

# REP. JAMES TIERNEY: REFLECTIONS ON GUNS, CRIME, LAW

James Tierney has been doing a good deal of thinking about crime, safety, riots, guns, courts.

He is a state representative from the 30th District, which includes Plymouth city and township, Canton Township, Garden City, part of Westland and a small chunk of Livonia.

A Democrat and an auto plant worker for many years, Tierney doesn't always hold to the strict party line when the conversation turns to courts and criminal procedures.

He thinks lawyers, notably in legislative committees, have a built-in bias in favor of persons accused of crime and are neglecting the effects on persons abused by crime. He is in favor of moderate gun control legislation but opposed to any rigorous clampdown on all guns.

Now 60 and in his second term in the Legislature, Tierney came to statewide attention when, as mayor of Garden City, he was shot down by an angry contractor at a meeting in a dispute over the price of a building. The release of the accused man from jail and a mental hospital over a period of years, and Tierney's failure to collect a large civil damage judgment, have profoundly affected his life, although he works hard at not getting bitter.

Avoiding personalities, we asked him about gun legislation, crime, lawyers and youths. Here are the questions and his answers:

**QUESTION:** You've been appointed to an interim committee of the House to investigate the gun laws of Michigan. What, precisely, are you going to look for?

**TIERNEY:** "Speaker Waldron, a few weeks ago, appointed me a member of the gun committee. The work of this board will be, first of all, a review of our existing laws to see if they need to be strengthened or whether new legislation is needed to protect the public from the improper use of firearms.

"We will investigate this as it relates to the crime that has been increasing in the big cities and metropolitan regions. According to the FBI reports, the crime rate for major crime is increasing four times as fast as the population.

"First, we will have to review our (state) laws and the laws of our nation to see how they can be correlated to prevent people who want to commit crime from misusing the power that is given them in the form of a weapon."

**QUESTION:** Will that not require federal legislation?

**TIERNEY:** "I'm of the opinion that federal legislation is definitely needed, because many of the weapons in Michigan are purchased just across the (state) line in Toledo. The weapon that murdered a rabbi was purchased in Toledo just a short



Problems: Misuse of Guns

time before the murder was committed. "Mail order guns can be ordered not only from places in the United States, but also from foreign countries."

**QUESTION:** Some people are of the opinion that we have entirely too many guns. Do you think we have too many? Should more citizens own them, or should we clamp down and have fewer?

**TIERNEY:** "I don't believe the problem is so great in the number of guns as it is in the misuse of guns, because there are many different methods of murdering human beings.

"I don't think it's in the number of guns as it is that too many guns are available to people who are going to use them for criminal purposes."

to purchase guns and use them in self-defense, not always with the encouragement of Commissioner Ray Girardin and the Detroit police. What do you think of the movement in general?

**TIERNEY:** "Well, I think the merchants in the areas where robberies, hold-ups and even murders are predominant should have weapons.

"But along with having weapons, they should be thoroughly trained in the use of those weapons.

"I do believe that the incidence of holdups and robberies will decrease when the criminal knows that he might be the one to get hurt, because most criminals are basically cowards also."

**QUESTION:** In regard to training these merchants, who should be responsible for it? How can we be certain that the merchant who is supposed to be protecting himself with a pistol will be careful and use it properly, and not hurt an innocent person?

**TIERNEY:** "I believe that training should be according to the availability. In some sections of the state, the only training facilities are for the local police or the sheriff.

"I think whatever agency is most convenient and best equipped should be the training agency."

"In Michigan, we have training agencies in the local police, the county sheriffs and also the state police. Many of these agencies have excellent programs of gun safety and accuracy in their use."

**QUESTION:** You've made the comment that the American judicial system and legal system are weighted somewhat heavily in favor of the defendant and against the public interest.

**TIERNEY:** "Definitely."

"I think that some of the court decisions and rules of evidence and the conduct of criminal trials are based on the situation that existed a long time ago in our country, when people could be picked up and put through the third degree and so forth, and even military forces and law enforcement forces would invade a man's home and use physical force and other methods to put a man under strain so that he'd make a confession.

"I don't think this is the case anymore. The laws for protecting an accused person from a mistake in judgment of the authorities have been carried so far that the rights of the abused people—that is, the victims of the crime—have become negligible."

**QUESTION:** Can't the Legislature do anything?

**TIERNEY:** "Our legislative (judicial) committees have a majority of attorneys on them. They're not deeply concerned enough about the shock and the

misery and the deprivation that exist for the victim of a crime.

"They're more concerned about an improper accusation. This is natural from their background—which generally is the background of defense attorneys."

"It would be only natural that their background would make them more concerned about the rights of the defendant than about the rights of the people abused by crime."

**QUESTION:** What you're saying, then, is that only a small proportion of attorneys have been involved in the prosecution side whereas the overwhelming majority of attorneys have been on the defendant's side and think in terms of protecting their clients, and that this inclination carries over when attorneys are elected to the Legislature.

**TIERNEY:** "That is absolutely correct."

"Attorneys generally always take the position that 'my client is innocent, he's

being falsely accused by these law enforcement officers or society as a whole."

**QUESTION:** The most recent FBI report shows that in 1966, in the suburbs of America, one-third of crimes were committed by or attributed to persons under the age of 18. Recently, it has come to the attention of the public that people are maturing two, three or four years earlier than a century ago because of our better diets. Yet our laws have not been changed with regard to age. Should we consider lowering some of the ages in our laws; not only in voting but also what we consider a "juvenile" to be in criminal cases?

**TIERNEY:** "Yes, I believe this is long overdue. Besides, the means of communication and the means of learning are so far ahead of what they were when I was a youth myself."

"Very definitely they know right from wrong at a much earlier age than they did at that time. And I think that legislation to recognize the difference in the time of maturity is long overdue."



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