

The sheriff and his constitutional arrogance



Tim Richard

In part it is simple arrogance which made Sheriff William Lucas defy the Wayne County Board of Commissioners and Circuit Court by mulishly refusing to lay off 250 or so of his staff.

But only in part. The county board, in its legislative capacity, sought to obey the Michigan Constitution by eliminating a \$20 million deficit and balancing its budget.

To do so, our 27 legislators, for better or worse, sought to cut about one-third of the sheriff's staff. That was their decision. If we don't like it, we can elect new commissioners in two years, but meanwhile it's their decision.

The modern scientific cop is not above playing politics and using the courts, so two unions of sheriff's employees asked Judge Victor Baum for a court order barring the layoffs. Baum agonized but finally ruled the county board "had the right to dissolve the road patrol and investigation division through budgetary means — without collective bargaining."

LUCAS KEPT his troops on the job with this curious reasoning: "The sheriff is the executive officer of the Sheriff's Department, and it's up to him to decide how much manpower he needs," in the words of his attorney, Dennis Nystrom.

At one point in the controversy, Lucas himself said, "I am a constitutional officer."

And that is why I say Lucas is arrogant only in part. The Michigan Constitution, sad to say, has

provisions which empire builders can point to when they want to do something outlandish. You have to understand that Lucas is a lawyer by training, and lawyers have a principle called stare decisis — literally, adhere to the decisions. In political English, if someone in the past has done something outlandish and was able to find a judge dumb enough to let him get away with it, then you can behave outlandishly, too.

MY OWN BELOVED University of Michigan — cultural center of the universe, Athens of the midwest — has been guilty of legal arrogance in the past. U-M practiced constitutional arrogance generations before a cow college job teacher coined the term "arrogant asses from Ann Arbor."

Let me illustrate. A Detroit News reporter once told me that as a practical joke an editor would send a cub reporter to Ann Arbor to cover a meeting of the U-M Board of Regents (this was back in the 1940s and '50s). The reporter couldn't get into the meeting, however, be-

cause U-M, which was mentioned in the constitution, claimed to be a co-equal branch of government, a kind of separate legislature and executive, and chose not to meet in public.

I recall a newspaper story in the '60s about U-M refusing to let its faculty organize a union because, as a constitutional institution, it felt state labor laws didn't apply to U-M.

And I recall legislators, snorting in anger, cussing the U-M for refusing to justify its state appropriation request by showing its budget and revealing how it intended to spend the dough. U-M's reply was that, as a constitutional body, it didn't have to deal that way. U-M would decide its own budget, tell Lansing how much it needed and expect the state to write out a check.

Fortunately, those days are over. But you get the point: By claiming constitutional status, U-M considered itself a law unto itself.

AND NOW WE have Wayne County Sheriff William Lucas saying he's a constitutional officer, and damned if he'll lay off one-third of his smokies just because a board of commissioners tells him there isn't any money.

The Michigan Constitution of 1964 repeated a mistake made by earlier constitutions dating from the Jacksonian era of unsavory politics, Art. VII, Sec. 4, provides: "There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law."

Other sections say the sheriff's office must be in the county seat and that the sheriff must post security. "The county shall never be responsible for his acts, except that the board of supervisors (sic) may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense."

Thus saith the Michigan Constitution about the sheriff.

JUST HOW Sheriff Lucas reasons that such a shaky constitutional status gives him the budget-busting right to employ all the personnel his heart desires escapes me. Lucas and other "constitutional" county officers need to be cut down to size, just as the arrogant asses from Ann Arbor were finally brought under control.

Ideally, the constitution should be amended so that counties could have true home rule. Counties could then eliminate the sheriff, clerk and other functionaries as elected, constitutional officers and appoint them as they wish to employ public safety directors, the state appoints the director of state police, and the president appoints the attorney general and director of the FBI.

Times are tough. Populations and revenues are declining. Corporations and entrepreneurs are tightening their belts, and so are most governments. Bill Lucas has got to get it through his head that he must do the same.

We can no longer afford constitutional arrogance.



Shirlee Alden

They'll get no valentine

Making out a valentine list can be a sensitive matter. It can be the highlight of an otherwise glum month. What's cheerful about a 9-degree Tuesday, wind chill minus 40 degrees and a groundhog who has to be hauled kicking and screaming out of his hole?

A valentine, after all, can be a powerful thing. It can warm a heart, ease a pain, tickle a funnybone or start a new tradition.

It's one of the few things you always buy for someone else, hoping someone will remember you the same way.

Valentine's Day may mean tummy aches, homemade hearts, sticky hands and a start on new cavities — but mostly it means love.

This year I decided I'm going to have two lists for Valentine's Day — one for those who deserve my love and kind thoughts; and one for those who on my list who shall remain "heart-less."

Top of the heartless list will be Defense Secretary Caspar Weinberger, who sees nothing amiss in resurrecting the neutron bomb.

FOR THOSE who may have forgotten, the neutron bombed mixed in 1978 by the Carter administration, is the enhanced radiation weapon designed to kill people without destroying property.

"I have seen little to indicate my mind that that is wrong," Weinberger is quoted as saying.

As for our new president and his wife, let them enjoy their heraldic trumpets, ostentatious wardrobes and elite cabinet of millionaires if all this is pleasurable.

Seems pretty callous while some suffer unemployment (many freeze) and all suffer price raises, not to mention chills/blains, from his decontrol of fuel prices.

Can't warm up to that, so let them eat jellybeans. And the tug at my heartstrings isn't a warm feeling for Budget Director David Stockman, just disgust.

With his cohort, Treasury Secretary Donald Regan, he has lobbied the Congress to approve a \$50 billion increase in the national debt ceiling on one hand while masterminding program slashes with the other.

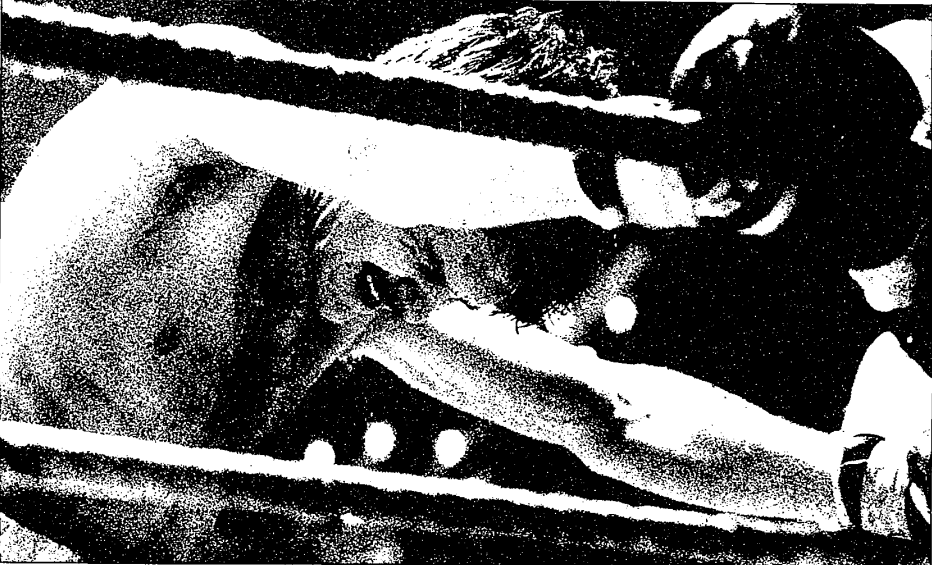
Stockman would decrease funding for some Social Security programs. Medicaid, CETA, jobs, food stamps, child nutrition programs and projects in the arts and humanities.

A QUICK perusal will reveal they are all human programs that help people make it and help life have meaning. Stockman will — look me else-where for hearts and flowers — from here he'll get the thorns rather than the roses.

No love message from me to the guv, this year. While the legislature cuts school aid to the bone, even considering shortening the school year, Bill Milliken champions an unconscionable give-away of big bucks to non-public colleges for several years. Where's the logic?

And I'll not send valentines to the families of the 52 returned hostages. Heck, they don't need my offering, they have their Valentines at home with them. All I wish them is privacy and anonymity.

I'll keep my valentine list short but special with love messages from the heart to my darling husband Jack; my supportive parents; my daughter Tzviah, whose heart belongs to the horses; my brother, Gene, all good things; my son Bruce, who shall love more than the law; and Alex, Elaine, Arik and Maya whom I couldn't love more if they lived right next door.



Ontario middleweight Dave Sutherland grabs the ropes and grimaces after being KO'd in the fourth round of a regulation match. "Toughman" fighters have it even rougher. Most have no training, no conditioning and stand an excellent chance of suffering serious, permanent injury.

Hang up 'Toughman' gloves for good

This is one of those told-you-so columns that newspaper people usually love to write. Except this time there's little satisfaction in reporting that a prediction made last May about the popular "Toughman" contests has come true.

An aging amateur boxer has been seriously injured in this so-called sport. For the last 15 days his family has kept a vigil outside his room in Lansing's Sparrow Hospital.

Kenneth Meylan, a 41-year-old Auburn farmer and father of six suffered a reported brain hemorrhage after the bell sounded to end the second round of his third fight of the night in the Jan. 24 Toughman Contest in Lansing's Civic Center.

Dean Oswald, a partner of Art Dore in the Bay City-based Ardore Ltd. amateur boxing organization, is a long-time friend of Meylan. He's been at the hospital periodically to check on Meylan's slow progress.

But the inevitable disabling injury hasn't soured Oswald on the sport. Oswald says injuries happen in every sport despite every conceivable precaution to prevent them.

Meylan's father, Werner Meylan, who runs a farm in Auburn, 10 miles west of Bay City, didn't need to see his son injured to be opposed to the Toughman contests. He says he was against it from the start and adds, "anything I can do I will do to stop these events."

MEYLAN KNOWS his son was a strong supporter of the Toughman fights and had fought in 50 previous bouts without incident.

Prior to that, son Kenneth was active in Golden Gloves boxing competition. Meylan didn't like to see his son boxing in Golden Gloves either, but says those fights were safer because the boxers were young, in top physical condition, and being tutored by coaches with ring experience. "There was always an opportunity for young men to box in Golden Gloves," said the senior Meylan. "It was really controlled and regulated. As far as I can tell this Toughman deal was rotten right from the start. Why, they put a 175-pound man against a man twice his size. They let 'em drink (beer) before they fight."

The promoters can argue, and they do, that Kenneth Meylan was not a rank amateur when it comes to boxing. He won the amateur Golden Gloves state boxing championship in 1962. But that was 19 years ago when Meylan was 19 years old.

His brother, Bill, also boxed in Golden Gloves competi-



Craig Piechura

tion. Contacted by phone outside the intensive care unit of the hospital, Bill wasn't about to criticize the Toughman bouts just because his brother was injured.

"Nobody twisted his arm to get in there into the ring," said Bill Meylan.

Promoter Oswald says there's an ironic twist to Meylan's injury. "This whole (Toughman) thing started out five years ago after a gym workout by Ken. We were thirsty and went to a bit to put together a tournament of this type. We were going to call it a "Toughman" contest because Ken had just been through a rough workout."

BUT JUST because there are men like Ken Meylan eager to endanger their lives should the state of Michigan help them?

All Toughman bouts in Michigan are sanctioned by the state boxing commission. The Michigan Board of Athletic Control even ruled on Oct. 17, 1979 that Toughman fighters could compete in any number of bouts in a 48-hour period, provided that each bout consists of no more than three two-minute rounds.

This exemption excuses Toughman promoters from a 1939 state law which prohibits boxers in bouts lasting up to four rounds from fighting more than once in a 48-hour period. Consequently it's not unusual for winning Toughman contestants to fight as many as four times in one night.

State Boxing Commissioner Hiawatha Knight says in light of Meylan's injury there will be a hearing to review state regulations governing Toughman promotions. The hearing is tentatively scheduled for 10 a.m. Wednesday, in Lansing.

Judging from Mrs Knight's previous support for the Toughman fights, don't expect tough action. The wet noodle probably is already soaking in anticipation of gentle application to Ardore Ltd. promoters' wrists.

IN THE week following the accident, with Meylan still

in a coma, Mrs. Knight pointed out that promoters were following state boxing law which allows Toughman fighters to fight as many times as they wish in a day. She went on to defend the practice of allowing amateurs older than 40 to climb into the ring to slug it out.

"There is a possibility of danger but we'd be denying a man his rights if we set an age limit," said Mrs. Knight, a gym teacher in the Detroit school system.

To qualify to compete in the Toughman fights is simple. A man must weigh at least 175 pounds, have never boxed professionally, and sign a waiver stating that he's completed a minimum of 30 hours training.

Everyone, including promoter Oswald, concedes it's impossible to tell if the fighter has actually trained 30 hours before he fights.

Last May I talked to fighters who had worked at the factory hours before they competed. Others admitted lying about their training. I talked to Emmanuel Steward, who manages welterweight champion Tommy Hearns, and trained a Toughman who has since turned pro, Biff Humphrey of Southfield.

"We trained Biff like a fighter but he was a freak on that program," Steward said. "When I was wrapping (Biff's) hands, the guy next to me said, 'I don't know what I'm doing here. I should be home with my grandchild.'"

"I asked him what kind of training he did to get in shape. He said he'd go downstairs and start punching a pillow and when he was through he'd come up for a beer."

THE IDEA of allowing untrained, out-of-shape boxers in a ring is "kind of frightening," admits Commissioner Knight. She says she is personally "very upset" about Meylan's injury but adds that there are no plans to withhold state sanction for upcoming Toughman events.

"Think of everyone who's fighting in the state and we've had one accident," Mrs. Knight said. "It could have happened with Hearns in the ring. It's not restricted totally to the Toughman events."

Crocodile tears shed by Mrs. Knight must be a real comfort to Werner Meylan as he spends another day in Sparrow Hospital at his son's bedside.

About the prediction made on these pages last May, I said that when a tough man is injured "all this talk will sound like so much swill."

You didn't need to be a clairvoyant to predict the future back then. And you don't need to be a garbage man to know when something stinks.

This barbarism belongs in the Roman Coliseum. It's about time it's banned.