

editorial opinion

Spineless bureaucrats can even ruin holiday

I detest unresponsive bureaucrats.

An incident during my recent vacation in northern Michigan demonstrates how really spineless a bureaucrat can be.

Camping out in the Porcupine Mountains in the Upper Peninsula, I was out hiking along a beautiful river when I happened upon three guys regaled in scuba diving equipment who were netting trout.

In case you're not into the nature thing, just let me say that netting trout is illegal. Trout are so special in Michigan that a fisherman has to pay for a stamp on his regular license in order to fish for trout.

BUT THESE guys thought it would be real cute if they got some fish the easy way.

Cheats, like this spineless trio, come a close second in my book to unresponsive bureaucrats.

Fuming, I marched up to the state park office to turn in these dudes.

I'll have to admit that, at first, I was going to let it slide, but my conscience couldn't rest—especially after remembering all the editorials I've written bemoaning persons who were reluctant to turn in the bad guys.

After all, it would have been a lot easier to forget it since these poor anglers were camped just down the road from me.

My beef was with the park attendant on duty. "Could you tell me what happens to people who are turned in for netting trout?" I asked.

Fumbling in his rule book, the chagrined bureaucrat admitted he didn't know.



"Well, there are three guys down at the river netting trout," I continued.

"THERE REALLY isn't much I can do about it. I don't have the power of arrest," he replied, visibly annoyed at being interrupted in his conversation with a nice looking young lady.

"Can't you call the conservation officer?" I inquired.

"It's his day off and I'd hate to disturb him at home. Besides, he never comes to the park unless it's urgent," pleaded the park attendant, who obviously wanted to be done with me.

"You know, I'd be willing to testify against these guys," I said in a tone befitting my anger.

"But that would just be hearsay," he triumphantly replied.

Amazed and bewildered, I wandered from the park office, defeated by a third-rate park attendant.

Kavanagh case proves you can't be non-partisan

The political conventions held last weekend prove once again that Michigan has to find a new method of selecting its supreme court justices.

Under our constitution, the position of supreme court justice is supposed to be non-partisan, but the nominees for that position are selected at partisan political conventions.

It has been questioned for a long time how a person can be a non-partisan judge after being selected at a partisan political convention. Last weekend provided the answer—he can't be for long.

Chief Justice Thomas G. Kavanagh was originally nominated for the position at a 1968 Democratic state convention.

He has been a good judge, noted for his intellectual and scholarly pursuits rather than for his partisan positions.

This year he is up for re-election.

HE ANNOUNCED in advance that as chief justice he will campaign for his own re-election but will not campaign against other present sitting supreme court justices just because they were nominated by the Republican Party. He feels that as chief justice, it is his job to bring harmony to the court, not dissension.

Delegates to the Democratic state convention eye re-appointment in 1981, where the court usually ends up selecting a plan for the composition of the legislature.

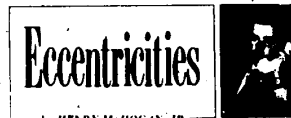
So instead of renominating Kavanagh, they have nominated former Detroit mayor Roman Gribble, who has promised to be non-partisan for all of the Democratic nominees. This doesn't exactly sound like a non-partisan position.

Although he has not been nominated by the Democratic state convention, Kavanagh probably will remain a supreme court justice because, under Michigan's new constitution, a state supreme court justice may renominate himself. This was a concession the framers of our constitution made to prevent a situation such as the one of last weekend.

OVER THE YEARS, the state has looked at alternate ways of keeping our justices out of politics.

The State Bar Association has suggested the Missouri plan, under which the governor appoints supreme court justices. Then, after a period of time, those appointed justices must stand for election by the people—not in a competitive election against other candidates—merely the people vote on whether they should be retained in office. In other words, the people are asked: "Should Judge Doe be retained as a Supreme Court justice?"

If, on his record, the people believe that he has done a good job, they would answer yes, and he would continue as a justice for life or for an extended period of time. If the people said no, the governor would appoint a new justice, who would have to stand for election at a future time.



by HENRY M. HOGAN, JR.

Another system would provide for the governor to appoint to this high office for life people from a recommended list provided by a cross-section of the bar association.

WHEN THE PEOPLE are asked to elect a supreme court justice, there is no assurance they will pick the best judicial mind because the average voter has no way of telling whether a person is a good judge or a bad judge unless the judge is so incompetent that this has been brought to the public's attention by the press.

People have a tendency to vote for pretty faces and familiar names rather than for highly-qualified lawyers.

Because the present chief justice will carry an incumbency designation on the ballot and has a good Irish name, the rank and file voter will probably re-elect him to office.

IN THE MEANTIME, he will have to go through the grueling campaign against challengers from both the Democratic and Republican parties, with a lot of money being spent on beshmirching people's reputations.

I got a laugh at the Republican state convention Saturday when I saw U.S. Senate nominee Marvin Eash try to put as much distance as he could between himself and his Democratic opponent, Donald Riegle, and to liken Riegle to New York's firebrand Bella Abzug.

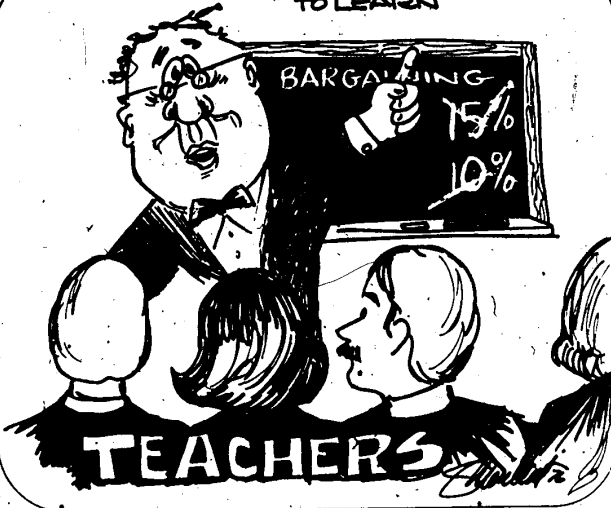
I got another laugh on learning that Riegle, addressing the Democratic state convention, failed to mention Eash by name and told reporters he wouldn't during the campaign. Actually, he has mentioned his opponent in an earlier speech—"I don't want Marvin Eash in the senate" were his exact words.

The truth is that there are far more similarities than differences between Eash and Riegle.

BOTH WERE elected to Congress in 1966, running on Republican Gov. George Romney's coattails and bumping off incumbent Democrats.

They got similar scores for years from the conservative Americans for Constitutional Action (ACA), which rates congressmen from zero (radical-lib) to 100 (true blue constitutionalist).

SOME LESSONS TAKE A LONG TIME TO LEARN



School bargaining intense as Labor Day draws near

Next Monday is Labor Day—a bittersweet time. It's the end of the hot, red-hot summer; the start of the cool, busy fall. It's the beginning of harvest season for farmers and the end of model changeover time for auto workers.

It's also the back to school season—a boon for busy mothers and a return to books and work for the kids.

And increasingly, it has been the time for intensified labor negotiations between local school boards and teacher unions.

WHAT'S INTERESTING about Labor Day 1976 is that the climate surrounding teacher bargaining is much cooler than it has been in past years. In part, the relative absence of flaming rhetoric may be due to the maturity and experience local boards and unions have gained since collective bargaining became common a dozen years ago.

Both sides of the bargaining table have come to feel the pressure of the parents and taxpayers, who, if there's a strike, get sore and turn down property tax requests no matter who is at fault. Teachers are realizing they can no longer expect the 10-15 per cent settlements they won in the period of 1967-73. The economy has gone through a jarring recession, one that inflicted grievous damage on even the supposedly safe profession of education.

LOCALLY, FIVE school districts are in the second or third years of multi-year contracts. Birmingham, Troy, Southfield, Farmington and Livonia can expect to open classes on schedule next week.

In Farmington, a millage request was defeated earlier this year, but there was one hopeful sign. Teachers' parents and administrators were working together on the project in a district that had once been the scene of bitter animosity.

Rochester Community School District had to hire a new superintendent this year, so the board reached a settlement with the union in June, leaving itself free to devote the summer to the personal season.

Avondale settled last week. Its contract leaves base pay about the same, but teachers will get step increases for seniority and cost of living allowances. There has been an improved atmosphere in the past few years.

AS THIS IS written, Plymouth is awaiting the outcome of a second millage request. The out-



by PHILIP H. POWER

come will help both sides settle the matter promptly—we hope.

Progress is being made in talks at Clarencville (rarely a scene of battle), Bloomfield Hills (a mediator is there), Redford Union, Wayne-Westland and West Bloomfield.

If there are any trouble spots in the fall of '76, they could be South Redford, Garden City and Schoolcraft College.

There is strike talk in South Redford, although that may be only part of the maneuvering. SR was almost in the same position as Crestwood in 1974-75, but SR teachers went back to work when they saw the court settlement of the Crestwood firing case.

Garden City school officials describe their negotiations as at "an impasse." When the board revealed the union's economic demands, people attending the meeting threatened union president John Melchor. It may be significant that the Democratic Party, always sensitive to labor and teachers, last weekend nominated for the Michigan Supreme Court the same circuit judge who sent Melchor to jail in 1975 for defying a court order.

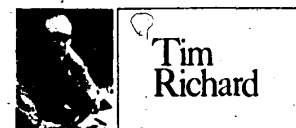
AT SCHOOLCRAFT College, the board told the Faculty Forum two years ago that productivity would be an issue this time around. The board appointed a task force on productivity, with faculty representation.

But the faculty is back at work without a new contract. And since schedules for this year are fairly solid, it may be impossible for them to bargain about productivity—days worked, hours worked, maximum and minimum class sizes or weighted work loads—in time to effect change this year.

The community college took a strike in 1970. Despite a board that is more liberal today, the scuttlbutt is that the faculty is more solid and unified than six years ago.

Despite the scuttlbutt, however, it stands to reason that all sides have learned a few things about economics and law since 1970.

Esch and Riegle still look a lot alike



Eash and Riegle were consistently in the 30s and 40s on the ACA scale. One year, Eash was even three points to the left of Riegle, 43 to 46.

Both voted against Nixon administration policy on the Vietnam war. The difference was that Riegle made more noise about his nays, while Eash gave the surface appearance of a team player. Each still freely breaks ranks with the GOP on overriding some of President Gerald Ford's vetoes.

Both are strong in the suburbs. Neither is a lawyer, and neither cares for the lawyer-ish way Congress is run. Lawyers think in terms of adversary proceedings—two opposing sides. Lawyers-congressmen run committee meetings like courtrooms.

Each, a former speech professor, prefers a synthesizing approach, where experts and staff start a round-table conversation, with congressmen joining in later. Riegle, one-time casual analyst for Bill, levels a brief but withering attack on legislative adversary proceedings in the July 7 entry of his book "O Congress."

RIEGLE ALSO began a drumfire of attack on his own party before switching to the Democrats

in 1973. Eash stuck with the GOP system.

Riegle's book makes the sly observation that "there are so many old men in Congress that we actually have a lot of emergency medical gear just to keep them alive. We have our own ambulance. . . . In the cloakrooms, just out of sight of the galleries, we have stretchers and oxygen tanks. Doctors are always on duty whenever the house is in session."

I can't imagine Eash blurring out something like that publicly, although I suspect he believes it privately.

Both men are vigorous campaigners: though Eash uses his oratory more sparingly. Be it academic discussion or stump oratory, Eash and Riegle are two of the best wordsmiths Michigan has ever seen.

THE CHIEF DIFFERENCE may turn out to be this:

Riegle is a combative type, a fighter. His blood boils and he wants the senate to bubble.

Each's most interesting comment Saturday is one most of the broadcast oafs missed: "He (Riegle) has been in Congress for nearly a decade now and still cannot point to a single bill of any consequence which he personally authored and got the congress to enact."

Each claims authorship of the "only anti-busing legislation Congress has ever passed," authorship of the Education of the Handicapped Law, and prime authorship of the CETA jobs law.

Folks who are unhappy with traditional politics, the far left and the far right are going to be pleased no matter who wins that senate seat Nov. 2.

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