

Gun ruling was 'made according to instructions'

On a 4-3 split ruling a couple of weeks ago, the Michigan Supreme Court blocked a referendum on the new concealed weapons law that requires local gun boards to issue permits to carry hidden heat to anybody who isn't a felon or mentally ill. That let the law take effect and nullified the petition drive that collected more than 230,000 signatures calling for a statewide vote.



Phil Power

In short order, thousands of folks lined up to get permits. The flood of applications went a long way to validate the Michigan State Police estimate that the bill would increase the number of permit holders from the current 53,380 to more than 125,000.

Many prosecutors - including Wayne County's Mike Duggan and Oakland's David Goreyca - resigned from their local gun boards, reflecting fierce opposition to the law from parts of Michigan's legal and police community.

The majority Supremes are taking a real pounding on this one, and it isn't confined to editorial writers and columnists. "I'm terribly disappointed that the opinion flies in the face of the people's Constitutional right to referendum," says Attorney General Jennifer Granholm. David Fink, Oakland Coordinator for the People Who Care About Kids Committee that ran the petition drive, says the decision "eviscerated the people's right to referendum. If legislators want to take away our right to referendum, all they have to do now is tack on an irrelevant appropriation."

Fink's comments refer to the device the lame duck legislature used to make the bill "bullet proof and ballot proof" by tacking on \$1 million to distribute locks for handguns. The Michigan Supreme Court majority of Justices Clifford Taylor, Maurea Corrigan, Stephen Markman and Robert Young opined the bill is not subject to citizen vote because Article 2, Paragraph 9 of the Michigan Constitution says the power of referendum "does not extend to acts making appropriations for state institutions."

The original purpose of the provision was to make sure government did not grind to a halt if appropriations bills were constantly subject to lengthy referenda. So the legal argument turns on whether the money slipped into the CCW bill

was really a basic appropriation for a state institution or a limited allocation of money for a specific purpose.

Majority justices argued "strict construction" of the constitution required that any grant of money constitutes an appropriation.

Dissenting Justices Michael Cavanagh, Marilyn Kelly and Elizabeth Weaver contended \$1 million tacked onto the bill for the admitted purpose of overturning any effort at referendum is hardly an appropriation and opens the door for all manner of similar legislative shenanigans. Justice Weaver stated in her dissent that the majority opinion opens the door for the legislature to "referendum-proof" a bill simply by adding an appropriation - as little as \$1 will do.

Moreover, the four justices - fierce opponents of judicial activism - have taken the remarkably active judicial step of curtailing a citizen right that has been in the constitution since 1933.

To get a sense of the exorbitantly twisted logic of the majority's views, have a look at Justice Young's opinion, especially. It's on the Internet at <http://courtofappeals.mijud.net/ds.html> (It's docket number 119274.)

The politics are equally troubling. Remember that the way Justices Taylor, Young and Markman got into office? It was through the most expensive and vituperative campaign in Michigan political history. Critics of the campaign - which featured tons of soft money for both Republican and Democratic candidates - charged this method of picking justices will ensure that Michigan can reliably obtain from this court the best justice soft money can buy.

Years ago, people considering a real estate purchase went to a member of the Michigan Appraisers Institute (MAI) for an appraisal. If the appraisal seemed out of line, skeptics would call the resulting document MAI ("Made According to Instructions"). Reading through the twists of the court's opinion persuades me this opinion was MAI from start to finish.

It's in that context that monopoly power today exerted in state government by the Republican Party - the GOP controls the legislature, the governorship and a majority on the Supreme Court - becomes a matter of real concern. Thoughtful readers may recall the 19th century English statesman, Lord Acton, who originally observed that "power tends to corrupt and absolute power corrupts absolutely."

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Juvenile justice overhaul a must

In the past eight years the Detroit newspapers have been reporting on incidents occurring in the Wayne County juvenile detention facility. This facility not only holds children from Detroit; if a child under 18 is sentenced in any city or township in Wayne County (Canton, Plymouth, Livonia, Northville, Westland, Garden City, etc.), he can be sent there while waiting further placement.

Why isn't the public more concerned about the tragedies that are occurring to our youth?



Anne Marie Graham Hudak

Yes, our youth: 99.9 percent of these youth are not tried as adults for violent crimes, according to the National Youth Development Information Center.

They will be back out in society when they're 18.

If abuses in the Wayne County facilities or system continues, the youth that went in as truant

cases, is more than likely to come out as a lost and dangerous adult who commits the same kind of crimes he experienced in a Wayne County facility, some of them even ending up in the adult prison system. It means more money out of our state taxes.

According to a Detroit Free Press article dated May 7, 1999, and congressional debriefings in the Detroit Federal Courthouse, five years after the U.S. Justice Department launched an investigation into charges of abuse and neglect at the facility, in 1998, a social service worker at the facility sneaked a 16-year-old inmate past security cameras and into her office. She and the inmate engaged in sexual acts on several occasions. Several other staff members, including a staff psychologist, previously reported her actions. Most of those staff members, including the psychologist, were fired by the agency. They have all consequently sued Wayne County under the Federal Whistleblowers Act, which protects employees from being fired if they report a crime by fellow employees.

Cited in the Detroit News on May 28, 2001: Since 1998 Wayne County has paid out more than \$1 million to these employees, with more lawsuits pending. One of these cases is reported to be in the millions of dollars, among the highest lawsuit settlements ever paid out by the county.

According to Wayne County Third Judicial Court Conviction and Sentence, case No. 9935147-01, the social worker was found guilty and ordered to stay away from treatment of children in the state of Michigan. However, she was sentenced to just 18 months of probation, which she is now serving.

Not all of the staff are rapists or drug dealers; some truly care about children, and that is why they have made the reports and are trying to raise public awareness. They are also part of a movement trying to get the public involved in monitoring the facility and system.

County officials and facility administrators are denying the allegations. However, allegations of wrongdoings at the juvenile facility are not new. Because of numerous problems ranging from overcrowding to neglect, the center operated without a state license from 1992 to 1997. In December 1994, the Justice department inquiry released a 21-page report condemning the facility for putting youthful inmates in danger of eating contaminated food and at risk from violent jailers.

The recent lawsuits settled include:

■ June 1999 - confidential settlement reached with Larry Fields, a former youth home investigator;

■ March 2001 - confidential settlement reached with Jay Thomas, who charged he was fired because he reported sexual abuse by staff members. He also said his car was vandalized and that the youth home employees paid a resident to beat him up after reporting the abuse;

■ February 2001 - Thomas Moore won a settlement from the county after being fired at the youth facility. He had also reported sexual abuse of residents and was dismissed afterward.

The new Wayne County youth home was also recently opened; however residents of Wayne County were billed twice, due to several million dollars of a 1988 tax scheduled for a youth work/training facility to supplement the county's aging youth detention center being spent mostly in the city of Detroit and the county's general fund. Long-term bonds were then authorized by the county commission to pay for the project.

If the deplorable treatment of children by some staff members at the facility and/or the Wayne County system does not raise your anger, what about thinking about your pocketbook?

Write your Wayne County commissioner, tell him you demand that something be done about the juvenile system in Wayne County. Join a town hall forum from 10:30 a.m. to 4 p.m. July 16 in the City County Building's 13th-floor auditorium. Several organizations are pulling together an effort calling for volunteers to sit on committees to establish youth-at-risk prevention and juvenile justice system overhaul. Please join us if you care - if not for the children - for your pocketbooks.

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