

VIC'S PICS 2008 MARICOPA COUNTY EDITION

(Another look at the propositions, judges and local candidates from an unabashedly biased point of view, paid for by no one except the back table boys at Delaney's Pork Pie House, the home of "Pork pie that makes you cry.")

Well, here we are again folks, another great election year winding up, replete with back-biting, mud-slinging, TV spots that I can't let my kids watch (thanks, Sheriff A-payaso), and enough radio and TV ads to fill in the blanks between perennially bad programming. The Vic has been hard at work this fall, scanning the racing forms, consulting with Madame Rue (the gypsy lady with the gold tattoo) and conviving with the movers and shakers in the back room at Delaney's Pork Pie House. Speaking of Delaney's, we note with regret the departure of the faithful Doris, our waitress for over twenty years. Finally, she got her last kid through college, and she's off to Saratoga Springs to join her sister Dora in a race track pizza and falafel enterprise. Doris was the epitome of the pork pie palace waitress, always ready to supply more sauce and sauciness, standing by with an abundance of napkins (especially for Fat Fingers Malloy), and never afraid to join in with a wise-crack about a candidate or an issue. We'll miss you Doris, so good luck in your new venture.

STATE-WIDE PROPOSITIONS

This year's proposition pamphlet is a mere 122 pages, pretty thin stuff compared to last year's whopper of 207 pages. All the Vic can say is "Where is Russell Pearce when you really need him?" What happened to the State Legislature this year? Why, they barely put anything on the ballot. It's enough to make a man put down his cigar and reach for the phone to call downtown to demand more output.

The Vic notes the misfire of the year, the so-called the "Arizona Civil Rights Initiative" promoted and financed by California millionaire Ward Connerly. Chaired by our own county attorney **Andrew Thomas**, he was joined **John ("I don't like quotas") McCain**. Despite almost a million dollars in funding, the combined efforts of a crack team of lawyers (such as Los Abogados), our great state rep (Kyrsten Sinema), the assistance of the Food and Commercial Workers Union, and thousands of hours of volunteers, young and old (who consumed, for the record, 229 gallons of salsa, 1,740 pounds of chips, and 967 pounds of fried chicken) this petition was blown onto the trash heap of history. Local petition collectors gathered 100,000 signatures more than the minimum, but still couldn't make it, due to the efforts, as Ward's spokeswoman Jennifer Gratz said, of a "radical, thug organization." Yeah, take that, Kyrsten.

Well, enough small talk, let's get to work.

Proposition 100 The Real Estate Developer's Profit Protection Amendment--NO

This constitutional amendment, backed by a national real estate dealers association, the Arizona Cattlemen's Association, and the Arizona Farm Bureau, would amend the state constitution to prohibit taxes on all real estate transfers. There is no such tax in Arizona at present, but nothing like beating up a straw man, as Fat Fingers likes to say. Arizona has a large imbalance in revenue sources, with about 50% of state income being derived from sales taxes. In order to impose a new tax, it takes a two-thirds majority of both Houses, an unlikely scenario. This constitutional amendment would create a tax exemption for real estate developers and corporations and tie the hands of the Legislature in developing new tax sources despite a decline in sales tax revenues, no matter how badly the citizens of our state need to fund public services, education, and general government. The Vic says a "NO" on this one.

Proposition 101 Prevention of Equitable Health Care Amendment NO

Choice! What a wonderful word, except if you don't have the funds to make a choice. This constitutional amendment (why do the right wing-nuts like constitutional amendments so much?) is intended to prevent the spectre of efficient, effective, state-supported health care from ever casting its shadow upon our fair land. It also, incidentally, will get rid of the AHCCCS health care system which provides cost efficient and widely supported health care for the indigent. Since AHCCS contracts with a few health care providers to whom AHCCCS recipients are referred, this amendment would dismantle programs like AHCCCS. Over one million Arizonans do not have medical coverage, and that's apparently not enough for the supporters of this initiative. The Vic says a "NO" on this one.

Proposition 102 Homophobes for McCain Amendment NO

Here we are folks, another get out the McCain vote amendment offered by a State Senate that broke all the rules, cut off debate, engaged in physically blocking fellow Senators from speaking, shut off microphones, and gaveled the bill through in the middle of the night. Never mind that same sex marriage is already illegal in Arizona, never mind that a similar amendment went down in flames in 2006. When the "Yes for Marriage" organization has \$6.9 million in its coffers, and the McCain campaign considers Arizona to be in play, you can bet that the busy little Bee from Tucson is going to use every abuse of power possible to bring this rancid corpse back to life. Falwell, Roberts, and the other frock coat bigots predicted that California and Massachusetts would fall into the sea if gay marriage laws passed, and the Arizona state legislature wants to keep that from happening here. The Vic says a big fat "NO" on this stinker.

Proposition 105 Dead voter liquor industry protection amendment NO

This amendment would require that any initiative relating to tax or spending increases be approved by a majority of registered voters, not just a majority of everyone who voted. This amendment is supported by the food and liquor industry (\$1.1 million so far). Here's the story. In 2006, the voters overwhelmingly approved an additional tobacco tax to provide educational assistance and health care for children. It was passed by a large majority of voters. The liquor industry believes that it may be the next in line for a special tax assessment. This amendment is a pre-emptive strike to keep liquor taxes off the ballot now and forever. By requiring that any tax bill be approved by a majority of *all registered voters* this amendment gives an automatic "no" vote to the roughly 500,000 who are registered, but don't vote because they are dead, have moved, or are indifferent. This anti-democratic measure makes it almost impossible for a tax proposition to become law, thereby destroying the fundamental ability of citizens to check and balance the legislature. This is not "majority rule," it is "tyranny of the non-voting minority." The Vic says a big "**NO**" on this one.

Proposition 200 Legalizing Loan Sharking NO

This initiative would permanently exempt the pay day loan industry from the 36% interest ceiling now imposed on consumer loans. Under the present exemption, due to expire on July 1, 2010, pay day loan companies can charge up to 455% APR on pay day loans. The pay day loan industry has so far put \$11.4 million into passage of this proposition. There is probably a need for something like a pay day loan business, especially when the average working person can't get the \$700 billion tax payer bailout provided to the crooks and racketeers on Wall Street and K Street. But this so-called "reform" really doesn't reform anything. It reduces annual interest rates to 391%, and allows the borrower to enter into a repayment plan if the borrower is savvy enough to ask for it. The fact that the loan is in default and subject to a plan is reported to credit agencies, making it harder to establish legitimate credit. Loans can be rolled over four times in a month, and each time, the borrower must pay new interest. In other words, if the pay day loan company advances \$100, at the end of four roll-overs, the borrower would have paid \$60 on the \$100 advance. Real reform will only result if the law is allowed to expire and new legislation introduced which doesn't create a loan shark industry. The Vic gives a "**NO**" to this one.

Proposition 201 Homeowner shoddy construction protection act YES

This initiative amends an existing law called Purchaser Dwelling Actions. The proposed amendment extends defective construction warranties from eight years to ten years, includes subsequent purchasers within the ten year period, shortens the time necessary to provide notice of defects, simplifies the arbitration process, and allows the home purchaser to choose someone to make the repairs. Contrary to the totally false claims by the housing industry, there is no prohibition on a prevailing contractor being awarded attorney's fees; the amendment simply says that the purchase contract cannot require the purchaser to agree to pay attorney's fees. However, one provision allows a potential

purchaser 100 days to back out of a deal and requires the seller to pay back 95% of the deposit. This is unfair to contractors, finance companies, and real estate agents, as it ties up property for over three months, cuts off other sales, and gives no option to terminate to the seller. Except for this provision, the Vic would give strong support, but in this case, a reluctant “YES” is the best he can do.

Proposition 202 – Employer sanctions to rein in Sheriff A-payaso YES

This initiative would amend the employer sanctions law and clarify some of the legal responsibilities of employers. One of its strong points is that it requires a written and signed complaint that an employer is hiring undocumented workers. If he is still around (here the back room boys put in a plug for Dan Saban for sheriff), Sheriff A-payaso won't be able to go charging around the country-side raiding swimming pools and candle factories because an “anonymous tipster” said undocumented workers were being employed. For that reason alone, the Vic would support this bill. The bill also requires that cash paying employers with more than four employees pay workman's compensation and unemployment compensation. These are also good things. Finally, it provides more measured penalties if small and medium employers are going to continue to provide jobs in Arizona. The Vic recognizes that undocumented workers are exploited by our profiteering system, have no recourse to unionization, and are subject to a campaign of terrorism by Sheriff A-payaso. Because they are so readily exploited, the presence of undocumented workers drives wages down for legal residents. Hopefully, this amendment will give documented and American workers protections that they need, too. The Vic says “YES” on this one.

Proposition 300 More money at the Capital YES

OK, OK, so the Vic was against pay raises in the past for those term servers down at the Legislature. But the Vic feels sorry for them this year, what with the Governor slamming them on the head with her big “veto” stamp, and with all of their schemes to cut education spending going up in smoke because some federal judge ruled on the law instead of on politics, and the poor Pearceman not being able to get a single racist, dinosaurian referendum on the ballot. I'm telling you, my heart goes out to the guys and gals down at the dome. So this time, the Vic says “YES” to a modest pay increase of \$6,000 a year. Now they are making slightly more than the teachers whose salaries they always want to cut. Call me soft-hearted, but that's the kind of guy I am.

Some Other Great Races

The Maricopa Special Health Care District Board

“The what?” asked Lefty O'Sullivan. “You know,” said Abe the Professor, so called because he could memorize any sequence of cards at the table, “the county health

system.” The professor settled back in the booth, lit up his favorite (a Macanudo from Honduras, smoking allowed in private clubs), and explained that for years, the county board of supervisors (many of whom are running for re-election this time around) had been trying to gut the county health system and the county hospital because public medicine smacked of socialism, the county hospital trained doctors in how to do ab— tions (and, horrors!! actually did ab –tions there), and besides, all those poor people and immigrants didn’t vote. The county hospital, which had at one time been a pretty good teaching hospital, was going down, so the voters took the hospital away from the supervisors in 2003 and created the Maricopa Integrated Health System (MIHS), to be run by an independent board of directors that would be elected in non-partisan elections from five county districts. The county hospital is still limping along, but there has been pretty steady improvement over the years, it now treats over 400,000 patients a year, is a major training hospital, and is at the core of direct county medical service.

Now, the right-wing nuts of the Republican Party have stepped in to make this a completely partisan election. The Maricopa County Republican Committee decided they were going to send an endorsement questionnaire to selected Republican candidates for the MIHS Governing Board. Candidates who wanted the endorsement of the True Republicans of the Republican Party in this non-partisan election were required to fill out the questionnaire, initial each answer as true and correct, and sign a pledge at the bottom that they would never (that means never, ever) endorse a non-Republican for any office. In addition, they had to verbally promise that they would vote in favor of closing the county medical center and not build another one.

“So what’s the problem with that?” asked Lefty. “If you want to vote, you should know what they stand for.” “Sure,” said the Professor, “here are some of the promises they had to make to get the endorsement.”

- Support restructuring the CIA
- Support prosecution of obscene material
- Oppose the Kyoto Agreements
- Support school prayer
- Support litmus tests for judges
- Support expansion of national cemeteries
- Support a constitutional ban on flag burning
- Support off-shore drilling
- Support a ban on all abortions
- Support the war on terror
- Support the Everglades Restoration Act

Here are the names of the candidates endorsed by the Pachyderms because they signed the pledge and who will also vote in favor of closing the county hospital and not building a new one. These five candidates should be avoided like poison ivy.

District 1	Rex P. Altree
District 2	Harlan T. Stratton

District 3 Colette G. Rosati
District 4 Elbert “Bick” Bicknell
District 5 Todd Hansen

On the other hand, two good candidates are really head and shoulders above all the rest. Look for their names below the partisan ballot and above the school boards.

District 3 Susan Girard

Sue Gerard is a moderate Republican who served many years in the State legislator. She was an aide to Governor Napolitano and was appointed as head of the Arizona Department of Health Services. In that capacity, she undertook an investigation of the State Veterans’ Department, and uncovered major problems with the operation of the department and the Veterans’ Home. Her investigation led to the resignation of the Veterans’ director, but she herself was eventually forced to resign as a result of politics inside the Governor’s Office. She is tough, intelligent, and has a long history in health care. The Vic gives her a big “**YES.**”

District 5 Jonathan Weisbuch

What can you say about a candidate who is actually eminently qualified for the position? Rare indeed in the electoral system, but Dr. Weisbuch is one of them. Check out his web page at www.weisbuchshd.com. A double “**YES**” thumbs up for the doc.

As for the rest, here is the tip, as the Duke Ducatti would say.

District 1 William ‘Bil’ Bruno an incumbent; he wrote a long article in the Republic detailing the burlesque put on by the Pachyderms, the True Republicans, and the County Republican Committee. He was appalled at the partisan direction the campaign was taking. Not great, but miles ahead of Rex P. Altree. About a half thumb knuckle up for Bil.

District 2 Robert Carey is a lawyer who used to be a staffer for John McCain and wrote legislation for Bob Dole and Jon Kyl.

Greg Patterson is a former state legislator. He was appointed the head of the Residential Utility Consumer Board (RUCO) under Symington, and proceeded to resolve cases in favor of the electric companies. He can’t stand Napolitano, writes a conservative blog (that sometimes has some actual news in it)

The Vic can’t recommend either, but either one is better than the Pachyderm Harlan Stratton.

District 3 **Sue Gerard**, hands down. Her opponent Colette Rosati is a former state legislator, famous for sending out e-mails that her two Republican opponents were closet lesbians (much to the surprise of their husbands). Rosati is a rep for the major Big Pharma companies; she is absolutely anti-choice, along with her running mate Harlan Stratton; she doesn’t care that teaching hospitals have to teach abortion procedures or lose their accreditation, she’s against it.

District 4 Gerald Cuendet, an incumbent. Like Bruno, not a great choice, but far better than the Pachyderm Elbert Bicknell. Half a thumb up from the Vic.

District 5 Jonathan Weisbuch. His opponents include Alice Lara, a lobbyist employed by Copperstate Consulting a consulting firm run by former legislator and Republican macher Stan Barnes. She is endorsed by Sheriff Joe A-payaso and Andrew Thomas. Nough said? Joan Kelchner has been an emergency room doc for 26 years, is a strong Democrat, a good contributor to party causes, and is endorsed by Ed Pastor and the Az. Assoc. of Nurse Anesthetists. James Marovich is a lawyer in Scottsdale specializing in civil practice. He has been a senior hospital administrator. In the absence of Weisbuch, either would be a good choice. What is it, some kind of gravitational field in District Five that is causing all the good candidates to drift in that direction?

The Judges

This year, once again thanks to “Breaker” McClowsky , so named because he once hit the podium so hard during closing argument that he broke it (if you don’t have the law, pound on the facts, if you don’t have the facts, pound on the law; if you don’t have the facts or law, pound on the table); Alice the Wrench, our inside source at the motor pool (loose lips in front of auto mechanics – bad idea), and Snap Brim Danny, who once appeared in court with a yellow snap brim hat, lavender pants, and a pistachio shirt (it was an LSD trial; the jury found him guilty of sartorial insultation, and let his client go), here’s a new selection of the royal robes for this year. Remember, this is your only chance to vote “**NO**,” so use it. As usual, we have the “Good, the Bad, and the Ugly,” but with so many judges and so little time between pork pies and the lemon merangue pie.

So let’s start with the winners of this year’s “Golden Robe” awards. These judges have all been selected for their appropriate judicial temperament, knowing and applying the law, understanding that despite what Bush and the gangsters in Washington, the County Attorney’s office and the Sheriff’s Department might say, there is still a Constitution around here someplace and for not bowing down and kissing the feet of prosecutors and big law firm insurance defense attorneys. So, Sarah, if you will hand me the envelope (drum roll, anticipatory gasps, lights up), the winners are with a “**YES**” from the Vic are:

Court of Appeals, Division One

Diane M. Johnsen smart and able to follow the la

Patricia Orozco (former prosecutor with guts and able to stand up to the State

Maricopa County Superior Court

Helene F. Abrams Was head of the Maricopa County Public Defenders

Juvenile Unit, took a lot of heat when she suppressed a confession in a child molest case, Andrew Thomas was livid (my, oh, my!); not afraid to put the law above possible adverse publicity; generally an outstanding judge;

Silvia Arrellano Sylvia had a lot of trouble when she started out because of lack of experience, and many lawyers thought she was not very bright. But she learned well; has thrown out a number of Sheriff A-payaso cases because of illegal wiretaps; very courageous, sticks to the law and works hard; not afraid to buck the prosecutors or the police,; an active member of Los Abogados;

Anna M. Baca Formerly a lawyer at EEOC; she is the presiding criminal court judge, does only administrative work and keeps the criminal court running smoothly.

A. Craig Blakey III Irascible, smart with a liberal bent; believes very strongly in individual rights and privacy; gets the job done;

John A. Buttrick Bright and professional, former Libertarian candidate for governor; appointed by Governor Hull, a good choice, Vietnam veteran; strong on economic impact of the law;

Bruce Cohen Excellent judge, very bright, considerate on the bench, teacher, treats everyone fairly

John Dittsworth Former county attorney who couldn't get along with Andrew Thomas; progressive, fair, a straight shooter; keeps the prosecutors on a short leash;

Glenn M. Davis Politically astute, minority counsel for the Democrats in the legislature; appointed by Napolitano, works hard and knows the law;

Thomas Dunevant III Very fair and considerate of defendants, witnesses and counsel; works hard, knows the law, very professional;

Ruth Hilliard Hard to get along with, but very bright and works hard; very liberal, stands up for what she believes in; has been a judge for over 20 years;

Kristin Hoffman Cool towards lawyers and parties, but bright and works hard; very sharp on the law; strong supporter of women's rights

Paul Katz Came from the US Attorney's office; loquacious and very funny; bright and works hard; fair and very liberal;

Andrew Klein Juvenile court judge, fair, well-liked, works hard;

Robert Oberbillig Was a civil practice lawyer, appointed by Governor Hull, he turned out to be a lot less conservative than she thought he was; very collegial, likes to mentor new judges;

Jose Padilla Not a heavyweight in the law, but excellent in family court, very patient and considerate of conflicting interests of the parties;

Karen Potts – works hard in the family law section, progressive, was a vice-president of the Arizona Center for Law in the Public Interest; a volunteer with Habitat for Humanity;

Timothy Ryan Andrew Thomas considers him to be a sworn enemy because he won't bow down to Sheriff A-payaso, Wilenchik, and the rest of Thomas's gang; very smart and fair, a former public defender and prosecutor

Roland Steinle III former public defender; smart and works hard; makes the right decisions but manages to aggravate everybody; defense oriented, and sets high standards for the public defenders office;

Christopher Whitten Former deputy county attorney; defense oriented; bright, works hard, very self-effacing; strong Democrat.

And now for the “**NO**” votes for the “**BAD**” awards. These judges are generally inefficient and ineffective, don’t understand or apply the law correctly, they are time markers waiting for retirement, can’t do their work on time, or have unjudicial temperaments:

Supreme Court:

W. Scott Bales

Court of Appeals:

Ann Scott Timmer

Sheldon Weisberg

Superior Court

Louis Araneta

Edward Ballinger

Connie Contes

Lisa Daniel Flores

Jeanne Garcia

Jo Lynn Gentry-Lewis

Michael Gordon

John R. Hannah, Jr.

Cari A. Harrison

Michael Kemp

Margaret Mahoney

Paul McMurdie

Colleen McNally

Michael McVey

Linda Miles

Robert Miles

Teresa Sanders

Sherry Stevens

Richard Trujillo

David Udall

And finally, the votes for the “**UGLY**” awards. These judges are actively or passively malicious, misapply the law, or are biased and prejudiced to such a degree that they shouldn’t be on the bench.

Superior Court

Linda Akers Pro-prosecution, biased against Hispanics, heavy handed sentencing of minorities;

Crane McClellan called an “idiot savant” by some lawyers, and a “total prick” by others. Wants everything his way, sticks it to the defense as much as possible, gives prosecutors the run of the court; never admits that he has made a mistake; totally unfit.

Parting Shots

The editorial pages of the Republic are often a source of dismay and surprise to the boys at Delaney’s, but the Sunday editorial on October 5 caused laughter, howls, and a bill for \$124 for broken beer glasses pounded to pieces on the table. Read to us in his rich Irish brogue by Timmy “The Actor” O’Brian, the Republic not only endorsed Dan Saban, but called Sheriff A-payaso and the inhabitants of Republican headquarters “character assassins” set out on a course to “utterly destroy” Dan Saban in one of the “most demeaning political efforts we have ever witnessed.” The Republic called the Sheriff and his “pratfalling sycophants” a “salacious . . . self-serving Grand Guinol media circus” which is neither “competent nor professional,” composed of a “retinue of double-dipping lieutenants whose sole justification for their bloated salaries appears to be their ability to dig up dirt on their boss’ political foes.” And that was just in the first three paragraphs.

Folks, the boys at Delaney’s want you to write a check to Dan Saban today, or go to his web page, www.sabanforsheriff.com, and make an on-line contribution.

Remember, election day is November 4, so get out and vote early and often.