

"There are three things that no one can do to the entire satisfaction of anyone else: make love, poke the fire, and run a newspaper."

—William Allen White, 1917
Late editor, Emporia (Kan.) Gazette

OUR VIEW

Please, Bay View, give bike path second look

DEAR BAY VIEW Association: Please reconsider your denial of a request from Emmet County to use the former railroad right of way in Bay View as part of the bicycle/pedestrian pathway.

We ask Bay View to give this issue another look, for the sake of safety for pedestrians and bicyclers.

It's not hard to understand the feelings of Bay View. It fought tooth and nail against the U.S. 31 road expansion which, through a compromise deal, resulted in the salmon-colored sidewalk/bike path in the first place.

Bay View battled just as hard and was again successful, in shutting down a tourist train and blocking the railroad right of way which has run through the community's land for a century.

Bay View for some reason makes an easy target for malcontents. Its members are perceived by some in our larger community as wealthy, exclusionary resorters who had their way when it came to the highway widening and the railroad issue. "They" even have their own stoplight.

Bay View is not the bad guy here. It is a vital part of our community and is concerned about public access to its property. We can not blame them. Bay View is, after all, private property — though unique private property which frequently offers

itself for public use through its myriad cultural and civic events.

On the other hand, a bike path/walkway along the old railroad right of way is an ideal location for the safety of walkers and bikers. This is obvious.

The present sidewalk, which tries to double as bike path, is not wide enough to ride and pass walkers without veering off onto Bay View lawns. As a whole there isn't enough property to make that path any wider, at least consistently.

The multiple driveways and roads which open into Bay View's lakefront side also pose a safety problem for pedestrians and cyclists. This is compounded by frustrated motorists driving through what's commonly known as the Bay View bottleneck. Cars trying to turn into Bay View are looking for other cars in their way, not for bikers and walkers at sidewalk crossings.

The Bay View section of the bike path is a critical link to the entire trail system and we're glad to have it. But just think how much better the path system could be if the route was more scenic and safer, following the railroad where possible.

What a magnanimous gesture, a magnificent legacy, that would be!

"Our View" represents the view of the News-Review Editorial Board. Serving on the board are News-Review staffers Babette Stenuis, Kirk Schaller, Kendall P. Stanley, Neil Stilwell and Ken Winter.

Chasing Spiro T. Agnew on Bob-lo Island

For the life of me, it had always been a kind of Bali Hai. So near as to touch it. So far as to remain a land of mystery, lying forbiddingly across an unpredictable strait, often shrouded in cloud, shunned by most as an ugly sibling.

To the early French adventurers who canoed along its lonely shores, it was Bois Blanc island, named for the white pine forests that grew in abundance. It has been Bob-lo to virtually everyone else. It is said the French rarely went ashore. That became a tradition.

But early one balmy summer day some 28 years ago, the quiet waters mirrored a faultless sky and Bob-lo whispered from across the Straits: "I'm your own, special, island. Come to me. Come to me."

The elephant eye window of my grandparents' cottage must have winked. We slipped the tarp from the long, luxurious Old Town canoe, tightly clad in red canvas, highly varnished inside with voluptuous air pockets embedded in its flanks.

It was, on this day, unsinkable. We were, in our youth, indestructible.

Bon Voyage
My wife, three young children and I, wrapped in orange life preservers and carrying tuna sandwiches and soda pop in a green Coleman cooler, pushed off from Point Nipigon, our paddles scraping the smooth, round stones shimmering beneath crystalline waters.

We paddled lazily toward the shore some four miles due north, certain of our safety and propelled by a sense of discovery.

But halfway out, a strong breeze blew up, and soon wavelets scurried with foam surrounded us. Paddling became an effort, then a chore. And as the wavelets turned into waves, euphoria turned to dread even as we assured the children we were in no danger.

It took us most of the day to reach the far shore, when, in celebration and sudden hunger, we threw open the cooler and devoured its contents.

But the choppy sea, swirling clouds and darkening sky made it clear we could not return that night, and without protection or warmth we knew we must find refuge.

Down the coast, we spotted a lonely, flickering light. Was it a lighthouse? A cottage? Salvation?

We decided to push out from the desolate cove to the swells beyond the breakers, and follow the coast as we paddled eastward towards the light. It was more adventure than we had anticipated in the quiet of morning.

Salvation
We were drenched as we rode into shore at the cottage, where a matronly woman greeted us with recognition that we were the lost souls that she, and everyone else on the island, had heard about on their CB

radios (there were but two telephones on the island at the time).

This woman, I don't remember her name, offered us shelter and food, and promised to take us to the island ferry the following morning, whatever the weather. In an amazing revelation, she told us she was the Northern Michigan campaign manager for Spiro T. Agnew, the vice presidential candidate running with Richard M. Nixon in the summer of 1972.

Good to her promise, she loaded us up in what she called her "Black Mariah" 1940 Ford van, with one-way glass windows in the back. She said the FBI had used the van for surveillance. Perfect for the touring Grays: We could see out, no one could see us — at least until we reached the Bob-lo Tavern, only restaurant/bar on the island, owned and run by Andy Anderson.

Andy greeted us as we stumbled in for breakfast with, "You must be the Grays from Point Nipigon. I've heard about you." He seated us, then excused himself for a moment. When he returned he carried a five-gallon glass jug, filled to the top with dead, coiled rattlesnakes preserved in formaldehyde.

"I thought you'd like to know where you landed," Andy said with great glee. "Right where the University of Michigan collects its rattlesnakes!"

From that point everything got better. We had a great breakfast, and made the 10 a.m. ferry to Cheboygan, with the canoe. The ferry was owned and piloted by Ray Plaunt, who of course had heard about us and will become important in the final denouement of this story.

Flash Forward
Flash forward 28 years to Aug. 4, 2000, when having just arrived in Mackinaw City from Colorado for a stay with mom, I had Friday all to myself, and decided to spend the day on Bob-lo.

I took my Ford Explorer on the ferry (\$37 round trip), so that I could travel along every road, whatever its condition and however forgotten it might be.

Turning left off the ferry, I found the doors to the Bob-lo Museum and Historical Society open. I parked and walked in to find three sprightly women in heated discussion over whether to accept someone's offer to loan a 50-year-old Singer sewing machine to the museum.

When they spotted me, one whispered that while the museum really wasn't open on Fridays, I could look around and ask them any questions I might have.

After 10 minutes or so I broke down and related the story of our canoe trip. It suddenly occurred to me as I told the story how wonderful it would be to find the woman who took us in for the night, and properly thank her. I mentioned this to my new historian friend, who said that while

Fred Gray



she didn't know who the woman might be, she would introduce me to someone who almost certainly would.

I composed my story carefully: The only "facts" I could offer were the adventure, as broadcast over the CB, the cove where we thought we landed, our redeemer by hazy description, the year, the Agnew connection, and the Black Mariah.

During the next two hours I met several dozen cottagers, none of whom could identify the good shepherdess. But after many jovial moments of recollection of days gone by, each referred me to someone down the beach who most certainly would remember the fate of the good woman.

Near the end of the island's civilization, I was still no closer to discovery, but the final cottager suggested I visit Ray Plaunt, now 80 years old, retired from the ferry, and sharp as a tack.

"Ray will remember all this for sure," I was told.

I spent the next hour driving on the island's desolate, beautiful roads, some no more than a goat's path, overhanging branches scraping the top of my car.

With an hour left before the 5 p.m. ferry, I stopped at Ray's home and knocked on the door. The resolution of the mystery was at hand, I thought.

But when Ray failed to answer to door, a young man approached and asked, "You looking for Ray?"

"Yes I am."

"Well, he's out fishing."

So after I again related my quest, the young man said: "He won't be back before your ferry leaves."

I thought to myself, perhaps it's best that the end to this story forever remain a mystery, that I never learn the name of the woman who spared us pneumonia or worse.

Just before driving onto the return ferry, the young man who told me Ray was fishing approached the car to take the ticket.

"Ray says it was (he named them) who took you in. He remembers that day well. They are both deceased."

So the mystery was solved after all, but the only tribute I can make is to write this column, and thank them should they happen to read it, wherever they may be.

Fred Gray is a News-Review staff writer. His column appears the first and third Thursday of the month on the Opinion Page.

An 'unreasonable' search?

Of all the rubber-band words in the Constitution, none stretches more remarkably than the word "unreasonable." In a case now pending for argument before the Supreme Court, the stretch reaches to the power of police to prevent a man from entering his own home.

The facts in Illinois v. McArthur are not in dispute. In the spring of 1997, Tera and Charles McArthur had a serious falling-out. They were living in a trailer at Sullivan, a small town about 25 miles southeast of Decatur. One thing led to another, and at 3:15 on the afternoon of April 2, Tera went to the cops. Accompanied by John Love, assistant chief of police, she went back to the trailer and removed her belongings.

Hell hath no fury, and so forth. Tera then told Love that her husband had "pot" under a couch in the trailer. Love asked McArthur for permission to search the premises without a warrant. McArthur refused. The two men were outside the trailer at the time. Tera departed with Officer Richard Skidis to get a warrant. Meanwhile — and this is the crux of the case — Love refused to let McArthur re-enter the trailer except to retrieve a pack of cigarettes under his watchful eye.

Two hours later, Officer Skidis returned with a valid warrant. The search proceeded. Police found a smoking pipe and a small quantity of marijuana. They arrested McArthur for drug possession, but before the case could go to trial, McArthur moved to suppress the evidence. His motion was granted. The Appellate Court of Illinois affirmed, the state appealed, and now the case is scheduled for argument before the high court on Nov. 1.

The case may sound trivial, but evidently it is not. Twenty-three states have joined Illinois in asking the Supreme Court to approve the officers' conduct. They put the question this way:

"When police have probable cause to believe certain contraband is located on particular premises, do they act reasonably under the Fourth Amendment if they secure the premises from the outside and prevent anyone from entering, including the owner, during the time it takes to obtain a search warrant?"

The question goes to the heart of Fourth Amendment jurisprudence. The amendment does not forbid all searches and seizures. It forbids only those that are "unreasonable."

The state's argument is to this effect: Because of the tip provided by McArthur's wife, the Sullivan police officers had abundant probable cause to believe a crime had been committed. The governmental interest was substantial. Even McArthur conceded that if allowed to re-enter his house, he would

James J. KILPATRICK
Covering the Courts

destroy the contraband. The state contends:

"In determining reasonableness, we can ask, 'What else could the police do here?' The police did nothing more than was required and necessary to effect a seizure based on probable cause. ... Instead of forcing in, only to learn later that no exigent circumstances justified their entry, these officers seized the residence from the outside, prevented McArthur from entering and immediately sought a search warrant. This was reasonable."

The short answer to the state's assertion is that a unanimous panel of the Appellate Court of Illinois found Love's conduct unreasonable. At the heart of this case, said Justice Robert Cook, is the preservation of evidence. If police secure a dwelling, they prohibit the destruction of the sought-after evidence. But if they secure the dwelling unlawfully, the evidence will be excluded.

At the heart of the case, in my own view, is the preservation of liberty. Granted, none of the individual rights secured by the Constitution is an absolute right. As the attorneys general acknowledge in their brief, "The Fourth Amendment principles at stake here present no study in black and white absolutes, but operate in a gray zone that lies at the margins of established doctrine, and that necessitates striking a proper balance between individual liberty and society's interest in law enforcement."

I would have granted the motion to suppress. Until the moment Officer Skidis returned with a warrant, McArthur was entitled to all the protections of the Fourth Amendment. His trailer was his castle. Officer Love had no business inside its portals. Nothing in the record suggests that the defendant was a drug lord or a major dealer in marijuana. McArthur appears to have been no more than a casual user, unhorsed by a discontented wife. On balance, I would hang onto his freedom and let the marijuana go.

James J. Kilpatrick is a nationally syndicated columnist. His column appears occasionally on the Opinion Page. What do you think? Write to him c/o Universal Press Syndicate, 4520 Main St., Suite 700, Kansas City, Mo. 64111-7700.



LETTERS FROM OUR READERS

Death tax allows Fed to double-dip

Editor:
Recent commentary in the "Opinion" and "Letters From Our Readers" columns regarding the proposed repeal of the death tax, marriage tax, and others, has inspired me to write you today.

The death tax is nothing more than a convenient way for our government to double-dip into our financial lives. Hard working people who have already paid exorbitant taxes on the accumulated wealth of a lifetime should not be forced to do so again post mortem. This recent trend toward vilifying a person because he or she worked hard, invested wisely, and passed on wealth to a deserving family is wrong!

As for the liberals' interpretation of who deserves prosperity by their clever plan of redistributing the wealth amongst the productive and (mostly) non-productive members of our society, I call that what it is, socialism! Are you prepared to allow them to make the ultimate decision as to who is worthy? Think hard now,

you might not be on their list!

Our government has grown to a point where the wealth it seizes from the working people of America cannot be spent fast enough, resulting in the latest politically correct buzzword, "surplus." The overflowing government coffers are not "surplus" at all; the American people have been overcharged by an entity that has lost sight of its mission and is serving itself instead of the people. Yet the rhetoric from our current administration and its assumed successor continues to focus on how they can "wisely" spend this "surplus" money on one social program after another with seemingly little backlash from the public and the media.

It is now the time for the American people to wake up and do something about the state we're in. The largest tax increase in our history has been passed under our noses over the last seven and one-half years; we have the opportunity to put our collective foot down and proclaim that enough is enough! Think for a moment before you pull that lever this November!

Bentley C. Whitman
Petoskey

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Letters on public interest issues should be 300 words or less. Guest commentaries should be 600 words or less. Letters and guest commentaries should be signed, and include a telephone number for verification or to answer any questions (address and phone number will not be printed).

We do not accept letters of petition or poetry. The editor reserves the right to edit letters.

Signatures must appear on letters published. In the interest of fair play we will not publish "last minute" letters on any election.

If voting is on a Monday or Tuesday, letters must be in our office by 5 p.m. the preceding Wednesday for publication Thursday.

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