

Injunction sought

Suit challenges drinking age hike

The Michigan Committee for the Age of Responsibility (MICAR) will be in Wayne Circuit Court today asking Judge Irwin Burdick for a preliminary injunction against the 21-year-old drinking law approved Nov. 7.

MICAR's complaints are several students under 21 and cocktail lounges that cater principally to young persons.

They seek a permanent injunction against the Liquor Control Commission and the attorney general from enforcing the law, and a declaration that Proposal D violates several articles in the Bill of Rights of the U.S. Constitution.

The defendants' brief was not available at press time.

THE MICAR suit goes far beyond campaign arguments of whether Michigan's lowering of the age of majority to 18 in 1972 resulted in more auto accidents.

Handling the case are attorneys Avern Cohn and Stephen Wasinger of Honigman Miller Schwartz and Cohn, Detroit.

The present liquor control act, approved after the repeal of Prohibition in 1933, "specifically does not regulate the use of alcoholic beverages for sacramental purposes, nor does it restrict a parent's right to give alcoholic beverages to children of whatever age for use in their homes," the lawyers' brief argues.

The old law does not regulate alcoholic beverages for medicinal, chemical or scientific purposes, or wine for sacramental purposes, the lawyers said.

But Proposal D, scheduled to take effect Dec. 22, will prohibit those uses and thus "violates the rights of plaintiffs to free exercise of religion" guaranteed by the First and 14th Amendments, the MICAR suit contends.

PROPOSAL D, they argue, creates two "irrational stereotypes...one

subclass composed of all adult citizens over the age of 21, and another class composed of all adult citizens under 21 years of age."

And using the drinking-accident statistics against the backers of Proposal D, the MICAR suit states the new amendment deprives the rights of persons who "have a well below average incidence of alcohol-related traffic accidents, namely females below age 21."

The suit says Proposal D creates "an irrefutable presumption of unfitness (to drink) in violation of the due process and equal protection clauses of the Fourteenth Amendment."

"Because it prohibits parents from giving alcoholic beverages to their children of whatever age, even in their home for family consumption or religious purposes, Proposal D infringes the fundamental rights of parents to the care, custody and nurture of their children," protected by the Ninth and 14th Amendments.

LICENSED taverns and cocktail lounges, MICAR says, will suffer economic harm.

Persons under age 21 who hold licenses or work in licensed places will lose their jobs, they add. There are no figures given for how many persons under 21 own or share ownership of liquor licenses or are bartenders.

MICAR contends Proposal D is further unconstitutional because it allowed the residents of one state, by a bare majority of the voters, to abridge rights guaranteed by the U.S. Constitution.

In law, the U.S. Constitution takes precedence over a state constitution. This principle was applied when the courts in the late 1960's ruled Michigan's legislative, county boards and even one community college apportionment systems in violation of the U.S. constitution.

City's nativity scene gets bah! humbug! from atheist leader

Some folks might consider Henry Schumuck a latter-day Scrooge. Schumuck, a self-proclaimed atheist, told Westland City Council last week that the city should disband its nativity scene, sell it and put the proceeds from the sale into the city treasury.

The manger scene is on the grounds of City Hall, which Schumuck says is a violation of the constitutional doctrine calling for separation of church and state.

Council's reply? "Their mouths dropped down to their chins," said Schumuck, a 40-year-old bachelor who lives on Somerset and works at Ford Motor Company. "They said 'sue me,'" said Schumuck. "I'm not ruling that out, but it costs money."

One council member said he thought the protest was a "shame" when he heard the man's name. Schumuck said teasing about his name doesn't bother him.

Mayor Thomas Taylor also indicated that he doesn't have plans to remove the nativity scene from City Hall property.

The issue isn't religion, but the separation of church and state, said Schumuck.

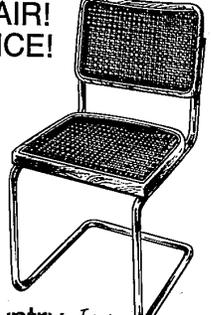
Schumuck says he is an assistant director of the Detroit Chapter of American Atheists. The organization is legally registered as the Society of Separationists, Inc.

"We believe in absolute separation of church and state, and protest the illegal display of the Christian manger scene on city property," said Schumuck. "I don't care if people worship Mickey Mouse. The importance of separation cannot be overestimated."

He pointed that that Attorney General Frank Kelley ruled in 1965 that public schools couldn't promote religious programs, artifacts or music.

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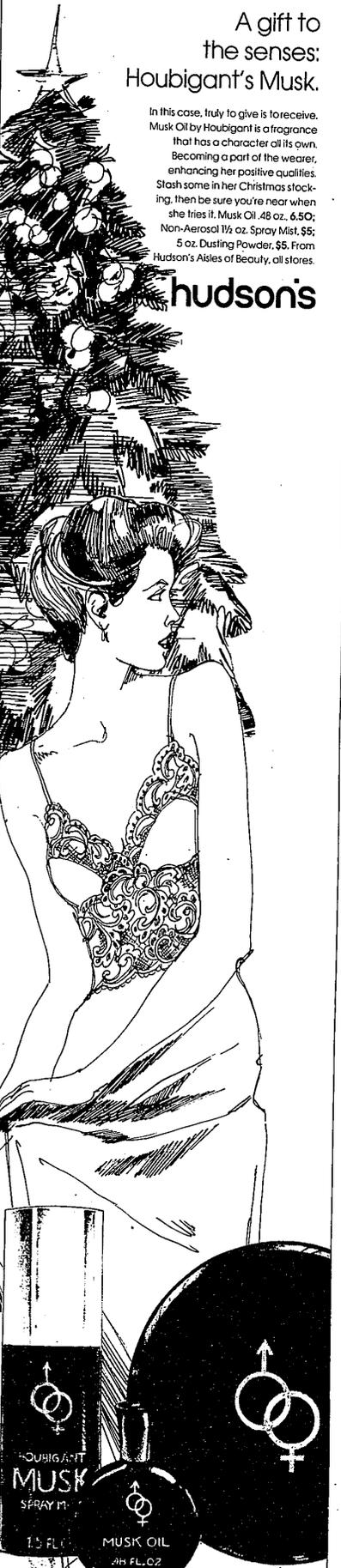


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