

POINTS OF VIEW

Courts often side with gov't when inmates sue

It has been a bad year for prison inmates in the Michigan Court of Appeals.

Mary Glover, serving a life sentence for second-degree murder, became a *cause celebre* when she "earned college degrees with high honors and received a prestigious literary award. She was active in prisoner social and religious programs, and involved herself in a groundbreaking federal lawsuit that has enhanced opportunities for the female inmates of this state," the appellate court said.

But the Parole Board in 1994 said it "withdraws interest" in granting her parole. No explanation. No suggestions for improving her behavior. Just the high-handed, bureaucratic conclusion.

She sued, charging the Parole Board itself violated the law with its non-explanation and also violated the Open Meetings Act by meeting secretly. "We find that considerations of fairness and due process entitle plaintiff (Glover) to a written explanation

by the Parole Board," said Judges Michael Kelly and Myron Wahlis.

But it turned down her request for an open meeting, saying the Parole Board could cure its problem with a written explanation of her denial.

Judge Hilda Gago, formerly of the Oakland Circuit Court, dissented, noting Glover had been the principal in the shooting death and theft, had some misconduct violations (including two sexual), and arguing (not very convincingly) that the Parole Board isn't subject to the Open Meetings Act.

Tracy Neal was lead plaintiff in a women inmates' class action suit against the Department of Corrections, its officials and officers at "facilities" in Plymouth and Coldwater. They charged male officers had sexually harassed them through watching intimate bodily functions, patting them down, and retaliating when the women complained, all in violation of the Civil Rights Act.

Judges Peter O'Donnell and Hilda Gago said the Civil Rights Act pro-



TIM RICHARD

hibits discrimination in public accommodations and public services, but prisons don't qualify. They sent the case back to Washtenaw Circuit Court, saying the women "may have a direct constitutional claim" under equal protection and equal benefit of the laws.

Judge Barbara MacKenzie dissented, saying the women "have stated a valid cause of action under the Civil Rights Act" under a liberal construc-

tion of the term "service to the public."

The Parole Board appealed when a Wayne Circuit judge declared unconstitutional a part of the law declaring inmates seeking parole had the right to legal counsel. Sabatino Francesi was serving four-15 years for his 1992 conviction for sexually assaulting his 9-year-old stepdaughter.

The law is fine, said a 3-0 appeals court panel. The Parole Board can best make its decision "by hearing the inmate's own words, unguided by the presence or promptings of counsel..." And indigent inmates would run up the budget if the public had to provide them lawyers, said Judges Michael Kelly, Robert Young Jr. and Martin Doctoroff.

Inmate Jerome Holmes was convicted by a Marquette jury of an assault on prison employees and pleaded "ineffective assistance of counsel." Among other things, Holmes said his lawyer "failed to obtain information regarding prisoner grievances

filed against the officers that testified (his) trial" under the Freedom of Information Act.

The appellate panel said the officers' performance records were "unobtainable" because the result would be "potential breaches in prison security as defendant and other prisoners could request grievance and disciplinary information regarding prison officials." It said Holmes could "cross-examine all witnesses under oath at trial and could have explored whether any had grievances filed against them."

Anyone who says courts are soft on prison inmates is watching too much TV or listening to too much talk radio. The courts are giving the Corrections Department and Parole Board a lot of leeway.

Tim Richard reports on the local implications of state and regional events. His Touch-Tone voice mail number is (734) 953-2047, Ext. 1881.

Schools should teach us about our northern neighbors

I'll have to let you know about our trip to Goderich, Ontario, when we get the pictures developed.

I'm not really one to bore family, friends, colleagues and readers with too many summer photos, but our trip north did get me to thinking. Why don't we learn more about Canada when we're growing up? I know schools have plenty to do, but it seems like instruction on Canada could be added without too much trouble and plenty of benefit.

A recent trip to Ottawa, Canada's capital city, was an eye-opener. My husband and I toured Parliament with helpful student guides who spoke both English and French. (We chose the English.) It was embarrassing to have to admit, but I didn't know exactly what form of government our good neighbors to the north have. It's a constitutional monarchy,

the guide politely informed me, and a man on the tour, presumably a proud Canadian, was eager to tell me even more.

My husband and I have taken two trips to Ottawa and benefited from both. On one, we toured Laurier House, home to two Canadian prime ministers of different eras. We also visited Canada's Supreme Court, which wasn't in session at the time.

Both times, we visited the Museum of Canadian Civilization, just across the bridge within walking distance in Hull, Quebec. There, we learned a great deal about the native peoples who have played such a vital role in Canada's development.

On one of our trips, we took the train on to Montreal, where I found the French speakers most helpful. I'd been apprehensive that my high school and college French would prove



JULIE BROWN

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inadequate, but didn't have any trouble finding bilingual people in Montreal.

Montreal was a fun city to visit, in that I'd been there for Expo '67 as a child and was eager to see how it had changed. The amusement park La Ronde, which was visited, was left from Expo '67.

We enjoy crossing the border into Canada on our vacations, and it's not just the value of the Yankee dollar that makes Canada appealing. I like to learn about another culture, and our trips to Canada have revealed that Canada is definitely another culture and not just a carbon copy of the United States.

I have a friend in San Diego, Calif., close to Mexico. If we visit soon, we'll make it a point to go to Mexico. How fortunate we are in Michigan to have Ontario just over the border.

It would be great, I think, if we learned more about Canadian government, society and culture in school. Such studies could be incorporated into all levels of learning, including higher education.

Some of my learning about Canada has come courtesy of the Canadian Broadcasting Corp. Such excellent family dramas as "Avonlea" and "Wind at My Back" are complemented by news and documentary programming. Even the sports programming gives insight into life in Canada.

It's good to know there's more to life across the border than cold beer and doughnuts.

Julie Brown is a copy editor for the Observer Newspapers and a Plymouth Township resident. She can be reached by calling (734) 953-2126.

Government by innovation can save taxpayers a bundle

For most folks, what goes on at SEMCOG (Southeastern Michigan Council of Governments) and MAC (Metropolitan Affairs Coalition) is of, well, marginal interest.

But they've put out a remarkable booklet in recent months, entitled "Award Winning Joint Projects." It describes a number of projects undertaken at the local level in communities in Southeastern Michigan.

It makes great reading, if only because it strikes to a historic problem embedded at the heart of our politics. Historically, governments — whether local, state or federal — are good at doing more and more things when they get more and more revenue. But governments are lousy at doing more things when they get less revenue, being in other words more productive.

Hence the term "entrepreneurial government" (thanks to Tim Richard, who covers government and politics for this newspaper), the faintly radical idea that governmental units ought to think and act like entrepreneurs. Experiment. Be innovative. Try new things. Even (gasp!) take risks.

The "Award Winning Joint Projects" booklet offers us a slew of neat examples of what governments can do when they think like cost-cutting, productivity-maximizing entrepreneurs.

A case in point comes from the Plymouth community, a wonderful combination of a old-fashioned downtown in the City of Plymouth surrounded by high-growth subdivisions in Plymouth Township.

For years, relations between the city and the township were jagged at best, both communities competing to offer services like fire protection. But as time went on, governmental leaders began to realize that duplicating services merely cost taxpayer money without any corresponding gain in safety.

So somebody got the bright idea of consolidating city and township fire departments. The city commission and the township board negotiated a deal in 1995 whereby:

The city contracted with the township for fire service.



PHILIP POWER

Costs were shared accordingly as a rolling three-year weighted average of state equalized value (33 percent), population (33 percent) and runs/use (34 percent), with the city's share never to be lower than 25 percent of defined costs.

Both bodies adopted a single set of ordinances, building codes and policies.

Firefighter unions agreed to allow the township to hire city firefighters at their existing seniority levels.

The results are outstanding.

A total of \$6 million in cost savings are estimated over the 10-year life of the joint contract, while at the same time response time to fire calls has been reduced dramatically. Citizens in both city and township are benefiting from better fire protection at reduced taxpayer expense.

This joint project is a perfect example of how governmental leaders, once they start thinking outside the box, gain the courage to take risks in order to reap rewards for their communities. It's a perfect example of entrepreneurial government in action.

Both the City and the Township of Plymouth won an "Outstanding Project" award. They deserve congratulations from all sides.

Phil Power is chairman of HomeTown Communications Network Inc., the company that owns this newspaper. He welcomes your comments, either by voice mail at (734) 953-2047, Ext. 1880, or by e-mail at ppower@eonline.com

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