

POINTS OF VIEW

Detroit can't wait for suburban involvement

I am a white, middle-aged, native Detroit, now living in the suburbs.

Another native Detroit, Alan Scott White, who is young and black, lives downtown. He told me most politely and pointedly that he's not waiting around for me to move back to the city.

What if Detroit comes back and is successful as a primarily black city, he suggested. What if it were a place where no black person could complain that he is discriminated against, where any black person could test his ability to succeed?

I'd really never thought about it in that way.

White, who's about 25, and a graduate of Cass Tech and the University of Michigan School of Architecture, gave me a lot to think about as we were hauled around the city as part of the Mayor's Media Day Friday.

Coleman Young was in the hospital

for tests, but his spirits had to have been high.

The Detroit River was a vivid aquamarine.

The high-speed hydroplane boats were whizzing by on their time trials.

The weather was 80 degrees with no tinge of humidity.

It was a perfect day to show off Detroit. A day on which even a horde of probing, picky journalists had to be impressed.

We started out at Detroit's new office tower, One Detroit Center, and ended up that evening at either the Gem Theatre or Tiger Stadium. In between, the itinerary included:

- Wayne State University, near where the new 500-bed Veteran's Hospital will join the Detroit Medical Center complex, and where we heard from WSU president David Adamany, police Chief Stanley Knox and deputy mayor Adam Shakoor.
- Manougan Mansion for an informal, outdoor lunch with the Detroit River as our backdrop.



JUDITH DONER BERNER

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And throughout the day, there was an interesting dialogue with White, who is urban development director for the Central Business District Association, a private, non-profit organization, which has been working to enhance the city since 1922.

Chrysler Jefferson, for a plant tour.

Detroit's town-in-town development, including a house-by-house inspection of the new Victoria Park subdivision.

Dinner catered by the Rattlesnake Club at the recently renovated, art-filled headquarters of Talon Industries in the old Parke-Davis complex. Talon, which owns F&M, moved from the suburbs to the grounds of Stroh River Place.

As I recounted how so many suburbanites still had this deep feeling for the city, White gave me more pause to consider.

How were we imparting that feeling to our children, he asked in his gentle way. We had at one time lived in the city. They never have and certainly have picked up the reasons why many of us no longer do.

Well, no wonder he's not waiting around for white suburbanites to move back downtown — which, by the way, some are doing, mostly empty nesters and singles — to the river front.

As I headed home, to the green but less dynamic suburbs, it was clear to me that progress is being made in revitalizing Detroit. Give Hizzoner his due, his vision is on target, even though the end doesn't justify his means or meanness.

It will take a different mayor to finally pull it off. Wonder if Alan White would agree with that.

Judith Doner Berner is assistant managing editor for the Oakland County editions of the Observer & Eccentric.

Separate but equal on abortion, says state court

Maybe you, too, are frustrated at how broadcasters and the metropolitan papers handle major court decisions like last week's case upholding the end of state-paid abortions. They get reactions from Right to Life, the American Civil Liberties Union, Planned Parenthood, dissenters, outspoken legislators — but we never find out what the Michigan Supreme Court actually said. Well, here, without comment, are excerpts from Justice Robert Griffin's 30-page majority opinion that is the law of this state.

This case does not concern a woman's right under the federal constitution to choose to terminate her pregnancy (Roe v. Wade). Rather, this case concerns whether Sec. 109a (approved by voters in 1988) exceeds the limits of equal protection established by our state constitution. We conclude that it does not.

After federal funding for Medicaid

abortion was withdrawn (1976, Hyde amendment), Michigan provided 100 percent of the funds required until Sec. 109a became effective.

Jane Doe, then 15, had become pregnant when she was raped in January 1989. Nancy Doe requested medical assistance for a first trimester abortion to protect her daughter's physical and psychological health.

Plaintiffs complain that Sec. 109a accords unequal treatment between two classes of Medicaid-qualified, pregnant women — those who choose childbirth and those who choose abortion. It is well established that even if a law treats groups of people differently, it will not necessarily violate the guarantee of equal protection. (Here the court cites classifications based on race as in *inter alia*.)

The U.S. Supreme Court has held, that the Hyde amendment and state statutes which restrict Medicaid funding of abortions do not violate the



TIM RICHARD

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equal protection guarantee of the federal constitution.

Private schools, though constitutionally permitted, have never been entitled to support from the state under the equal protection clause.

Just because a pregnant woman may have the right to choose an abortion does not mean that she has a right to have the government pay for it.

To support its conclusion that Sec. 109a is invalid, the (state) Court of Appeals panel claims that the equal protection guarantee in our state constitution provides greater protection than the corresponding guarantee in the federal constitution. (The appeals panel emphasized the "equal benefit" phrase in the Michigan Constitution.)

However, a review of the jurisprudence and constitutional history of this state suggests the opposite — that our Equal Protection Clause was intended to duplicate the federal clause. A careful examination of the record of the il-

bates of the (1963 state) Constitutional Convention confirms this view.

The basis of (the appeals court) conclusion is an assumption that Medicaid-qualified women have an entitlement to funds for an abortion. Even where the state has previously funded the exercise of a right, it is not required to continue such funding.

For public policy reasons, the state may choose to eliminate benefits that it previously offered.

As with the decision to fund public schools, the state may have made childbirth a more attractive option by paying for it, but it has imposed no restriction on obtaining an abortion that was not already there.

(Signed by Robert Griffin, Michael Cavanaugh, Dorothy Comstock Riley, Charles Levin and James Brickley.)

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

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