

points of view

Police must shun their veil of secrecy

POLICE HAVE enormous powers. Police can tow away someone's car. Police can arrest a person. Police can even kill a human.

Worse, police can effectively hide the name of the officer who did the killing for months. They can't do it legally, but they can do it effectively. (Evening News Assn. v. Troy, 417 Mich. 481.)

Even when police investigate their own mistakes, a police review board can black out three-quarters of the report and hide it for many months. (Post-Newsweek Stations v. Detroit Police Department, Michigan Appeals Court, 1989.)

In Monroe, police wouldn't reveal who was locked up in the city jail — shades of South Africa or the Spanish Civil Guard.

In many suburbs, police use up half the local governmental budget. Even if they never have had a major shootout, they want sophisticated new firearms to keep up with the drug dealers.

The Greeks had a word for it: plutocracy, government by the rich.

THAT IS why it's so necessary for citizens and reporters — who are just citizens with notebooks — to scrutinize police activities.

The most notorious case is the missing million-dollar drug fund in the possession of the Detroit Police Department. So secretive are the police and mayor about it that even Wayne County Prosecutor John O'Hair has to go to court, using the Freedom of Information Act, to get the files.

Detroit isn't the only offender. The Pontiac PD arrested David J. Mack for kidnapping, armed robbery and possession of a firearm in commission of a felony.



Tim Richard

The Pontiac police refused to release the report of its investigation, saying it was "departmental policy not to release records to outside individuals when a police matter was pending" — long after Mack was in prison. The quote is from the 1989 state Court of Appeals ruling against that police department.

AGAINST THIS backdrop, some professional colleagues and I, operating as the Michigan Freedom of Information Committee Inc., put together a forum last week called "Blanks in the Blotter: Police Contest the Sunshine Laws."

This is not to suggest that all police departments shut down all news all the time. But when it comes to internal stuff, police have a bad habit of slamming shut the door.

Attorney Dawn Phillips, whose office is in Bloomfield Hills and is legal counsel for the Michigan Press Association, was the source of the Monroe story.

In the Monroe case, she said, "an assistant prosecutor told me that someone from the Wayne County prosecutor's office told them they could be sued because prisoners have a bad habit about lying about their names." Her point: Even legal

counsel for police departments don't know the FOI law.

PHILLIPS WENT on to cite a letter from a lawyer to the Canton Police Department suggesting stronger scrutiny of what is made public: "If, for example, information is released in violation of one of the exemptions to the Freedom of Information Act created by statute, the information, if sensitive, could result in liability to the township."

The police lawyer had it backwards:

• One can't violate the FOIA by releasing information. I read a lot of appellate court decisions, and I've yet to see one where police were held liable for releasing information.

• Police can be sued for hiding information — as in the Evening News, Post-Newsweek and Mack cases.

WHAT'S BEHIND the increasing secretiveness of police?

Stephen Cain of the Ann Arbor News may have put his finger on it when he said that police there were "responding to prominent people in the community" who didn't like seeing their names, or the names of their kids, in print.

The Greeks had a word for it: plutocracy, government by the rich.

Usually the code word is "right to privacy." But that's just a code word. The issue is secrecy.

And police have too much power for Americans to let them operate in secret.

Tim Richard heads the news service of the Suburban Communications Corp., parent company of the Observer & Eccentric Newspapers.

Musicmakers merit salute

The writer, Linda Schultz, is a senior at Farmington High School.

THE 1989-1990 school year started off with flying colors by the Farmington High School Color Guard, which received a first place trophy at this year's Michigan State Fair competition.

Then the instrumental departments from the three high schools got together for Tag Days to collect support money. This year, it was a great success. I would like to say thanks to all the people kind enough to help us this year.

Farmington's Marching Band went to the Michigan State Band and Orchestra Association field competition this year at Ovid-Elsie High School on Oct. 16. It received first division rating for the third year in a row. Considering it had just finished learning its last routine a day before competing, it did better than a first division.

Harrison's Marching Band was also at Ovid-Elsie High School. It received a first division rating. I would also like to thank them for the encouragement and support they

guest column

gave Farmington's band during the competition. Congratulations go out to them.

NORTH FARMINGTON is fortunate enough to be able to take its Symphony Band and Orchestra to Europe this summer because of its performance in a competition in Washington in January 1988. It will travel to Germany and London, England, on its 17-day tour, from July 11-28. Students will live with host families. Good luck and have fun.

The District Solo & Ensemble Festival was held on Feb. 16. There were several students from all three high schools performing. Those who received a first division at the district level will perform at the State Solo & Ensemble Festival on March 31 at Howell High School.

On March 10, North Farmington

and Farmington performed in Fowlerville at the District Class A Band Competition. Each earned a first division rating. Harrison went to Pinckney High School for the Class B competition. It, too, received a first division rating. Congratulations. The size of the school is the only thing that Class "A and B" pertain to.

On March 17, a very fine job was done by the Harrison, North Farmington and Farmington orchestras, when they went to Walled Lake Western for the District Symphony Orchestra Competition.

Harrison in Class B, received a first division rating. Farmington, in Class A, received a first division rating. North Farmington, in Class A, received a second division rating. Just barely missing a first. Congratulations.

I believe these three bands have a great deal of school spirit and they seem to enjoy doing things for their schools and community. I would like to congratulate them all on the extremely fine work they have done so far this school year.

Have fun the remainder of the year and keep up the fine work.

Judge fumbles ball from bench

FOR MY money, Oakland Circuit Judge Jessica R. Cooper behaved like a petulant child last week when she chastized a lawyer and his client for questioning the judge's objectivity.

At issue is Cooper's handling of the case involving Karl G. Blomquist, a Farmington-area engineer who sued a Troy auto components company claiming wrongful discharge.

Details are always important, but for the sake of brevity, I will focus on those pertaining to how Judge Cooper handled this case, rather than the relative merits of each side. That's before the Michigan Court of Appeals anyway.

To shorten a long story, Cooper last June dismissed the suit by Blomquist and assessed him \$1,000.

She did so, however, without advising Blomquist's lawyer that 18 months earlier she hired the firm that defended the Troy company to represent her in an unrelated civil matter.

NOR DID Cooper disclose she was dating a member of that firm, although he appeared to have no direct involvement in the Blomquist case.

It would have been a simple thing for Cooper to disclose those circumstances. She could have done so quietly.

Pat Murphy

ety, in the privacy of her chambers. Blomquist and his lawyer, Ronald J. Prebenda, would then have the option of asking that the case be reassigned.

For my money, Cooper had an obligation to advise Blomquist and his lawyer. Not doing so was simply bad judgment.

What is inexcusable, in my opinion, is the childish manner in which Cooper behaved when Blomquist did what the legal system gives him the right to do — complain to the Michigan Judicial Tenure Commission.

Blomquist complained to the commission claiming Cooper's personal and professional involvement with members of the law firm may have compromised the judge's objectivity.

LOOK AT it from Blomquist's view. First, he's fired for what he believes are invalid reasons. Then, when he takes the matter to court, Blomquist draws a judge who has ties with the firm representing the

people he claimed fired him improperly.

No wonder he objected. I believe Cooper reacted badly in court when she chastized Blomquist and Prebenda. Blomquist was exercising his right and Prebenda, regardless of what he told him, had a duty to advise his client of the undisclosed relationship AND what he could do about it.

Yet in Cooper's courtroom, the judge accused Blomquist, Prebenda or both of attempting to "embarrass and harass this court by calling into question its previous decision granting summary disposition in favor of defendants."

Cooper referred to Blomquist's action as an unwarranted and "personal attack which (sic) has culminated into an ongoing vendetta fueled by scurrilous and unfounded accusations."

Those are pretty strong words to use against somebody exercising an option granted under our legal system.

Pat Murphy reports on Oakland County for the Observer & Eccentric Newspapers.

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