

points of view

Pitch against booze needs bit of pizzazz

IF THE LAISER High School football team hadn't been there, Penny Norton might have spoken to a near-empty school auditorium — and to people who are already convinced of the problem of alcohol and young people.

"It was like lecturing to the choir," said Suzi Shepard, an active member of Birmingham-Bloomfield Families in Action. And that's too bad.

Because Norton, a former high school biology teacher who has taken on the fight against substance abuse, has a message about alcohol that rings true.

No, the 50 or so members of Coach Bob Kefgen's football team didn't change their views after hearing her. But, according to Kefgen, they did acknowledge some truth in her analysis of ads promoting alcohol consumption — especially that many are directed at young people who may be under 21 and that they deliberately target minorities.

Norton was the third speaker in a four-part series, which ended last night on "Building Community Strengths and Values" — sponsored by the 48th District Court, Bloomfield Township and Bloomfield Hills Schools. The first two sessions were better attended.

I THOUGHT she would handle her topic — Battling Beer Advertisements Aimed At Our Youth — by showing how we can mobilize to get them off the air.

Not so. The beer and wine lobby is one of the most powerful in the country, she said. Chances of their cucking those ads are slim.

But, if we give in to those whose only motive is profit to give out the only information on alcohol, then we are letting down our young people. We, community by community, must counter with the truth.

For example:

- Alcohol is the number one drug problem in the United States today, even if you lump together all other drugs.

- Alcohol is both a youth and adult problem. One of four young people come from alcoholic families.

- Alcohol-related accidents are the leading cause of death for those under 21.



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- Ads ignore all of this. They convey the image that drinking is happiness, popularity.
- Beer and wine ads widely used to boost televised sports events are directly contrary to what those sports demand — clear minds, superb coordination, physical conditioning.

IT TOOK NORTON more than TWO YEARS to raise about \$200,000 to produce a compelling video, hard-hitting posters and a book that attempts to counter the ads' false messages.

That compares with the nearly \$500,000 spent by beer and wine advertisers EVERY HOUR.

So it's not surprising that in an 1988 survey 7-12th grade students could name and spell more beers than presidents. And that by age 18, most kids will have seen 100,000 commercials promoting alcohol.

If we're going to try to meet these powerful, not in the least, our own ground in our communities, we too must be powerful and slick. And that means:

The speakers in Norton's video shouldn't all be mature, rather, straight-laced appearing females, but rather some celebrities — women and men — who have been hurt by alcohol.

That Penny Norton, who is vibrant and attractive, might move from a mid-Michigan town to shorter skirts and a more current hairstyle.

And that the session itself should have been held, not in the Laiser High School auditorium, but in the ballroom of the Townsend Hotel.

That's the reality we're up against.

Judith Doner Berne is assistant managing editor for the Oakland County editions of the Observer & Eccentric Newspapers.

How do they know what's best?

PARDON ME IF I get off on tangents like this occasionally. It's just that some of the stuff I read about is so incredible I can't believe it's happening. But it is.

All over the country today, legislatures are studying and often passing "tougher" drunk driving laws. I don't have any generic objection to this movement. Drunk driving is stupid, dangerous and sometimes fatal — usually for the other people involved.

But the good folks down in Topeka, Kan., — the legislators, anyway — have gotten just a little bit carried away with the spirit of the New Prohibition.

The Kansas House of Representatives was considering a bill that would have lowered the amount of alcohol a person must have in his blood to be considered legally drunk. The bill's sponsor, and some other legislators, wanted to lower the blood-alcohol definition of "legally drunk" from 0.10 percent to 0.08 percent.

That compares with the nearly 200 during a 45-minute debate, the bill, which passed the House by a vote of 123-0 and has been sent to the Sen-

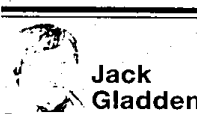
ate, created a new crime, "driving while impaired," for people whose blood alcohol level is between 0.05 percent and 0.10 percent.

In other words, you could be charged under the new law if you drive after drinking, even though you do not meet the legal definition for being drunk.

If found guilty, a person could be fined between \$50 and \$200 and forced to attend counseling programs — not for being drunk, but for drinking. The ghost of Carry Nation is somewhere, raising her hatchet in a triumphant gesture.

AND OUT IN Utah, one of my personal favorite states, the legislature passed and sent to the governor a bill that makes it illegal for employers to discriminate against smokers, drinkers or overeaters (note the emphasis) if their habits do not interfere with their job performance.

That makes sense to me, but the Utah Bureau of Health Promotion (doesn't that sound something like the "Bureau of Thought Control"?) is urging the governor to veto the bill because it discourages healthy practices and will eventually lead to



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higher health insurance premiums, even for employers who hire only non-smokers.

Now if the logic there seems a bit discombobulated (the bill wouldn't let employers hire only non-smokers), remember, this is the Ni-nies — we don't have to make sense if we feel strongly about something.

A similar bill, passed by the New Hampshire Senate, would bar employers from firing or refusing to hire a person who smokes, so long as that person abides by rules governing smoking in the workplace.

Speaking in favor of the bill, one senator said it would be unfair to single out smokers from among the many people whose personal habits — such as overeating or eating too little or dressing inadequately for cold weather — could affect their

job performance. But an opposition senator wasn't convinced.

"You can put me in jail," he said. "I'm not hiring anybody who smokes."

WELL, THIS TIME, I'm coming out on the side of the anti and the health promotion people. Veto those anti-discrimination bills in the interest of health and lower insurance premiums.

And while we're at it, let's pass laws allowing employers to discriminate against anybody whose health problems might raise the company's insurance rates. Get rid of the diabetics, can the epileptics, force out the people with histories of heart ailments or high blood pressure. If cancer runs in your family, get a life, but don't expect to get a job. And if you have a handicap of any kind, hey, there's the door.

Lord knows, if we only hire (and insure) the healthy, insurance rates are bound to go down. After all, sometimes a little discrimination is just good business sense.

Jack Gladden is a copy editor at the Observer & Eccentric Newspapers. He lives in Canton Township.

Ruling confuses emotional damage issue

MR. SMITH (his real name) invited Miss A. (her real initial) into his house and had some fun, if you know what I mean. No harm, he figured. She's 27, she consented, and she admitted to having done the same act with a boyfriend.

Miss A. told her mother all, and Mr. Smith's troubles began. "Rape!" My daughter is mildly retarded," said Mrs. A. and she went to police.

The charge was whittled down to third degree criminal sexual conduct. A Washtenaw circuit judge decided what Mr. Smith needed to cool his ardor was three years as a guest in one of Jim Blanchard's snazzy new correctional facilities.

"NOT ENOUGH," said Mrs. A., who filed a civil suit on behalf of her daughter. They asked compensation for physical, neurological and emotional damages.

Mr. Smith's earning power having been adversely affected by his prison sentence, he cast about for help and espied his household insurance policy. The insurance would pick up

the tab if someone fell on an icy step he had failed to clear. Why shouldn't it pay off for a different kind of damage?

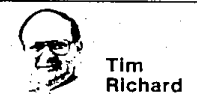
Nuts, said Farm Bureau Mutual Insurance Co. It won a summary dismissal in circuit court.

Mrs. A., Miss A. and Mr. Smith, in a rare display of teamwork, went to the state Court of Appeals (case No. 111673).

Honest to Pete, they won! Appeals judges Michael Kelly, Myron Wahls and Barbara Sawyer said Farm Bureau has a duty to defend Mr. Smith.

THE OPINION was issued on almost the same day my own insurance payment was due to State Farm, so I had a feel for this case. I can imagine the State Farm attorneys studying the opinion, firing off a memo to the actuaries or maybe drafting a new exclusionary clause.

The appeals court found, "The insurance policy at issue includes a clause excluding from coverage injuries which are 'caused intentionally by or at the direction of the



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insured."

But the exclusion clause applies "only if the insured subjectively intended both his act and the resulting injury."

Mr. Smith readily admitted his lustful act but denied any intent to injure Miss A. There was no "certainty of injury" to Miss A.

But while the Court of Appeals said Farm Bureau had a duty to defend Mr. Smith, it didn't decide whether the insurer would have to pay any jury award of damages.

The appeals court overruled the circuit court and sent the case back for trial.

IT WAS A disturbing case to those of us who worry about Michigan's

economic future.

Granted, Mr. Smith should pay Miss A. for her pains. But should state courts allow him to dip into the deep pockets of insurers and shift the cost to policyholders?

Insurance actuaries can collect statistics on how many homes will burn down, how many tornadoes will inflict damage, how many hailstorms will break windows. But how do you collect statistics on the number of sexual encounters that are intended as friendly but turn out to be torts? How do you put a price tag on the emotional and neurological damage done to Miss A. and then translate that into an insurance premium?

Finally, what kind of message does this case send to businesses considering investing in Michigan? If our state continues to look like easy pickens for plaintiffs, investors are likely to say, "Who needs Michigan's legal hassles?"

Tim Richard reports on the legal implications of state and regional events.

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