

editorial opinion

'Nothing can save' judicial gag order law

It took U.S. District Judge James Churchill long enough — 15 months. But he made an essentially correct decision.

Judge Churchill declared unconstitutional a section of a Michigan law requiring a local district judge to issue a gag order in certain kinds of moral cases at the request of the accused, the victim or the accused's attorney.

The ruling came at the request of WXYZ and the Michigan Association of Broadcasters in the case against Farmington District Judge Michael Hand. Reporters for a Detroit newspaper and this paper testified.

The ruling is important everywhere; however, it is especially so in Troy and Livonia, where similar cases have resulted in similar gag orders.

Judge Hand indicated he would bring contempt proceedings against broadcasters and newspapers who violated his suppression order. That would have

included this newspaper. We expect it might also include the law enforcement personnel and private citizens who fed us information.

CHURCHILL'S opinion was strongly worded. He called Sec. 520k of the Michigan Criminal Sexual Conduct Act of 1974 "unconstitutional on its face. No fact-finders could save it."

He added, "Of all possible laws abridging the freedom of speech and the press, prior restraints are the least tolerable infringement."

He said the statute was "not well conceived to accomplish its purpose, even if constitutional." It was hardly necessary to issue such an order to protect the 14-year-old boy who was the victim of the sex act because "Protection of the identity of victims of sex crimes is an area in which the news media have traditionally exercised commendable restraint."

WHY, WE ARE sometimes asked, is it necessary to print news about a criminal sexual misconduct case?

Reporting the arrest and sentencing of a clergyman isn't fun. It's an extremely sad duty — but a duty nonetheless. And here is why we do it:

- Dozens of persons already knew about the arrest. It's healthier for society to have a low-key, written account of the case than for news to spread by word of mouth.

- Rumors could have harmed the reputation of innocent priests in the same community or parish, or innocent men with similar names.

- Friends need to know about such an arrest so they can set up a defense fund. Indeed, in the Farmington case, we're informed that clergymen from around the region did set up such a fund. We are glad they could.

American history, and the histories of many nations, show it's poor public policy to allow authorities to arrest a man and make him disappear from sight, without news to the community.

IF ANYTHING, the Farmington, Troy and Livonia cases show it's a colossal error for a defense attorney to demand such a gag order. The whole thing backfires. The media are alerted, and the defendant's name gets spread around more than is necessary.

This newspaper's policy is to provide factual, non-inflammatory reporting of the bad news as well as the good. In the short run, we'll have a few scrapes with judges and lawyers, and it will cost us a few canceled subscriptions.

In the long run, all of society — including the accused — will benefit.

Eccentricities

by HENRY M. HOGAN, JR.



Midwest pays, Sun Belt collects in Super Bowl

This is Super Bowl week. Sunday probably the largest TV audience of the year will gather before their sets in the warmth of their living rooms.

Another 75,000 souls will gather in Miami to witness the game in person.

Super Bowl is big business. Try getting a hotel room, a rented car or a dinner reservation in Miami this week.

The normal celebration starts Wednesday night and ends Sunday with the game, but few people leave the area until Monday.

Two years ago, the five days of activity brought more than \$120 million to the Los Angeles economy.

DETROIT HAS a good chance to host this extravaganza in 1981 and why shouldn't it?

Football is a midwestern sport. It started here. More people in the midwest support the National Football League each week during the regular season than any other area in the country.

The Sun Belt, Florida, California, Texas and Louisiana don't come close — yet this is where the NFL has been holding these games for the last 12 years and will this year and next.

These Sun Belt facilities claim to offer beautiful weather for the game, but in four of the last five games, the weather has been either wet or freezing.

Last year the game was held in New Orleans. Fortunately the game was played indoors at the Superdome because outside it was 27 degrees, the same temperature, ironically, that Detroit had that day. But it was a damp 27 degrees in New Orleans.

The football owners know Detroit is a good sports town. The check they take away from a game here amounts to one of the tops in the league, yet the Detroit football club hasn't fielded a good football team in many seasons. The check they take away in many cases is more than they would make in their own home stadiums.

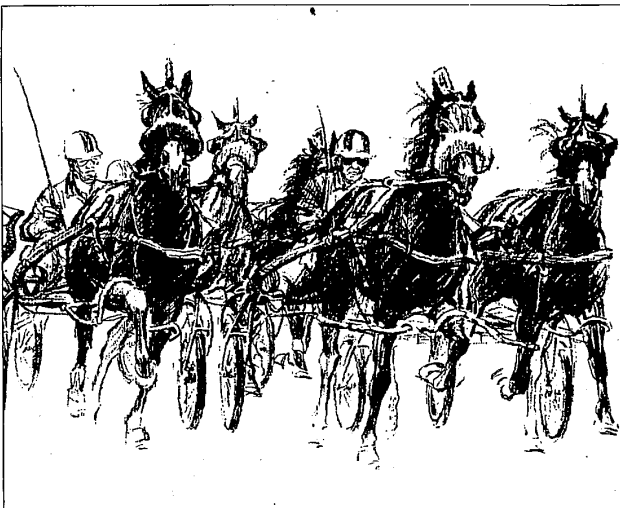
IF THE SUPER Bowl came to Detroit, we could expect a \$60 to \$80 million boost to our economy during the middle of January when Detroit is at one of its slowest points of the year.

Detroit deserves it — not only because of fan support and its being the only midwest location with an enclosed stadium, but also because the NFL has been supported over the last decade with TV advertising revenue from Detroit-based companies, particularly the automobile companies.

The decision for 1981 will be made in mid-March in Hawaii at the NFL owners meeting.

When you watch the game Sunday, think about what you can do to bring it to the Pontiac Silverdome in 1981.

(The writer is also chairman of the Oakland County Tourist and Convention Bureau.)



For Oakland's good

GOP, Dems need to deal

Usually, partisan politics is good. It gives voters a choice. It helps crystallize into two packages many divergent points of view.

Lately, however, partisan politics in Oakland County has been getting unhealthy. Partisanship has been destructive because Republicans and Democrats need to be cutting deals.

Republicans hold a 16-11 majority on the board of commissioners. That's a 59 per cent majority.

Abandoning a wise practice of many years, Republicans have voted to send an all-Republican delegation of three to the Southeast Michigan Council of Governments instead of a 2-1 delegation.

It looks as if Oakland is to have an all-Republican Road Commission. For its multitude of faults, road commissioners have operated well as a bipartisan board. How it can be improved by giving it unanimously to one party escapes us.

Republicans insist on having 2-1 majorities on all standing committees of the board of commissioners.

BUT THERE ARE some extremely important things Republicans lack — mainly, the power to reorganize county government around the Republican county executive.

Executive Daniel Murphy would like to have the road commission cease to exist as an autonomous agency, with its administrative operations coming under his office and its policy-making powers going to the board of commissioners. We wholeheartedly agree.

Murphy would like to do the same with the parks and recreation commission. Again we agree.

But to do some of those things, Oakland County will need to get enabling legislation out of Lansing. In the state capital, Democrats hold nearly 2-1 majorities in both houses of the legislature.

No matter what kind of endorsements come out of the Oakland County Board of Commissioners, the Democratic majority in the legislature is going to listen to aggrieved Democrats in the county minority. Murphy simply isn't going to get what he wants and should have.

Not unless Republicans and Democrats start cutting some deals.

DEMOCRATS WERE strongly in favor of a county executive in 1974, when voters chose that plan over the Republican-backed appointive county manager plan.

Since then, many Democrats have looked at the



Tim Richard

executive as if it were some kind of demonic monster, one commissioner saying he wish he had never heard of the county executive plan.

That shouldn't be. Democrats shouldn't stymie the administration of the county simply because their candidate didn't win the office.

Among Michigan counties, Oakland is in a class by itself. No other county attempts to provide so many services on a countywide basis. No other county has sought so many progressive changes in its structure. No other county moved so fast to adopt an executive or manager plan.

Much of Oakland's success and prominence are due to the fact that no one community dominates its politics, as in Wayne or Saginaw or Kent. Communities learn to work together.

The two parties must learn to work together, too. Nobody can do anything without the other fellow's help. Oakland County Republicans and Democrats must observe what Alistair Cooke described as the three great rules of American politics:

Compromise, compromise, compromise.

Help someone's pet

You see a dog in an outdoor pen, the wind howling through. There are no bushes. There is no dog house. His water, if any, is frozen. Even if the dog survives, you know his life will be shortened by exposure to a chill winter.

What do you do, short of knocking on the owner's door and risking a punch in the nose?

A group called Animal Welfare Educators at 27575 S. River Road, Mt. Clemens 48045, can help. President Robert DeWolfe (731-3257) says AWE will send you a 50-card package of cards and instructions on how to get them into the hands of pet owners.

One side of the card pictures a fierce north wind and the big-type warning: "COLD WEATHER KILLS UNSHELTERED PETS!" The other side has three paragraphs on how to care for a pet in winter. AWE asks a \$1 donation for printing and mailing. It is a nonprofit organization.

A large dog may be able to stay outside your house in fairly cold weather, and he may not need a fire, but he must have shelter — something that will contain his own body heat. That means a house with a slanting roof, a floor with clean, dry straw, and an entrance facing away from north with a door of rug, canvas or burlap.

If you don't want to send for AWE's cards, you could just down the owner's address and send him a post card of your own.

A dog can't dig himself a den in the rocks the way a wolf, coyote or fox can in a state of nature. A pet needs a shelter.

through bifocals



Pari-mutuel under the lights opens 36th time

It wasn't billed in advance as a testimonial to the man.

But when 1,996 men and women paid their way through the turnstiles of his racing plant Saturday evening, it could have been interpreted as that kind of a tribute.

Maybe you have forgotten Saturday's weather. It was rotten. It was bitterly cold. Freezing rain fell between snow storms.

It took a pretty good reason to make one leave home and battle slick highways.

There were 1,996 of you who said the weather didn't matter and that you'd rather be at John J. Carlo's glass-enclosed guest house. It's called Northville Downs.

While there, you legally wagered \$296,319 on 10 harness races, each of them contested among pacers at a distance of one mile.

If you were smart enough to realize that Doctor Tom could go the route in 2:07 1/5 under those conditions, you had to have fun getting \$35.80 back on a \$2 win ticket.

THE FIRST TIME the late Don Wattrick of radio sportscasting fame and one of Carlo's original partners, Sam Wiedrick, talked me into going to Northville Downs in 1945, you could barely get 1,996 humans into the joint.

That was the second season of operation. This is the 36th.

In those days, the old-fashioned harness racing aspect of a county fair was dominant. Not only was pari-mutuel betting on the buggies brand new in Michigan, so was horse racing under the lights.

The great experiment had begun in the fall of '44 with a 20-night meeting under the banner of the Northville Driving Club, whose directors had been talked into trying night pari-mutuel programs by a group of businessmen from Buffalo, N.Y.

Carlo, an attorney, was one of the Buffalo contingent and was chosen to be executive manager. He still is, as well as being senior partner.

The turnout was mediocre—at best—during those first 20 autumn nights of '44, and the handle averaged only \$20,000.

But the backers had proved their point to horsemen that pacers and trotters could race just as well at night as in the daylight. When dates for spring and fall meetings were announced for 1945, applications for stalls came from all over.

Thus was born the country's first successful pari-mutuel harness racing track west of the State of New York.

AT THE HELM all these years, Carlo turned 81 last Aug. 6. It has been his perseverance and dedication that have been behind the Northville Downs success story.

He has seen crowds of more than 9,000 swarm into the track at Seven Mile and Sheldon, and has seen a season's pari-mutuel handle as high as \$400,000 a night.

Along the way came new barns, an expanded and modernized grandstand and construction of a winterized paddock.

The year 1970 probably was the turning point. Northville started that season with a completely glass-enclosed grandstand and a new clubhouse that was heated and air-conditioned.

That's why there were 1,996 who knew Saturday that their only worry was in battling the elements while on the highways. Once at the Downs, they could count on John Carlo's foresight to keep them cozy.

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