

Judge's Opinion Outlines Interpretation

Buback Case Turns on 'Neglect of Duty' Meaning

The interpretation of the phrase "willful neglect of duty" will be the determining factor in the Circuit Court case of Wayne County Sheriff Peter L. Buback and Undersheriff James Bommarito, indicted by the Piggins Grand Jury in a ticket-fixing scandal.

Both Buback and Bommarito are charged with four counts in the Piggins indictment with Grosse Pointe Municipal Judge Douglas Paterson last week deciding that there was evidence pre-factor in the crime as charged has been committed and that there is probable cause that the two defendants committed the charge.

But Judge Paterson, in binding the case over to Circuit Court for trial, devoted a major portion of his nine-page opinion to the definition of "willful neglect of duty" as it implies in the case against Buback and Bommarito.

The phrase is defined by one law dictionary. Paterson said, "A wrong considered of a public character, and an act committed or omitted in violation of the public law forbidding or commanding it."

"It is necessary to determine fairly what these words mean as applied to public officers" in this case, Paterson said.

"Neglect to perform an official duty is willful if it arises from inattention, thoughtlessness, or heedlessness, in the performance or non-performance of a statutory duty," the judge said in his opinion.

"Willful neglect is conduct of an officer such as to evidence recklessness and other indifference of the conse-

quent of his failure to perform his official duty.

"Ballentine's law dictionary, a degree to an utter disregard of consequences may supply the place of specific intent."

"Ballentine's law dictionary defines willful as applied to the omission of a statutory duty. It is held not to apply to mere inadvertence, but to an intentional failure to comply with the law and that an evil intent is not a necessary attribute."

"The word ordinarily means intentional as distinguished from accidental or involuntary," Paterson continued.

In the three-week long pre-trial exam in Paterson's court, witnesses testified that they showed both defendants copies of fixed traffic tickets in 1964. The sheriff and his top assistant said they would look into it but the policemen said that nothing was ever done about it.

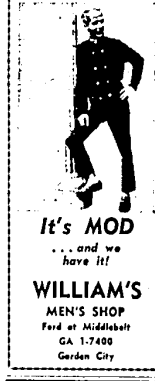
In addition, the two are charged with appointing as honorary deputy sheriffs, persons with police records, holding an illegal coffee to raise campaign funds; and forcing sheriff's department employees to sell tickets for

testimonial dinners honoring Buback and Bommarito.

Paterson cited a state law which prohibits persons covered by the civil service rules from directly or indirectly making, soliciting, or receiving in any way being involved in the contribution or subscription to any political party or for any political purpose.

Paterson said in his written opinion that there was an abundance of evidence showing that the testimonial dinners and the tickets for them were "for the political candidacy and political welfare of Buback and Bommarito. The practice of testimonial dinners for and on behalf of candidates for political office is so widespread as to be a matter of public knowledge of which a court can certainly take judicial notice.

On the question of appointing honorary deputy sheriffs, Paterson said that the law does not authorize this action and no such authority is intended.



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WESTLAND FIREMAN Joseph Benyo (right) shows his photo display and seminary certificate to Fire Marshal Milton Quirling. Benyo's exhibit at the recent Chicago Fire Academy Photography Seminar reached the finals in the national competition.



Young Gridders To Register For League

Registration will be held Saturday morning for Westland boys who want to compete in a football league this fall.

The signing-up will be from 8 a.m. to noon at the Nankin Mills Baptist Church, Ann Arbor Trail and Hubbard Street under the Nankin Youth Athletic Association in conjunction with the Western Suburban Junior Football League.

Boys will be assigned to teams on the following basis: freshmen, nine and ten year olds who have not played before and who weigh between 65 and 105 pounds; junior varsity, ten year olds between 65 and 105 pounds and 11 year olds between 85 and 90 pounds; varsity, ten year olds between 105 and 120 pounds; 11 year olds between 90 and 120 pounds and 12 year olds between 85 and 120.

Two doctors will be on hand Saturday morning to give physical exams for the boys, who must be between nine and 12 years of age as of Sept. 1 and live in Westland. Boys registering must have proof of age and a \$5 fee.

"All boys will be furnished with complete uniforms and safety equipment, except shoes," a league spokesman said. "Teams will compete against boys of the same age from Livonia, Plymouth, Garden City, and Dearborn Heights. All games will be on either Saturday evening or Sunday afternoon.

Practice will start Sept. 1 and every registered boy will play during the season.

ARSON IN PICTORIAL

WESTLAND FIREMAN Joseph Benyo (right) shows his photo display and seminary certificate to Fire Marshal Milton Quirling. Benyo's exhibit at the recent Chicago Fire Academy Photography Seminar reached the finals in the national competition.

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In Westland Dept.: Fireman Handy with Camera

Westland fireman Joseph Benyo is equally adept with his camera. Joe received a certificate of completion of Chicago Fire Academy Photography Seminar at which he was the head of the Chicago Fire Department's photographic unit.

Benyo, who lives with his wife and children at 32547 Judy Drive, attended the three-day seminar and listened to speakers on movies, darkroom procedures, use of color photography, and the latest camera techniques, Savini said.

The Westland fireman developed a display entitled "Arson in Pictorial" which reached the finals.

Benyo, a member of the National Press Photographers Association, has contributed many fire rescue work pictures to The Observer.

College Sets Program For Fall Registration

Registration procedures for students enrolling in evening college classes at Schoolcraft College this fall were under record by Registrar Norman H. Dunn. At the college prepared to process an anticipated 2,800 day and evening students Aug. 29, 30 and 31.

Dunn placed emphasis on two categories of evening college students: those who have made application to the college but have not been counseled, and students living within the college district but who have not yet applied for admission.

Students who have applied but have not been counseled, whether they have previously attended Schoolcraft or are newly accepted, will register between 7 and 8 p.m. on any of the three nights of Aug. 29-31.

These students will be counseled the night they apply. Dunn said students in this category will be limited in course choice to non-matriculating courses.

Classes for both day and evening college start Thursday, Sept. 1.

Enrolls in Prep School LEBANON, Tenn.—Kevin John Isom is enrolled at Castle Heights Military Academy here. He is a son of Mr. and Mrs. John B. Isom, 19225 Hardy, of Livonia, Mich.

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11x11 1/2"	White extra heavy nylon plush	150	69
12x12 1/2"	Green & White wool tweed	110	68
12x14 1/2"	Biggs embossed 501 Nylon	130	59
12x11 1/2"	Green Wool Tweed	80	88
12x12 1/2"	Green 501 Nylon Scroll	153	79
12x14 1/2"	Green & Brown Nylon Tweed	60	29
12x12 1/2"	Best Super 501 Nylon Twist	240	124
12x14 1/2"	Biggs Wool Tweed	160	89
12x12 1/2"	Blue 501 Nylon Scroll	155	65
12x12 1/2"	Tan Heavy Leaf Axminster	180	89

This is a partial list only

Roll Balances			Was	Is
15x21 1/2"	35	Biggs Popcorn 501 Nylon	.....	\$280 \$149
12x22 1/2"	30	Black & White Wool Tweed	.....	270 130
12x21 1/2"	28	Pumpkin 501 Nylon Twist	.....	308 184
12x20 1/2"	27 1/2	Blue Super 501 Nylon	.....	324 168
15x17 1/2"	29 1/2	Gold 501 Nylon	.....	245 139
12x23 1/2"	33 1/2	Biggs 501 Nylon	.....	292 139
12x22 1/2"	30	Biggs Turquoise 501 Nylon Scroll	.....	360 150
12x22 1/2"	30	Blue Heavy 501 Nylon	.....	310 165
12x25 1/2"	34	Pearl 501 Nylon Texture	.....	306 170
12x25 1/2"	33 1/2	Blue Heavy Nylon Loop	.....	390 225
12x27 1/2"	37 1/2	Green 501 Nylon Twist	.....	450 266
12x27 1/2"	36 1/2	Heavy Gold Tip Sheer Wool	.....	478 288
15x19 1/2"	32	Heavy Gold 501 Nylon	288 140
15x24 1/2"	41 1/2	Heavy Walnut 501 Nylon	369 182

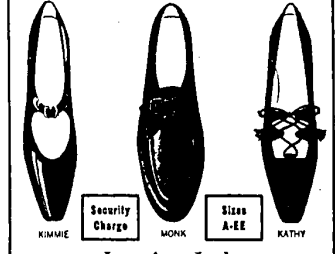
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