editorial opinion

Open meetings challenge officials' attitudes

Many public officials who bitterly (if quietly) fought the state's new Open Meetings Act are now saying the new law, which takes effect April 1, will have little effect on them. They're wrong.

The Open Meetings Act, though not a model piece of legislation, nevertheless does make some fundamental changes in the way policymaking boards, commissions and councils in state and local government operate.

The big change must be in the attitudes local officials have toward the public. "Trust us good ol' boys" is the song of the past. Even the lawyers to whom our officials turn for advice haven't grasped that elemental fact.

There are three basic changes in the way governing bodies will have to operate.

UNDER THE OLD system, closed meetings—euphemistically called "executive sessions."—were a way of life. A board simply didn't discuss certain subjects in public, and that was that.

The new law allows closed meetings on certain limited topics, but there must be a two-thirds roll call vote of the board in order to close the meeting.

That's not all: The purpose(s) for which the meeting is closed must be stated in the minutes.

On top of that, the board must keep for 366 days minutes of what occurred at the closed meeting. A judge can require that the minutes be made public if this law is invoked in court.

The whole idea is to make our leaders think twice before closing a meeting. They should now ask themselves: "Is this secrecy really necessary?" If they don't reflect on the need for secrecy, then voters and reporters should start challenging them.

It's significant that the new law provides: "Nothing in this act shall prohibit a public body from adopting . . . a greater degree of openness relative to meetings of public bodies than the standards provided for in this act."

THE NEW LAW provides governments with fewer excuses for closed door meetings.

In the past, they closed the door for discussions of employee and student discipline cases. The doors may still be closed now—but only at the request of the employee or student.

Meetings may be closed for discussions of collective bargaining, purchase and lease of real estate and consultations with an attorney on pending litigation.

Again, we point out that closing the door should never be automatic. The intent of the law is that public officials stop and really think about whether secrecy is necessary. Often they could decide that their past secrecy was anti-public and even paranoid. Secrecy should no longer be a way of life in our local governments.

FINALLY, THE NEW law has teeth.

For a first offense of intentional violation, a public official may be fined up to $1,000. For a second offense within the same term of office, the official may be fined up to $2,000 and imprisoned for up to a year.

Moreover, it will be possible for the official to be personally liable for actual and exemplary damages of up to $500.

The fly in the ointment is that the people can't always tell if their government officials are doing bad things if the officials meet in secret. It will take a lot of close watching to make openness in government a reality.

We in the newspaper business, as guardians of the public trust, realize we have prime responsibility for keeping watch over our officials. We will do our best.

PBB
Is it media fad?

This editorial is being written by a person who enjoys nothing better than a coney island hot dog dripping with spicy chili and oozing with onions.

So don't write this article off as the rantings of a health food fanatic.

It's just that the statewide concern about eating milk and meat products—in light of the PBB contamination controversy—is enough to even make someone with an iron stomach think twice before biting that dog or burger.

Dr. Richard Copeland, chief chemical analyst at the Environmental Research Group (ERG) in Ann Arbor, told the Observer & Eccentric last week that he has found no detectable trace of PBB in meat or milk taken from groceries in the past year. The contamination occurred almost entirely in 1973 and '74, he claims. That's reassuring in part, but the demand for food safety should not end here.

PBB IS ALREADY in our bodies. Because it is a sturdy chemical, it is likely to remain there for the rest of our lives.

Some people use the ostrich technique in assessing articles about PBB, and now, PCP, a wood preservative that has entered the food chain. These persons calm justified fears by calling the whole food contamination controversy a "media fad."

They argue that the whole issue is an excuse to sell newspapers. Two years ago it was Watergate, last year it was PBB and now it's PCP. "Who cares what the scientists say," said one cynic last week. We all should care about food safety.

Traces of PBB, PCP, and PCB (polychlorinated biphenol) have been identified in meat samples examined by Dr. Copeland. Even though DDT was banned more than five years ago, Dr. Copeland says he still finds traces of DDE, a DDT by-product, in meat.

Who's guilty for the intentional and unintentional contamination of food?

Dr. Copeland claims "we have no one to blame but ourselves" for demanding chemical preservatives that prolong the shelf life of a food but may shorten our own lives.

Copeland's claim is questionable. Consumers may be accessories to the national crime of poor nutrition but few of us are involved in the business of food.

We're not the ones who decided more people would enjoy brushing with "hexo, hexo, hexoclorophine," as the jingle promoted.

How many meat eaters suggested that cattle breeders outght to start feeding their herds with hormone injections called "steroids."

IF CONSUMERS carry any guilt, it's for buying these products without squawking. It's for gobbling up creamfilled cupcakes and eating lunchmeat of questionble origin on bread that stays "fresh" for three weeks.

For every tragic mistake such as the Nurtimsater-Firemaster mixup that put poison in our food chain, there are chemicals deliberately added to our food.

Let's let food companies know we don't want chemically induced flavor enhancers and preservatives. When we buy a canned ham we don't want it pumped up with water and chemicals.

Convenience isn't a substitute for nutition.

CRAIG PIECHURA

The wisdom gap

It used to be said that an intellectual was someone who had all the common sense educated out of his head. Oakland University has come up with a remedy.

It's a course called Remedial Wisdom. A general education course, with the catalog moniker of NCC 321, Remedial Wisdom is described as "an attempt to confront the student with the totality of problems facing an educated person today and explore the various attempts being made to solve them."

It is open to seniors, and 13 of the 1,550 persons in that august group at OU are currently taking Remedial Wisdom. The rest we may expect to be good workers and do as they're told.

Suspects plead guilty anyway

There's no savings with plea bargaining

Observation Point

by PHILIP H. POWER

What's plea bargaining?

Listen to Oakland County Prosecutor L. Brooks Patterson, and you'll conclude it's immoral, unlawful, and fattening. Listen to the harrassed judges and prosecuting attorneys, and you'll find it's the only expedient to keeping up with the work load in the courts.

Plea bargaining is the practice of defense lawyers negotiating with prosecutors to reduce the original charge (say, murder) in order to get a guilty plea to to a lesser charge (say, manslaughter). This eliminates the need for a lengthy trial.

Opponents say that the practice corrodes the integrity of the criminal justice system, since it does not punish criminals for the crime they actually commit and makes the courts little more than a forum in which lawyers negotiate the level of the charge.

Supporters say that the courts are already so overloaded that without plea bargaining the backlog of untried cases would become impossible.

PLEA BARGAINING came home to the suburbs this week in two ways.

•Farmington District Judge Michael Hand took a call last Friday at 5 p.m. from an official at Detroit Recorders Court, one of the most heavily overloaded courts in the state. "You are to report to the court at 9 a.m. on Monday," the official said, with the weight of the state supreme court's order to promptly reduce the Recorders Court backlog behind him. "I'll be there," Hand replied, and that's where he is this week.

•Word recently seeped out that the Wayne County prosecutor's staff has been quietly refusing to plea bargain with defendants charged with armed robbery. Reason for the secrecy was to avoid criticism that refusal to plea bargain would clog the courts with long trials. But a review completed last week shows that most armed robbery suspects plead guilty to the original charge anyway, even though it means a certain prison term.

"We compared the period from December 1976 through February 1977 with the same period last year, and found that the number of armed robbery defendants going to trial hardly changed at all," said Chief Assistant Prosecutor Dominick Carnovale.

THIS EVIDENCE is extremely important. It prevails against the main argument for plea bargaining as an essential, if uncomfortable, expedient to quick administration of justice.

No doubt evidence from just armed robbery cases is inadequate to make a generalization that banning plea bargaining would do little to increase the number of jury trials. But the numbers are suggestive that all the sound and fury produced by plea bargaining proponents may not stand up under scrutiny.

What I don't understand is why nobody ever thought to test the idea until now.

SOME JUDGES do make the argument that not all cases of plea bargaining are wrong.

Some warrants written in haste are "overwritten" from the start, and as evidence comes in, they need to be "written down" to make the charge fit the facts.

Some cases—such as a man with an unblemished driving record who is charged with drunken driving—may require a fairness test which takes individual circumstances into account when reducing the original charge.

Both these methods of reducing an original charge are not, strictly speaking, plea bargaining. Further, they can be arranged at the arraignment or preliminary examination rather than waiting for the start of a full-blown trial.

My own view is that plea bargaining has no argument for it other than expediency—and that argument is now under real question. Systems should be worked out to allow inappropriate warrants to be amended or charges reduced in individual cases, but plea bargaining is inherently wrong and should be severely curtailed.

Quest for people's rights threatens majority rule in U.S.

Eccentricities

by HANK HOGAN

Abraham Lincoln hoped that "government of the people, by the people and for the people," would not perish from this earth.

The founding fathers of our nation apparently did not totally agree with Lincoln when they wrote the constitution because they severely limited the voice of the people.

They created three branches of government: the legislative, the judicial and the executive.

IN THE ORIGINAL constitution, half of the legislature was designated for election by popular vote—the house of representatives.

The other half, the senate, was elected by state legislatures. Later, by consitutional amendment, this was put in the hands of the people, but not originally.

The federal judiciary is appointed by the president with the advice and consent of the senate. The people have no say about who serves or who should serve in this important branch.

The chief executive, or president, of course, is elected by the electoral college. I have in frustration discussed this many times before, but very few seem to want to do anything about giving this prerogative to the people.

MAYBE OUR FOREFATHERS were correct in not entirely trusting the people. Our country grew and prospered when popular input was rejected.

But this is not what America is all about. We pride ourselves on our freedom and self-government.

During the 200 years of our country's existence, we have moved more to Lincoln's view than that of the original founding fathers.

THE QUESTION IS: Has the pendulum swung so far, in terms of our quest for people's rights, that we may destroy the institution we call the United States government?

When our country was founded we were not a democracy (and really still aren't one) because our president was not elected by the people. We were and are a republic.

We work for majority rule by the people, not government by a few of special class or birthright. Today, we are ruled by the wishes of the minority in our zeal for protecting people's rights.

What is worse is that our government is run by special-interest groups because they are organized, instead of the people who, in general, are apathetic and uninterested.

I AM WRITING this column in the nation's capital. As I look out my window, I am awed by the beautiful edifices surrounding me.

This morning I met a man named Andrew J. Biemiller. Several congressmen have told me that he is the most powerful man in Washington today and he runs our congress.

Who is he? He is the director of the legislative department of the AFL-CIO.

IF HE WERE chairman of General Motors it would be just as bad because special interest is not in the best interest of all the people of our country.

Wake up America and protect your freedom and save your government.

Don't let this government "of, by and for the people" die.

Speak up, America and your voice will be heard; keep silent and the United States will pass into the history books as another great civilization that died because no one cared enough to pre-

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