

There's a gender gap on the Supreme Court

THERE'S A gender gap on the Michigan Supreme Court. Justice Patricia Boyle and Chief Justice Dorothy Comstock Riley tend to stick together in upholding tough prison sentences.

They give two basic reasons:

- Their brothers are "inventing the authority" to reduce sentences.
- In reviewing facts, their brothers look at them "antispectively," while the women dissenters view them from a "pro-victim standpoint."

Two key cases come to mind.

SCOTT MILBURN was convicted in Eaton County of breaking and entering the residence of his ex-girlfriend with intent to maliciously destroy property worth more than \$100.

Supreme Court guidelines say that, as a first offender, Milburn, then 20, deserved one to two years in prison. In April 1985 Circuit Judge Richard Shuster gave him 10 to 15 — quadruple the maximum.

"This young man has literally flits of rage," Shuster said, recommending "protective custodial care" and "mental health counseling" for this "extreme danger to society."

In September the Supreme Court voted 5-2 to adopt a new "principle of proportionality," matching prison time to the seriousness of the crime and the background of the offender. It set aside Milburn's sentence, sending the case back to Shuster for re-sentencing.

BOYLE WROTE the dissent, dwelling at length on the factual de-



Tim Richard

tails. Milburn had lived with the woman six weeks, but she booted him out and changed the locks — twice. Milburn sought a reconciliation. Rebuffed, he broke into her vacant apartment that night, slashed her clothing, bedding, drapes, bathroom towels and shower curtains. He sprayed red paint on the carpet and drapes, broke an end table and punched three holes in the walls, Boyle wrote. Out on bail, Milburn threatened

that if the woman didn't drop the charges, he would send "fewd" photos of her to her family, co-workers and friends. Later he smashed the windshield of her car, flattened a tire and threatened her new boyfriend.

While Milburn had no prior conviction, Boyle noted he had been suspended from school for fighting and savagely attacked another inmate in jail.

Boyle accused the majority of viewing the facts as Milburn's "overreacting to the situational stress of a lovers' quarrel." She and Riley felt the victim had been "terrorized."

THE SECOND is the famous basketball score case, the second-degree murder conviction of Timothy

Moore in 1985 for killing his ex-girlfriend. Detroit Recorder's Judge Michael Talbot could have given Moore life or a term of years. Talbot gave him 100 to 200 years.

"A life sentence for this sort of crime allowed him to be reviewed (for parole) in 10 years," Talbot said, reasoning that with a 100-200 year sentence Moore, 34, would die before he became eligible for parole.

In May of 1989, four justices rejected his reasoning, ruling Talbot abused his discretion. They virtually accused Talbot of pandering to the press and public for being "tough on crime."

Boyle wrote the dissent, attacking the majority reasoning as "misguided." She noted that Moore shot the woman twice, struggled through three rooms of the house and stabbed

her seven times. Her blood was splashed on walls 11 feet apart.

Boyle also said Moore had threatened the woman earlier, had a juvenile record and had three prior felony convictions, including armed robbery involving forcible entry and rape.

Women do see things differently.

FOOTNOTES: The women had two male allies — Justice Robert Griffin, who joined in the Moore case dissent; and candidate Clark Durant, who used these cases in his campaign ads.

Talbot reduced Moore's sentence to 50 years. Last week Shuster gave Milburn the identical 10-15 years.

Tim Richard reports on the local implications of state and regional events.

Majority rule: OK if it's socially acceptable

I'M GONNA HAVE to change my plans.

For years now I've figured that someday, when I made enough money to retire (well, when I'd worked long enough to retire), I'd take my sinuses and perhaps my wife to Arizona and spend the rest of my days wandering through the desert and putting wet sheets up on the windows to keep the sandstorms from grinding the varnish off the furniture.

But no more. Did you hear what those people did? They voted not to give public employees a paid day off in honor of Martin Luther King Jr. The people, the voters, said no. Can you believe it?

All those sensitive souls out there in sportland apparently can't. Like the National Football League, which threatened to move

the 1993 Super Bowl (one of America's great holidays in its own right) out of Arizona after the people voted down a paid MLK Jr. holiday.

DOWN SOUTH, in the home of the Crimson Tide, the Alabama faculty senate passed a resolution urging the school's football team not to play in the Fiesta Bowl, if invited, because of the boorish actions of the citizens of the sovereign state of Arizona.

Virginia and Notre Dame had already gone on record as being opposed to playing in the Fiesta Bowl in such an unenlightened atmosphere.

And out in Seattle, the Athletics Congress voted to withhold TAC national championship meets from any state that doesn't celebrate MLK's natal day with a paid state holiday.



Jack Gladden

Golly bum, I never knew jocks were so sensitive.

BUT IT isn't just the steroid set that is reacting.

The Episcopal Church (that stronghold of liberalism with just a soupcon of conservatism around the edges) says it's going ahead with its Phoenix convention next year, but it won't enjoy it. The Episcopal figure to cut back on the frills, spend less money than they normally would and show those peo-

ple that getting a convention doesn't necessarily mean big bucks.

"We've got to eat," a spokeswoman for the group said, "but we don't have to order all those drinks in the bar or keep all those banquet halls filled."

THEN SHE ADDED the coup de grace: "Everyone is interested in the same thing — not punishing Arizona, but determining how best to help Arizona come into the 21st century."

And that's what it's all about. We're gonna teach those cowboys to be sensitive.

Arizona, you see, did something that is supposed to be what this country is all about. Instead of a bunch of politicians getting together and establishing another paid holi-

day to honor a basically political figure, they put the question on the ballot.

They let the people decide. And the people said no.

Then all hell broke loose. The people weren't supposed to say no. It wasn't socially acceptable, it wasn't a public endorsement of ethnic diversity, it wasn't a Nineties kind of sentiment. It was, in short, insensitive.

ONE RESEARCHER blamed the vote on the fact that there were two questions on the ballot dealing with the same issue and the voters were confused.

Arizona voters wanted a new paid holiday honoring Dr. King," he said, "but were not able to clearly express themselves due to the way

the ballot contained two overlapping questions."

Be me.

And the mayor of Tucson, whose city council voted to continue that city's observance of MLK's birthday with a paid holiday, said officials shouldn't try to get around the voter's decision by legislative or executive action, but should send the question back to the voters.

"The people have spoken," he said. "Now they need to speak again."

A place where the voice of the people is the rule of the land. As long as the voice of the people says what is socially acceptable.

Jack Gladden is a copy editor at the Observer & Eccentric Newspapers.

from our readers

Bank was wasteful, reader says

To the editor:

The owners of the Metropolitan Bank of Farmington ought to be ashamed of themselves.

As an interested citizen of the area I witnessed blatant wastefulness of desks, chairs, files and many other useful items being crushed and mangled by the jaws of a wrecking machine.

I was totally frustrated, angry and my eyes filled with tears since I knew that the organization I work for could have done excellent use of all of the above items.

Why wasn't someone notified that

these items could be bought — or given to people who could make use of them? I do not understand this total waste.

I guess people, corporations and businesses do now know about the adage "waste not, want not."

I, for one, will not patronize such a company.

Shirley Rader, Farmington

Opinions are to be shared

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Observer encourages its readers to share their views with others in the From Our Readers column.

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Letters should be mailed to: the editor, The Farmington Observer, 21898 Farmington Road, Farmington 48336.

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Her 'Ace' was above par

THE THOUGHTS OF ONE OF THE MOST SENSITIVE HUMAN BEINGS THAT EVER WALKED

By Trudi Blake
special writer

George "Ace" Blake, The Great White Slicer, 72, sensational, irreplaceable golfing husband of Trudi Odella Blake, Michigan's Odemaker and quintessential father of Russell, Kevin, Lorene, Suzanne and Philip and grandfather of Alex Mike and Kansas Katie played his 19th hole at home Oct. 27. Lung cancer became the Impossible Lie, and no wood or iron could halt its insidious onslaught.

Mr. Blake as a young man was employed by Federal-Mogul Corp. during World War II, making marine propellers. Then he joined the Marines and had the unique experience of becoming a soldier, a sailor and a

quest column

Marine in our armed services, all on the same day.

"Ace" had a powerful swing in life as well as in golf. To quote two nephews, "Uncle George was a role model in a world where role models are not easily found."

A top truck specialist who knew his product and never "oversold," he slaved at Dealer Chevrolet for 35 years as truck manager and was recently associated with Wink Chevrolet in Dearborn.

A Farmington Hills resident for 35 years, this charismatic Yankee Doodle Daddy caddied for 25 cents a game in the '30s at Riverside Club in Berea, Ohio. On May 1, 1974, at a Chevrolet Outing, "Ace" realized every golfer's dream: He ached a hole-in-one at West Bloomfield's Baypointe Country Club.

Dr. William Ritter, of Nardin Park United Methodist Church in Farmington Hills, rendered a warm and insightful memorial eulogy on Oct. 30, "Ace's" 73rd birthday.

ODE TO "ACE"
THE GREAT WHITE SLICER

No one on earth can take your place. Our Dad, our Rock, our Strength, our "Ace."

You gave your life, your love, so much.

You left behind His Common Touch. Contributions in "Ace's" memory may be sent to The Cancer Research Program, Southfield Oncology Institute, 27211 Lahser Road, Southfield 48034.

Editor's note: Poet Trudi Blake, a Farmington Hills resident, is known as The Michigan Odemaker. She and her late husband, George, lived in the community 35 years.

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