

points of view

Courts make law, not sense

HERE IS THE sort of news story one might expect to read in the year 2010 if current cases become any precedent.

U.S. District Judge Rick Benslen today ordered the state Department of Natural Resources to uphold native people's rights in a water flow case.

Benslen rejected the appeal of Frank Kelley, the 85-year-old state attorney general, who pleaded that the natives' demand would break Michigan's budget.

"It is not This Court's duty to assess the cost, method of payment or incidence of taxation," he said in his Kalamazoo courtroom. "The money must be someplace. Either, it is This Court's duty only to determine the rights of petitioners. By the way, the state is ordered to pay their legal fees, too."

Benslen said the state's objection that it would be required to make river water flow uphill is irrelevant.

"Plaintiffs live at the top of a hill. Their ancestral treaty rights say they are entitled to have a stream flowing past them. It is This Court's

duty only to enforce those rights, and not to be mired in the minutiae of how DNR will make a river flow uphill," Benslen said.

"The state cites, incorrectly, the case of Farmer McGregor vs. Tuscola County Drain Commissioner, wherein another court held that water was incapable of flowing uphill."

"The case is not on point. Here we are concerned not with drains but with a matter of constitutional and treaty law."

"The matter of how the state DNR makes the river flow uphill is of no concern, consequence or force in matters of jurisprudence. If This Court says a river must flow uphill, then the river will flow uphill."

"I would remind the attorney general that he risks being held in contempt in insisting that it may be impossible for water to flow uphill in contravention of This Court's order," Benslen said.

Kelley attempted to argue that it was the law of God that water run downhill instead of uphill, but Benslen cut him short.

"Only This Court will determine which way water runs. The courts have held consistently that court



Tim Richard

rules supercede laws of nature, economics, gravity and popular referendum," the judge said.

BENSLEN CITED U.S. District Court rulings in several 1990-91 cases in which the state of Michigan was ordered to pay for programs that broke the budget.

"The Hon. Richard Enslen, on this same bench, held that it was illegal, immoral, culturally insensitive, fattening and contrary to court procedure to reduce spending for various welfare programs."

"That judge was a man of courage. He said so himself, which was the definitive ruling. His pronouncement was, 'I don't face the electorate in the next months or next year and don't lack the courage that I find

some branches lack."

"That is the precedent This Court will follow. There is no such thing as a 'budget' in the This Court's rules of evidence, and there never will be."

THE NEW ruling follows by a year Benslen's decision ordering equal sunshine in Oakland County parks.

In that case, filed by Madison Heights residents, the judge ruled that voters had approved a quarter-mile renewal for the Oakland parks and recreation department with the full understanding that the sun would shine daily on the county wave pool.

Benslen found that wealthy users of the county wave pool in Novi were experiencing 75 percent sunny days during summer while lower-income users of the Madison Heights pool enjoyed only 68 percent sunny days. He jailed all 14 members of the parks and recreation commission until they agreed to install \$1.7 billion in fountains that would blow away storm clouds.

Tim Richard reports on the local implications of state and regional news.

from our readers

Thanks for all the help

To the editor:

I wish to thank Loraine McClish and the Farmington Observer for helping to make our AARP Tax-Aide Program — Tax Counseling for the Elderly, a real success.

We completed tax returns for 687 cases. There were 413 federal returns and 1,051 state forms. We answered questions in 96 cases and visited 11 homes to complete tax returns for people who were not able to visit our various sites.

Again, many thanks for placing the notices in the Farmington Observer each week during the tax season.

John J. Antonilli, local coordinator, Farmington Farmington Hills, Tax-Aide program

DeVries is his candidate

To the editor:

Add my name to the list of former school board candidates who have decided not to run this year in support of Richard DeVries.

We need fiscal responsibility, open-mindedness and positive results. The entire board needs to be replaced. Let's start with Richard DeVries.

Allen P. Warner, Farmington Hills

Slow down stop noise

To the editor:

I write to express my sympathy for Bob Shulkins of Howard Road and for all residents whose quality of life is diminished by excessive traffic noise along I-696 and other traffic arteries in and adjacent to our community.

The solution offered by the city — using MDOT funds to erect a noise barrier — at a cost of \$15,000 per home site — is a typical bureaucratic Band-Aid to a practical problem.

The cause of excessive traffic noise is excessive traffic speed. Enforcement of the existing speed limit of 55 mph on intra-city routes, and

applicable lower speed limits, would constitute an effective noise abatement measure, not to mention the benefits in energy conservation, reduced pavement maintenance and enhanced personal safety. It's all available for less than \$15,000/home site.

Reginald S. Trotter, Farmington Hills

Cartoonist was off base

To the editor:

Arkie Hudkins cartoon in the May 2 edition is a needless affront to the President of the United States.

Bush has a popularity rating superior to that of any president in a long time. He had some very difficult decisions to make relative to the war in the Persian Gulf.

He made the right decisions. His leadership helped to bring the country a notable victory. John Engler has not accomplished anything to make him a superior choice of graduation day speaker.

Hudkins' opinion is certainly one held by a minority of the population. His cartoon on May 2 was a waste of valuable newspaper space.

Jack Thibeau, Farmington Hills

Opinions are to be shared

Opinions and ideas are best when shared with others.

That's why the Farmington Observer encourages its readers to share their views with others in the From Our Readers column.

Submitting a letter to the editor for publication is easy. Letters should be typewritten or printed legibly and kept to 300 words. Letters must be signed and include the address of the sender.

Names will be withheld only for the best of reasons, and the decision to do so will be made by the editor.

Letters should be mailed to: the editor, The Farmington Observer, 21898 Farmington Road, Farmington 48336.

Wear veterans' poppies with pride

IN THE SEASON of tulips, irises, forsythia and daffodils, I want to add the poppy to my list of significant flowers.

Even though they aren't fragrant and won't attract flying insects, poppies are fragile, temporary and require immediate attention to enhance their deeper meaning.

Only for a few days can they be found in shopping malls, and on street corners in the hands of veterans of the nation's wars who sell them to buy a little ease for the veterans in hospitals and homes who can't do this for themselves.

Poppy is the common name of a genus of flowers with more than 100 species. One species, wild and red, bloomed in abundance on a French battlefield (second battle of Ypres) of World War I.

The crimson flowers pushing through the soil caught the eye of a Canadian soldier in that war, Col. John McCrae, who was inspired to write the poem "In Flanders Fields." He wrote his poem of hope and re-



Shirlee Iden

membrance in 1915—and later died in action.

THE POPPIES I buy are made out of paper by disabled veterans. For some this work is their only means of support.

Selling those veterans' poppies isn't like selling a box of Girl Scout cookies.

When you plunk down your coins for the Scouts, you're making a bet on the future of some wholesome youngsters, opening up vistas to give them a better handle on life.

THURSDAY AND Friday, May 16

and 17, when you buy a veteran-made, red paper flower, you'll be commemorating sacrifices of the past and repaying a debt.

You can't really put a price tag on serving our country in time of war. From the Revolution to the recent Gulf War, those who served in the military knew they were putting their lives on the line.

After all, the result might be some raucous war stories to tell and retell over the years, but it might also be the loss of a limb or limbs, an eye or the mental vigor of a person who started out in full health and paid dearly for his or her service.

Some veterans, mostly from the Vietnam war, are not card-carrying American Legionnaires. Disabled American Veterans, VFWers or what have you.

Feeling alienated, neglected and victimized, they have largely ignored veteran organizations except to protest occasionally.

YET ORGANIZED VETERANS have not ignored them. And that's why a poppy sale is taking place. It's not a new idea to sell these red paper flowers to benefit hospitalized

veterans. The first ones were sold in 1921 by the Veterans of Foreign Wars to raise money for for French war orphans.

These days every veterans group joins in the sale.

You'll be seeing members of the VFW, Catholic War Veterans, Polish War Veterans, Jewish War Veterans, American Legion and their auxiliaries with cap on head, canister and poppies in hand.

THESE POPPY sellers are part of a loyal contingent who know very well the road to the Allen Park Veterans Hospital, the Ann Arbor Facility and the Battle Creek Hospital.

Most people have never visited a VA hospital and perhaps never will. But the men and women in them are there because they fought for every one of us.

Whatever veterans group poppy you buy, you can be sure the service member will be extended to all veterans.

You can't eat a poppy, but you can wear it with pride.

Shirlee Iden is suburban life editor of the Southfield Eccentric.

BUY IT. SELL IT. FIND IT...O & E CLASSIFIEDS

PILLOW Sale
Sleepheads need the best!

Sleep & Decorative Pillows
25 - 30% Off

White Goose Down Down & Feather, Feather & Synthetic Polyester Fills Soft - Medium - Firm

Entire In-Stock Linen Collection
15-50% Off

All Wool Mattress Pads
Warm in Winter, Cool in Summer
25% Off

SPECIAL PURCHASE
Patterned Synthetic Polyester Filled Comforters 100% Cotton Shells
30% Off

SCANDIA DOWN

210 South Woodward (entrance on Merrill) 313/258-6670
Store Hours: 10-5:30 Mon. thru Sat. Till 8 Thurs.

EXPRESSIONS

CHAIRS
Exclusive Designs In Quality Custom Chairs Now On Sale
\$379-\$599

Exclusive Designs In Quality Custom Chairs Now On Sale
In stock from over 250 fabrics and 50 chair styles.
Available in 17' x 17', 17' x 21', 21' x 21', 21' x 25', 25' x 25', 25' x 31', 31' x 31', 31' x 35', 35' x 35', 35' x 41', 41' x 41', 41' x 45', 45' x 45', 45' x 51', 51' x 51', 51' x 55', 55' x 55', 55' x 61', 61' x 61', 61' x 65', 65' x 65', 65' x 71', 71' x 71', 71' x 75', 75' x 75', 75' x 81', 81' x 81', 81' x 85', 85' x 85', 85' x 91', 91' x 91', 91' x 95', 95' x 95', 95' x 101', 101' x 101', 101' x 105', 105' x 105', 105' x 111', 111' x 111', 111' x 115', 115' x 115', 115' x 121', 121' x 121', 121' x 125', 125' x 125', 125' x 131', 131' x 131', 131' x 135', 135' x 135', 135' x 141', 141' x 141', 141' x 145', 145' x 145', 145' x 151', 151' x 151', 151' x 155', 155' x 155', 155' x 161', 161' x 161', 161' x 165', 165' x 165', 165' x 171', 171' x 171', 171' x 175', 175' x 175', 175' x 181', 181' x 181', 181' x 185', 185' x 185', 185' x 191', 191' x 191', 191' x 195', 195' x 195', 195' x 201', 201' x 201', 201' x 205', 205' x 205', 205' x 211', 211' x 211', 211' x 215', 215' x 215', 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