental health care in the state?

**Funding to develop new low-cost methods of detecting and treating mental disorders based on physical causes. Rigorous scientific study of the effectiveness of different methods of treating purely psychological disorders common to juveniles.**

**MICHAEL MURPHY (D)**

Personal Statement:  **First elected to this position in 2000, re-elected in 2002. Volunteer and community service for over 25 years. City of Lansing department director and President of City Council. Faith-based pastor for more than 17 years. Recent legislation includes the Jasmine Miles Children Safety law.**

1. Many First Responders, police, firefighters and EMTs who serve in the National Guard have been deployed overseas which can lead to short staffing and slow response time in an emergency. Lansing and other large cities, charged with protecting state and public buildings, are often disproportionately impacted. What could be done to ease this situation?

**The National Guard should be restored to the states. Cities like Lansing and others that have a number of state and public properties need to continue the fight to bring additional dollars home from the state.**

2. Though home ownership has increased during the past ten years, access to affordable housing for people on marginal incomes has declined. This disproportionately impacts upon single parents, children and the elderly. What can the legislature do to increase affordable housing?

**To increase affordable housing the Legislature can continue to support programs that help first time home buyers with down payment and lower cost financing.**

3. The No Child Left Behind legislation sets strict standards for school districts and imposes heavy penalties on schools which fail any of several criteria. How can the state help school districts to meet the federal mandates?

**The state should not keep changing the rules of the game and settle on a standard model curriculum and evaluation criteria.**

4. In a Detroit Free Press Article by Laura Potts she cited “A 2003 study by the President’s New Freedom Commission on Mental Health found that 66 percent of boys and 75 percent of girls in juvenile detention have at least one mental disorder.” *(Children in Need: Mental Health, Detroit Free Press Tuesday, September 7, 2004)* According to a professional interviewed for this article young people are often incarcerated because there are no public health care facilities available. Since the cost of imprisonment far exceeds the cost of mental health care, such a situation is costly as well as harmful. What could be done to improve juvenile public mental health care in the state?
Michigan Legislators should review how our state can fix its mental health care system. It is important children receive timely, effective treatment to deter them from entering the system because of mental illness. Funding community-based services can ensure effective treatment of the mentally ill and disabled.

STATE REPRESENTATIVE – 69th DISTRICT

ANGELA LINDSAY (R) (No Response)

GRETCHEN WHITMER (D)

Personal Statement: I have served as State Representative for 4 years, currently serving in a leadership capacity as the ranking Democrat on Appropriations. I have worked hard to earn the reputation as a legislator who puts her constituents first. I hold regular coffee hours, and respond to all requests.

1. East Lansing is charged with the safety of Michigan State University and the Michigan State Police Buildings but their ability to fulfill those obligations has been threatened by the fear of budgetary cutbacks. What could be done to insure stable, adequate funding for fire and safety in cities responsible for protecting state and university buildings?

The full funding of fire protection grants has always been a priority. I introduced legislation (HB 4865) that would increase the state liquor tax mark up from 65 percent to 74 percent, generating money to fully fund fire grants.

2. Education on the dangers of drinking and driving and strict enforcement of laws against driving while intoxicated has drastically lowered the number of alcohol-related accidents. Recently there have been a number of fatal accidents involving underage drivers. Is there anything the legislature could do to educate young drivers and discourage underage driving?

It is incumbent on all public officials to talk to students about being responsible drivers and citizens in both peer group situations and life. The graduated driver’s license has helped, though parents, policy makers and educators must work to prevent underage driving.

3. Though the economy is improving, Michigan's fiscal crisis continues. How would you deal with next year's budget if state revenues do not improve? What three programs would you protect and which would you cut?

I favor a comprehensive review of our tax structure and working towards a more equitable system of generating revenue. I would continue to protect K-12, higher education, and health care funding.
4. The Governor and Legislature have agreed that the state needs well-educated workers to attract new high-tech businesses and research firms. However, only twenty-two (22) percent of Michigan residents have college degrees compared to a twenty-four (24) percent average in the rest of the states. What could be done to improve college graduation rates?

I am proud to have been appointed to the Cherry Commission on Higher Education and am working with my colleagues to answer just that question. I believe that we need to keep higher education affordable and accessible to all.

---

**Judge of the 30th Circuit Court**

**Election assigned to this office:** General Election 11/02/04

**Office Description:** There are two seats open on the 30th Circuit Court for a six-year term in the Fall General Election. The Non-Incumbent position is being contested. This is a non-partisan position. Circuit Court judges have jurisdiction over civil cases seeking more than $25,000 in damages and all criminal cases where the defendant could be sent to prison. The family division of circuit court handles all divorce, paternity, family support, juvenile delinquency, child abuse and neglect, personal protection, emancipation, name changes, safe delivery of newborn, adoption, and parental waiver cases. In addition, the circuit court hears cases appealed from another court or by an administrative agency. (http://courts.michigan.gov.) Michigan’s Canon of Judicial Ethics forbids judges to comment on specific cases and issues which might come before the Court. Therefore, a judge cannot express personal or political opinion which might bear upon the outcome of cases. For example, they cannot promise to go easy on someone’s brother-in-law or comment on abortion.

**Salary:** $139,919 a year

**Term:** six (6) years

**Vote for ONE (1) Non-Incumbent Candidate.**

Note: One question below refers to a specific Constitutional Amendment in the Bill of Rights. In order to appreciate the responses. We are including the text of the specific amendment taken from the National Archives website, http://www.archives.gov/national_archives_experience/charters/bill_of_rights_transcript.html

**Amendment I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
NON-INCUMBENT CANDIDATES

MICHAEL BRIAN CAVANAUGH

Personal Statement: I am a lawyer and partner with Butzel Long. For the past decade, I’ve practiced civil litigation before federal and state courts. My family has lived in Ingham County for six generations. I am married and have two daughters.

1. What would you do if a defendant stood before your bench who lacked competent representation?

If the defendant was representing herself or himself, I would strongly encourage the defendant to accept or acquire legal representation. I would instruct an incompetent attorney on the appropriate procedure or practice.

2. Should a land court be created to judge zoning disputes and land usage issues?

A separate land court is not necessary, although stream-lining the current process would be beneficial. Most of these issues are based on local ordinance interpretation and can be handled as part of the normal docket.

3. The Circuit Court has exclusive jurisdiction over all family matters, including divorce, custody support, child protective proceeding and guardianships. What could be done to improve the management of the family division?

The family court needs more help to ensure that these all-important cases are decided quickly. To that end, the majority of the new judge’s time will be split between family and general civil matters.

4. Could you give a brief explanation of the Court of Claims and the role of the Circuit Court Judge in this court?

With limited exception, all cases seeking money damages against the State must be brought in the Ingham Circuit Court, as the Court of Claims. The judge is the sole decision-maker in those cases.

5. Freedom of the press is in the First Amendment to the Bill of Rights. During the second half of the twentieth century, a reporter’s right to protect the identity of a news source was assumed under the First Amendment. The issue of reporter’s “privilege” to protect the identity of a source has come before the Supreme Court only once. In Branzburg v.Hayes (1972), the Supreme Court ruled that reporters must identify confidential sources before a criminal grand jury, if the information is of “central importance” to a case and otherwise unavailable. Since then, the Supreme Court has left it in the hands of the lower courts, who have been inclined to limit reporters’ rights. This year there have been eight reporters subpoenaed to testify in civil and criminal cases. In Providence, a reporter, cited for contempt, has been paying a thousand dollars a day since August 12, 2004. How do you think this issue will affect local jurisdictions?
The decision of a Providence, Rhode Island court is not binding on Michigan courts. Our circuit courts remain obligated to comply with the “central importance” test announced by the US Supreme Court.

JOYCE DRAGANCHUK

Personal Statement: As a prosecutor, I have tried over 100 cases in our Circuit Court. As Chief Assistant Prosecutor, I manage a staff of 32 attorneys. I am the only candidate ranked "well qualified" by the Ingham County Bar Association. I hope to have earned your support.

1. What would you do if a defendant stood before your bench who lacked competent representation?

The Constitutional right to due process and representation by legal counsel is a well-established matter of law. As Circuit Judge, I would direct the Pre-Trial Services division to appoint an attorney.

2. Should a land court be created to judge zoning disputes and land usage issues?

I believe the Court is adequately structured to hear cases of this nature. While zoning cases are important, it is not feasible to create a special court for every type of case.

3. The Circuit Court has exclusive jurisdiction over all family matters, including divorce, custody support, child protective proceeding and guardianships. What could be done to improve the management of the family division?

I believe the Court does a good job of assuring justice in those contentious matters, and I support the "one family, one judge" concept for families with multiple cases.

4. Could you give a brief explanation of the Court of Claims and the role of the Circuit Court Judge in this court?

This Court hears only cases where the State of Michigan is a defendant. The role of the Circuit Judge is the same as in other cases where there is no jury.

5. Freedom of the press is in the First Amendment to the Bill of Rights. During the second half of the twentieth century, a reporter’s right to protect the identity of a news source was assumed under the First Amendment. The issue of reporter’s “privilege” to protect the identity of a source has come before the Supreme Court only once. In Branzburg v.Hayes (1972), the Supreme Court ruled that reporters must identify confidential sources before a criminal grand jury, if the information is of “central importance” to a case and otherwise unavailable. Since then, the Supreme Court has left it in the hands of the lower courts, who have been inclined to limit reporters’ rights. This year there have been eight reporters subpoenaed to testify in civil and criminal cases. In Providence, a reporter, cited for contempt, has been paying a thousand
dollars a day since August 12, 2004. How do you think this issue will affect local jurisdictions?

5. I will decline to answer, as I could one day have a similar case in front of me, if elected.

Judge of District Court 55

Election assigned to this office: General Election 11/2/2004

Office Description: Citizens have more contact with the district court than any other court in the state. District court has exclusive jurisdiction of all civil litigation up to $25,000 including landlord-tenant proceedings, land contract forfeitures, small claims, and other summary proceedings. In the criminal field, district court handles all misdemeanors where punishment does not exceed one year, including the arraignment, setting and acceptance of bail, trial and sentencing. The district court also conducts preliminary examinations in felony cases.

A small claims division for civil cases up to $3,000 is provided in district court. In these cases litigants agree to waive their right to a jury, rules of evidence, representation by a lawyer, and the right to appeal from the district judge’s decision. If either party objects, the case will be heard by the general civil division of the district court. http://courts.michigan.gov.

Salary: $139,172 per year

Term: Six (6) years

Vote for not more than ONE (1) candidate.

Rosemarie Elizabeth Aquilina

Personal Statement: Everyone who appears in court deserves to be treated fairly, with respect, dignity, and given an opportunity to properly and expeditiously present their case. I will ensure laws are followed and common sense decisions are made, including consideration of tax dollars, public safety, and rehabilitation.

1. Though the District Court has exclusive jurisdiction over civil cases up to $25,000, many people know little about that aspect of the court. What are three ways Civil Law differs from Criminal Law?
Civil Law redresses wrongs, compelling compensation, restitution or recission. Wrongdoers suffer as necessary to correct the wrong. Criminal Law punishes, hopefully reforming and inducing the wrongdoer not to commit crime(s), and gives the public retribution.

2. Do you think the public needs to learn more about the District Court? How would you educate the public?

Yes. By involving high schools in District Court matters, including bringing the Drug Court into high schools. By speaking at public meetings, updating and informing citizens about what the 55th District Court is doing.

3. How would you handle a young person arrested as a Minor In Possession (MIP) of alcohol?

By placing offenders in a diversion program (Drug Court), providing treatment, rehabilitation, education and restitution, and promoting deterrence. Constant monitoring would ensure following court orders. Violators of orders would be placed in a juvenile facility.

4. Diversion has worked well in drug cases. Misdemeanors can be entry level criminal activities. Would diversion deflect some Defendants from graduating to more serious offenses?

Yes, since education and rehabilitation is part of the process. Diversion is an intense, lengthy, and closely monitored process. The recidivism rate is about 13% as compared to about 66% in non-diversion cases.

5. How would you assure competent legal counsel for a Defendant accused of a misdemeanor?

Appoint competent counsel to indigents, making referrals to Legal Aid, Access to Justice, State Bar of Michigan’s Lawyer Referral Service, or other agencies who can provide legal assistance. Offer District Court training to Attorneys.

Billie Jo O’Berry

Personal statement: I have 30 years of legal experience serving the Ingham County community. The Ingham County Bar Association found that I have outstanding legal ability, the widest ranging experience, and the highest reputation for integrity and temperament and rated me the only "exceptionally well qualified" candidate.

1. Though the District Court has exclusive jurisdiction over civil cases up to $25,000, many people know little about that aspect of the court. What are three ways Civil Law differs from Criminal Law?
In a civil case a judgment is entered rather than a finding of guilt and there is no right to court appointed counsel because no jail can be imposed in the judgment.

2. Do you think the public needs to learn more about the District Court? How would you educate the public?

Yes, these are the types of cases that most citizens may be involved. I would have an open court policy and invite schools, community organizations, and senior citizens in to watch court proceedings.

3. How would you handle a young person arrested as a Minor In Possession (MIP) of alcohol?

District Court has jurisdiction if over 17 years. They must be arraigned and allowed to post bond. However release would not be until after the BAC dropped to .000%. Past convictions determine appropriate sentencing.

4. Diversion has worked well in drug cases. Misdemeanors can be entry level criminal activities. Would diversion deflect some defendants from graduating to more serious offenses?

Yes. I was hired in 1975 to initiate a Pre-Trial Diversion Program in Ingham County. The participants are screened to ensure that they are not repeat offenders and that they are motivated to complete successfully.

5. How would you assure competent legal counsel for a defendant accused of a misdemeanor?

At the arraignment of Defendant, I would explain the right to hire an attorney or apply for a court appointed attorney and I would encourage the Defendant to exercise this right before proceeding with plea.