

## POINTS OF VIEW

## Trial attorneys loosen system

I never expected to write this column. For years, I've had it in for the trial lawyers, who I've always regarded as little more than ambulance chasers with a vested financial interest in bringing frivolous lawsuits. But I've changed my mind about trial lawyers — at least some of them — and I'm obliged to explain why.

It all has to do with the way the trial lawyers have functioned to loosen up our political system; a sort of laxative for stopped-up politics, I suppose.

In the absence of any meaningful campaign finance reform, our political system remains infested with special-interest money. Politicians interested in getting re-elected solicit to big contributors such as the tobacco companies and the gun industry.

The big contributors, having contributed, naturally expect some return on their investment. This means that when legislation comes up that hurts their interests, lobbyists pay calls on elected officials reminding them of past contributions and suggesting it's time to fulfill their part of the bargain.

And guess what? The offending legislation fails.

Although we like to say we are a democracy, in practice our politics often work as a plutocracy, "a government or state in which the wealthy rule," according to the dictionary. In our case, "the wealthy" consist of special interests that understand how a few million contributed here and a few million there can thwart public opinion and get their way.

It is the plutocratic workings of our politics, for example, which enabled the big tobacco companies that contributed millions and millions of dollars to scuttle former legislative attempts to restrict or outlaw cigarette advertising designed to hook kids. While public attitudes overwhelmingly favored restrictions on smoking and cigarette advertising, big tobacco money stuffed up the legislative process for years and years.

What finally loosened up the process? The trial lawyers, that's who.

They had been going after the tobacco companies with wrongful death and damaged health lawsuits for years and years, always failing but keeping at it. Finally, the attorneys general of the various states around the country who have been spending billions of taxpayer dollars treating illnesses caused by smoking finally joined in.

And suddenly, the financial resources of the tobacco industry were equally matched by the trial lawyers and the attorneys general. They joined forces in the final big lawsuit that scared



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the tobacco industry into settling out of court by paying billions of dollars to the states and agreeing to restrictions on cigarette advertising.

What the political system could not or would not do finally got done by the trial lawyers.

We now see exactly the same process starting all over again, but this time involving the gun manufacturers and the National Rifle Association.

For years and years, the NRA terrorized lawmakers, bottling up attempts to regulate the sale of guns or require safety mechanisms that allow guns to be fired only by their legitimate owners. This in the face of overwhelming public attitudes toward guns that are much like public attitudes toward smoking: there are too many guns and the gun makers aren't serious about doing anything to make their product safe.

Enter the trial lawyers. By inventing a novel legal theory — "Through a calculated strategy of willful blindness, the defendants exploit, rely upon, and help to maintain an active illegitimate secondary market in firearms," according to the suit filed last week in Wayne County Circuit Court by Detroit and Wayne County — the legal process is being deployed to unstop a political system that would not act.

Detroit-Wayne County joins six other local governments — Cleveland, Chicago, New Orleans, Miami-Dade County, Atlanta and Bridgeport, Conn. — in suing the gun industry. Other suits are likely.

I have no idea whether these suits will eventually succeed. But I see a pattern beginning to unfold: A political system that cannot or will not respond to public outcry can be bypassed by recourse to the legal system.

The next target? Your guess is as good as mine. But most folks consider the entertainment industry to be all-powerful.

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: [ppower@online.com](mailto:ppower@online.com).

## It's a gimmick for parochialism

Well, the cat is four-fifths out of the bag. The Religious Right (not to be confused with conservatives) is coming out for parochialism — state money for church-related schools.

It has been a stealthy process, for the Religious Right is not especially courageous about stating its goals openly. It was Ralph Reed, then of the Christian Coalition, who used the term "flying under the radar" to describe the tactics of those who want government support of their religion. Theirs, not necessarily yours.

To review: Michigan voters in 1972 amended the state constitution to prohibit any form of state aid to private and sectarian schools. Since then, there has been a series of efforts to weaken that rule:

■ Special education — All kids get services, whether in public or private schools or even the misnamed "home" schools. Attorney General Jennifer Granholm even opined that a girl in a nonpublic school must get occupational therapy in her school; she can't be required to travel to a Head Start facility.

■ College work — A high school student wishing to take college classes can take, as they say, his state aid with him to the college of choice — public or private.

■ Charter schools — Many are built around "ethnic" and "cultural" themes, but sectarianism isn't far below the surface.

■ Scholarships — About three years ago, the RR started a program of seeking private contributions to a fund that would pay tuition for "poor" kids to attend private and parochial schools. Former state Rep. Maxine Berman, D-Southfield, gets credit for immediately spotting the trick. The next step, she predicted, would be state-paid tuition grants for poor kids to attend private schools.

■ State-paid tuition grants — Amway heir Richard DeVos last month announced a petition drive to amend the constitution to do precisely what Berman predicted. The cat is four-fifths out of the bag.

As I read the news accounts, the "scholarships" would go to students in a few dozen selected school districts. Even if voters were conned into buying the scheme, two things are very wrong with it:

First, the U.S. Constitution requires "equal protection" of the laws. One can't give state money to kids in Detroit and Inkster and



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ignore those in Freesoil and Pickford.

Second, whenever you give any benefit to one group, everyone will want it. Who says the cutoff point is \$20,000 income? Let's make it \$25,000; or \$40,000; shucks, let's give it to everybody.

DeVos is the husband of Betsy DeVos, state Republican chair. She hasn't a good word to say about public schools, PTA or anything associated with them. I watched Dick DeVos in the two years he was on the State Board of Education. He had an improper habit of voting for school property transfers if the parents wanted them, and the heck with the impact on the districts, the bus lines, the tax base, any court orders affecting segregation.

Many of us expected this church-aid gimmick to surface in 1998. It didn't, apparently because Gov. John Engler didn't want to see it as a campaign issue, though he probably favors it. Engler won't be running for state office in 2000.

Instead, Engler is trying to slip through a batch of bad policies to let people enroll kids in nonpublic schools but get the advantage of public school sports, bands and clubs. Another bad Engler idea is one school district set up a "satellite" operation in another district.

The DeVos gimmick is clothed in rhetoric about "kids first" and "choice." The true agenda, ever since the battle of 1972, has been to get public tax money for sectarian schools. Their goal is state support of religion, as if the tax-exempt status, the freedom from MEAP tests, the loose reporting requirements and zoning protections weren't enough.

Tim Richard is retired from full-time employment as of May 1 but will continue his column periodically. His e-mail address is [trichard@oe.hometown.com](mailto:trichard@oe.hometown.com).

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