

POINTS OF VIEW

Woodland Hills scenic splendor must be protected

Looking back at a simpler time and a slower lifestyle, we hope-fully have childhood memories that we look back upon and many of those remind us today of things that we enjoyed that have disappeared in our lifetime. Sunday afternoons, at least for my family, meant a ride in the country, and country, back in the '50s, started at Eight Mile Road or out on Grand River Avenue. "Up North" began for me at the Detroit city limits.

Now we have too much concrete, strip malls at every corner, overdevelopment and overpopulation, crime, pollution, plus many people driving around with cell phones and beepers conditioned by modern America into thinking they cannot live without them.

And yet in the middle of all of this is a safe haven, a quiet soothing place where your mind can unwind as you

walk in the woods. This place exists right here in Farmington Hills. A few years ago, a group of citizens with vision wanted to protect the ambience and the rural feeling of open space which is what brought most of us here in the first place. These citizens, with the support of the Farmington Hills City Council, saved a unique and wonderful bit of our past to carry on into the future.

Now in the center of the city is an old growth forest no more than 10 to 15 minutes away from most of the citizens in our community. This wonderful pristine place is now known as "Woodland Hills, a Nature Park." It is our newest jewel next to Heritage Park. Woodland Hills has been preserved and should be preserved forever. We are all very fortunate to have this place and to think, this exists only a mile away from one of Oakland

GUEST COLUMNIST



JOE DEREK

County's most hectic intersections.

A visitor to Woodland Hills needs nothing more than a good pair of walking shoes, adventurous enthusiasm, and perhaps binoculars and/or a camera. You will find 1.7 miles of trail as you enter the park on Farmington Road just south of the I-696 freeway that will take you through thickets

providing food and cover for wildlife, into a forested area with huge trees and finally to a wetland that provides a resting place for migrating birds.

This area contains one of the last beech-maple forests remaining in our part of the metro area. Remember that trees and plants create the oxygen that all of us and nature need to breathe. Try holding your breath for 10 minutes if you think fresh air is not important.

It is up to caring people to see that places like this exist for the world of the future. We cannot exist without nature because we are part of it. We are a part of the web of life that goes beyond turning on the tap for water or shopping for food at the local market.

Everything we use in some way originated somewhere in nature. The human species would be very stupid to think that it could exist without it.

If we allow our natural world to disappear, we won't be far behind. One of our local papers last week even included Woodland Hills, without knowing its name, in a map of places to enjoy the fall color changes while driving our suburban stretch of freeway.

Woodland Hills is a special place, needing to exist for itself and for those who know its value. I need not tell you how important it is, your experiencing it yourself will tell you that, but we need to make sure that places like this and more of them are around for all time. Last I looked, nature was not making any more of it. Enjoy and protect it.

Editor's note: Farmington Hills voters will decide Nov. 4 on a proposal to give city charter protection to Woodland Hills Nature Park. Joe Derek is employed as the city's naturalist.

Decision against phone giant doesn't ring with common sense

True story. Two women are standing near a street corner in Flint in front of Hampton's Party Store. The first is making a call from a public phone. The other waits nearby.

A left-turning driver, Ruby Greer, veers out of control and hits them. Greer, unlicensed, never has driven a car before. She had been smoking crack cocaine and drinking alcohol. Greer later pleads guilty to felonious driving.

The caller, Tonya Brown, is pregnant and loses her baby and use of both her legs. The second woman, Anita Anderson, suffers permanent brain damage.

Whom do they — the women and the estate of the fetus, Amber Brown — sue? The party store and also the telephone company, then known as Michigan Bell, now known as Ameritech.

We focus on Ameritech, which asked for immediate dismissal.

Ameritech argued that it owed no duty to the women, and that Greer's criminal driving was a "superseding cause" of the injuries.

Genesee Circuit Judge Thomas Yeotis ruled against Ameritech, saying an accident was foreseeable and Ameritech had a duty to locate its phones safely. Ameritech appealed.

The Court of Appeals ruled 2-1 against Ameritech. Judge Kathleen Jansen, a Blanchard appointee who twice has been re-elected, wrote an opinion the Michigan Trial Lawyers Association will love. She was joined by Judge Janet Nelf in concluding:

"Regardless of the conduct of the driver, it is foreseeable that an automobile will leave the road for a variety of reasons. Thus, there was no intervening, superseding act which relieved defendant of liability. Moreover, the question with respect to Michigan Bell is whether its placement of the telephone booths was reasonable."



TIM RICHARD

The phone booth was 14 feet from one street, 45 feet from the other.

They affirmed Ameritech as a defendant and sent the case back to circuit court. Got that? The owner of a phone booth is a defendant in an auto injury suit.

Now, Ameritech is a much-hated company. It has been removing directories from pay phones and charging for directory assistance. But it didn't deserve this court decision.

The dissenter was Judge Henry William Saad, a Birmingham resident and Engler appointee who was re-

elected in 1996. Saad didn't just disagree; he seemed shocked.

"Most people would be very surprised to learn, as I am today, that the hot dog vendor, newspaper stand owner or telephone company is responsible in damages if an inexperienced, intoxicated, criminally reckless driver injures someone who stops to use the vendor's services. Though it is virtually impossible to predict (much less guard against) the wildly erratic driving exemplified by Ruby Greer, my colleagues in the majority impose such an unrealistic duty upon Michigan Bell."

"(The accident was tragic, but ... bad facts make bad law ... (P)laintiffs' counsel conceded at oral argument that there had never been a car accident involving this phone stand in its history." He said the majority opinion violates common sense, adding:

"While I can understand the compassion that may motivate the majority, nonetheless, to shift the responsi-

bility for this tragedy from where it truly belongs — on the impecunious criminal wrongdoer — to the innocent defendant with resources — does violence to the law of negligence which only imposes reasonable duties, and to the law regarding causation which mandates the sensible conclusion that Ma. Greer caused this accident, not Michigan Bell."

Voters, take note: The judges we elect do affect the business climate. There is a distinction between raiding a company's "deep pockets" and assigning responsibility justly.

One suspects Ameritech will consult a lawyer and a traffic engineer each time it sites a phone booth, passing on the cost to customers.

No doubt someone will send this case to Ann Landers for her wacky lawsuit file.

Tim Richard reports on the local implications of state and regional events. His Touch-Tone voice mail number is (313) 953-2047, Ext. 1881.

Term limits: Bad idea causes new preoccupation for careerists

The November 1998 elections are more than a year away. But that strange noise you hear in the background is the sound of candidates jostling for position after term limits kick in.

Back in 1992, Michigan voters approved by 58.8 percent a ballot initiative that restricted state representatives to three two-year terms and state senators to two four-year terms. For the House, term limits become effective with terms beginning in January 1993. It means that 65 of our 110 incumbent state representatives, will hit the wall in 1998. (State senators may one run one more time, in 1998.)

The stated theory behind the move to limit legislative terms had two parts. First, some legislators from solidly one-party districts had been arrogant and/or embarrassing fixtures in the Legislature for years and years, so requiring some new blood seemed like a good idea. Second, since "career politicians" had dominated the Legislature for decades, arbitrarily limiting their terms would open the way for "citizen politicians" to run, thereby improving the quality of lawmakers.

The arguments seemed appealing at the time. In fact, I wrote a couple of columns back then endorsing term limits and advocating the superiority of citizen politicians over careerists. I can't prove this, but with insight that comes with the passage of five years, I suspect there were two other hidden agendas. The first, Republican in origin, was that long-serving Democratic incumbents constituted a barrier to electing Republicans from districts gradually swinging toward the GOP. Term-limiting them out was a neat solution.

The second followed the general anti-government rhetoric very popular at the time. Long-serving members of legislative bodies were, themselves, part of a vast conspiracy between politicians, bureaucrats and special interest groups to keep big government running smoothly. Eliminate one component, the reasoning went, and you weaken the whole shebang.

The subject is back in the news these days because the 9th Circuit Court of Appeals just threw out the California term limits initiative, possibly setting up a test in the U.S. Supreme Court. In Michigan, an anti-term limit group, Citizens for Legislative Choice, claims the state constitutional amendment violates the U.S. Constitution's Bill of Rights. They likely will have a chance to argue the point before U.S. District Judge Patrick Duggan (a Reagan appointee, originally from Livonia) this fall. Although inadmissible in a court of law, com-



PHILIP POWER

mon sense suggests it's worthwhile to look at what term limits are doing so far to the political and legislative process.

Certainly, they are having no discernible impact on reducing the infestation of careerists. In fact, it's quite the reverse. Term limits have merely changed the calculus of career building, with incumbent state representatives with career ambitions now busily preoccupied with figuring out what else to run for after their tenures expire.

Deborah Whyman, a Republican state rep from Canton Township whose time in the House will be up at the end of next year, will run for the Senate seat being vacated by Bob Geake. Lyn Bankes, another GOP state rep from Redford-Livonia, is planning a run for the Wayne County Commission. After his term runs out, Rep. Greg Kaza, R-Rochester Hills, is looking at running against Democratic Congressman Dale Kildee.

In terms of the quality of legislative decisions, there seems a growing consensus that big trouble is brewing after term limits cut in and experienced legislators depart. For example, Republican Sen. Joe Schwarz, who runs the key subcommittee on higher education appropriations, says that after term limits, "decisions will be made by brute force" rather than reasonable compromise.

I've come to the conclusion that the big defect with term limits is utter lack of discrimination. They throw out the bad, high-seniority legislators together with the good, high-seniority legislators. Most polls say a sizable majority of Michigan voters still like term limits. If the lawsuit against limits failed, I'll be interested to see what they think, say, in the year 2000. In the meantime, I'm afraid term limits are yet another example of a bad idea whose time has come.

Phil Power is chairman of the company that owns this newspaper. His Touch-Tone voice mail number is (313) 953-2047, Ext. 1880.

"There's so many problems in the world, I think I'll just skate along on the surface."

If there's a better way, show me!"

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