

# President Bush's actions at odds with local concerns about our parks, animals

*We have forgotten how to be good guests, how to walk lightly on the earth as its other creatures do.*  
Stockholm Conference, Only One Earth, 1972

I think that our new president has to get out and about more.

Last week, as reported in the *New York Times*, President George W. Bush rescinded a phasing out of snowmobiles in Yellowstone. That's despite scientific evidence that the nearly 1,000 snowmobilers who invade the park each day in winter cause noise, air pollution and freak out the wildlife. He is also reportedly ready to weaken a Forest Service rule that protects 60 million acres of national forest from road building, new oil and gas leasing and most new logging.



Judith Doner Berne

Bush is coming up with new ways of damaging our national parks and wildlife refuges at a time when residents of our Oakland County hometowns are prodding their officials to improve and expand their local parks and provide places where even their domesticated animals can run freely.

In Birmingham, voters will decide this November on a bond issue to provide as much as \$25 million for new and improved parks and recreation. Public input, city officials pledge, will drive what the money is used for as it has the initiative itself.

Proposals that have made it into print include in-line skating park, which teens have been requesting ever since they were kicked off city streets a few years back; a dog park, which up to this point has raised yelps from neighbors when suggested for existing parks; and a complete dredging and bank restoration of Quanton Lake. Federal and state matching grants to improve the lake's quality could help.

Other ideas include buying a 106,000-square-foot former school turned rehabilitation center, operated by William Beaumont Hospital, and its surrounding grounds. The idea would be to adapt

the building for a fitness center and keep its grounds for a park. Purchasing Rooper Park, the property of Rooper School, is also being discussed although school officials say it isn't for sale.

In West Bloomfield, the public got three chances last month to help update that town's master plan for parks and recreation. Various residents advocated a township dog park, a teen center with a park for in-line skating and skateboarding, and an expanded trail network to provide bike and foot access to more township parks.

A team of consultants from Johnson, Hill and Associates in Ann Arbor will adapt the input to concrete proposals. Plans presented are available on their Web site — [www.johnson-hill.net](http://www.johnson-hill.net) — where residents are encouraged to add their ideas.

Meantime, over in Farmington Hills, George Sarkisian resorted to the good old letter-to-the-editor to make his views known. He's disgusted by that city's failure to create a dog park which he says officials have been studying for two years.

"Let's take stock of the creative genius of our city council members," he wrote. "With all their brains and experience and all the clubs and organizations they belong to printed on their campaign literature, they can't figure out a way to designate even one acre of the 23,047 acres we have in the city of Farmington Hills for a dog park."

He cited a number of ways to pay for its creation and maintenance. These include: fining builders or developers for violations such as cutting down too many trees; ticketing owners who don't clean up after their pets; making sales persons caught in police stings for selling alcohol to minors perform community service — by cutting grass or cleaning up the dog park.

He also suggested council members do the obvious — talk to other communities where dog parks have been established.

People in our corner of the world push their local governments to step up to the importance of provide open space for them, and more recently, for their animals. I don't imagine its much different in other parts of the country.

Weird that a ranch-owner from a state with as much wide open space as Texas just doesn't get it.

Judith Doner Berne, a West Bloomfield resident, is a former managing editor of *The Eccentric Newspapers*. Your comments are welcome by calling (734) 953-2047, writing a traditional letter-to-the-editor, or e-mailing [jberne@aol.net](mailto:jberne@aol.net)



Mike Malott

# State justices legal gymnastics savages constitution

The problem with the Michigan Supreme Court's literalist interpretation of the state Constitution is that it supposes the framers back in 1963 would have, or even could have, anticipated and protected against every devious little scheme legislators might hatch over the next 40 years to twist its wording around to frustrate its meaning and intent.

More likely, its authors assumed the people of this state would want to continue operating as a representative democracy, taking guidance from voters when their will was clearly expressed ... and that the Supreme Court would assist in reaching that goal.

Instead, Justices Clifford Taylor, Maura Corrigan, Stephen Markman and Robert Young recently did 45 pages worth of mental gymnastics to work their way around to the idea that the people of Michigan must have intended to leave a gaping loophole in the state Constitution.

Yes, we reserved for ourselves the right of referendum so we could "approve or reject laws enacted by the legislature." But because when we ratified the constitution, we also accepted wording that exempted "acts making appropriations" from the power of referendum, the court concluded we must have intended to let lawmakers frustrate petition drives by simply tacking a few dollars worth of spending on to any bill.

That's ludicrous. It simply makes no sense.

Yet it is exactly the position taken by those four justices in the case of Michigan United Conservation Clubs vs. Secretary of State and the People Who Care About Kids committee. The decision was issued late last Friday, allowing the legislature's new concealed weapons law to go into effect Sunday and tossing out the referendum petitions.

The case was not about whether Michigan should implement the "shall issue" CCW law approved last year. Now was it about whether circulators had enough signatures to call for a vote.

It was about whether legislators could use this little constitutional contradiction to "evade a referendum." One lawmaker, an author of the final CCW bill, eventually even admitted that was the reason for adding the spending provision to the bill in conference committee at the 11th hour.

But that doesn't matter, Justice Corrigan said. She dismissed the entire question of a legislative subterfuge by concluding, "The argument is misplaced."

This wording in the constitution has given

Michigan residents problems before. Justices cited a case from 1939 on the same issue. Back then, the court didn't let lawmakers get away with it and ordered the referendum election to proceed.

Rather than follow the precedent, Justice Young used a bizarre twist of logic to conclude that voters intended to leave the loophole there because they failed to fix that wording when they rewrote the

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Constitution 24 years later.

Generally, you don't fix legal wording when the court has interpreted it correctly the first time.

But Young concluded the people were aware lawmakers might try this trick and "did not seek to change the constitutional referral language to preclude the Legislature from capriciously exercising its power of appropriation."

(Don't take my word for it. You can read the tortured logic for yourself. The opinion is posted on the Internet at <http://courtoff Appeals.mjud.net/da.htm>. The docket number is 119274.)

The sad part is that now the members of People Who Care About Kids will have to circulate another petition — after they just got done with the Herculean task of collecting 260,000 signatures the first time around — if they still want to put the question on the ballot. They'll have to launch a second petition drive for "initiative legislation." Members of the committee have already said they will do exactly that.

Sadder still is that the decision demands yet a third petition drive. If the people of Michigan want to win back their right of referendum, they'll have to do it through a constitutional amendment petition drive.

Now that these four justices have effectively crossed out voters' right of referendum, some dedicated public advocates are going to have to circulate petitions for an amendment to repair the savage damage done to our Constitution.

Mike Malott reports on the local implications of state and regional events. He can be reached by phone at (248) 634-8219 or by e-mail at [mmalott@homecomm.net](mailto:mmalott@homecomm.net).

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