

SHALL BIRMINGHAM CONTINUE

Abraham Lincoln Said---

"Property is the fruit of labor; property is desirable, is a positive good in the world. That some should become rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him labor diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built."
Mr. Blucher might read what Abraham Lincoln said with profit. Perhaps he might not be so willing to pull down the house of another without just compensation.

Mr. McBride and the Birmingham Citizens Protective Association Reply to Mr. Blucher

Mr. Blucher's reply to my statement in the Birmingham Eccentric for September 30th, has come to my attention and out of courtesy I must reciprocate and say that I was interested to see if Mr. Blucher might give a little enlightenment on the zoning ordinance proposed for Birmingham, but that I can sympathize with him in his disappointment for neither did I find anything new in his arguments.

Mr. Blucher attempted to indulge in some fancy footwork, but the ordinance on which he had to base his arguments was like tangledfoot flypaper, and unfortunately for him he got his feet caught in several places trying to lure the citizens of Birmingham into believing that the proposed zoning ordinance is molasses.

Mr. Blucher indicates a feeling in his letter that he should not have replied, and the way he has entangled himself in his statements proves that his feeling in the matter was well founded.

As the various sections of the ordinance that have been analyzed in my statement are facts which will not down even with Mr. Blucher's sophistry and camouflage perhaps I should not bother with replying to his statement, but I will be a little more frank perhaps than he was in giving his reasons for replying to my statement and say that there is an inclination in human nature when someone tries to cut some fancy capers to slap him with a slam while he is performing his antics.

Since Mr. Blucher seems worried so much about who was responsible for certain parts of my statement, I will say for the relief of his mind and information of the people of Birmingham that my statement was the result of very careful thought and study on the part of representative members of the Birmingham Citizens Protective Association, who unlike Mr. Blucher have their property, their business and their residence in Birmingham and therefore probably have its best interests more at heart than the well-meaning Mr. Blucher who is an employee deriving his living from the propagation of zoning laws. Mr. Blucher talks down to us in a superior tone from his exalted position of Secretary and City Planner of the City Planning Commission of Detroit and perhaps we should be awed in the presence of his superior wisdom but this being a democracy the people are permitted to make their own mistakes rather than be subjected to the mistakes of any self-constituted authority over them.

Mr. Blucher says that my statement "contains the same old stereotyped statements or rather mis-statements that have been advanced against zoning in the past six years." He might have said also that the zoning ordinance to which they refer was itself reproduced from scrap boiler plate from the zoning ordinance that was rejected in Detroit in spite of Mr. Blucher.

There is much useless argument in Mr. Blucher's statement that only clouds the real issues of the case. Because I do not intend to permit Mr. Blucher to hide behind a smoke screen of useless argument, I will force home the injustices and absurdities of the zoning law as it has been prepared with his admitted assistance. In the first place if we are to follow his argument that a small group of politicians have the right to tell a community of people what to do, regardless of either justice or equity, there is practically no limit to how far they can go. Following his attempt to justify the right of arbitrary authority, we could on the same grounds prove that it would be better for us to go back to government by kings. If there is any question as to what a village commission will do, I might remind Mr. Blucher that a city commission very nearly slipped the present zoning ordinance through without a popular vote.

His attempt to show the beginning of zoning only corroborates the fact that it was most fully and effectively developed in Germany under Prussian domination. He only proves what I have previously said about the persistent attempts of certain individuals to Europeanize America in spite of the fact that this is the most progressive country in the world. His argument that because we have adopted a few things that originated in Europe we should follow and adopt zoning or anything else that may be developed there, carried to its logical conclusion would include the recommendation that we should adopt Sovietism also for the public good.

His reference to certain statements that I made about the zoning ordinance being ridiculous is simply because I was pointing out the ridiculous provisions in the ordinance which any intelligent person can see for himself if he will only read the section those statements refer to.

I pointed out the absurd and almost idiotic sentences that are possible for violations of the zoning ordinance. Whether or not such absurd sentences have ever been passed, it certainly is, to say the least, a very unwise thing for a community to pass a law that makes them possible. A study of the history of court decisions will furnish ample proof of the danger in failing to limit the penalty that can be inflicted. If for no other reason than this the ordinance should be defeated on this point alone.

When Mr. Blucher states that a citizen has the right to appeal from the Board of Appeals to the courts he is only proving what I pointed out when I said that this zoning ordinance would result in endless lawsuits and untold expense to both the city and its residents. In fact, certain individuals have already taken steps to have the unjust provisions of this ordinance declared unconstitutional if it is passed. But why should the people of Birmingham be asked to pass a law that will make it necessary for them to go to the courts to win back the rights they already have?

Mr. Blucher answers his own question as to who is the man outside of Birmingham who drafted the ordinance when he says in his own statement that he was asked to examine the ordinance after it was drafted and advise the commission what to do.

If Mr. Blucher wishes to place the odium on the incompetence of the village commission of Birmingham and the committee he was working with by asking if they followed his advice and adopted the ordinance he recommended, he confesses his ignorance of the city and its needs by failing in pointing out to them that the zones as proposed are laid out on a wrong basis because the persons responsible for the zoning law took the present location of the railroad as their basis for laying out the system of zones for the city. Yet just as soon as track can be laid the railroad will run approximately one mile east of its present line.

Article seven, in section three, does not permit of the homelike occupations if you are to read it literally and certainly when it comes to law the imagination is not permitted to read into it what the law does not specify. Courts hold you to what the law says—not your idea of it.

The regulations regarding renting certainly read that a man can be prevented from renting his house if it is located in a section to which they apply. Moreover, Mr. Blucher cannot escape the very definite provision of section seventeen prohibiting anybody from moving into or out of dwellings without first securing a certificate from both the village manager and the health officer.

When he says that the proposed zoning ordinance does not lift the present restrictions on property I will be magnanimous enough to say that Mr. Blucher made a misstatement, perhaps unintentionally and also unwittingly, because the restrictions which have been in effect for several years on one of the most exclusive subdivisions in Birmingham have been changed, contrary to the uses specified and agreed upon at the time the subdivision was recorded and its provisions accepted by the city. And persons who bought such property are told that it is their loss. The zoners have no scruples over a binding legal agreement. Following their Prussian precepts, they feel as did the kaiser, that a legal agreement is only a scrap of paper. If the restrictions can be removed in one exclusive section, they can be removed in others. Will the people of Birmingham authorize this?

As if this is not enough, section twenty-one gives the village commission power to amend the zoning ordinance as it sees fit so as to give it any additional power it may need to enforce its edicts!

The fact that a man is required to erect fire proof structures instead of wooden buildings in certain districts, can by no stretch of logic be interpreted to justify taking all a man's property without due course of law and fair compensation. To paraphrase Mr. Blucher's question as to whether a man should be paid for time lost in going to his office because he is not permitted to travel more than fifteen or twenty miles an hour in the village, would he for this reason assume to have the right to confiscate a man's car without a trial or hearing if he went over twenty miles an hour? Mr. Blucher's difficulty is characteristic of all people who primarily are theorists. He cannot see the difference between confiscation without compensation and condemnation with compensation. He admits that the proposed zoning ordinance is confiscatory and then attempts to justify it, in spite of the fact that the government of the United States itself cannot take a foot of any man's property without compensation after due legal process. If we are to admit the correctness of Mr. Blucher's premise then we are forced to acknowledge that Socialism is right and our present system of protection of property is all wrong.

At this point, Mr. Blucher might again refer to the statement of Abraham Lincoln at the top of this page.

One man places his money in stocks, bonds or deposits it in a bank. Another man saves his money by investing it in real estate because he has been told that real estate is the safest investment. At the end of a lifetime of sacrifice and the expenditure of his savings in property, Mr. Blucher has the temerity to say that the community has the right to take his property away from him or to render it absolutely useless to him without recourse to law and without compensation. There is no moral difference between seizing a man's property and going into his house or bank and seizing his lifetime savings. To me the taking of a man's

Read the reply of the Birmingham Citizen on this page of The Birmingham Eccentric.

Read the other statement of the Birmingham Eccentric.

They will reveal dangers to you that

Mortgages and land contracts will be

Property in Birmingham cannot be so entangled on property in Birmingham know 60 days ahead what he may do with

People will not buy property in a city Birmingham will be if this ordinance becomes

It already removes restrictions on some and gives the commission power to change

Do not place your property at the mercy cannot possibly be as competent to run your yourself.

It places factories in the civic center

It bases its zones on the present location run one mile east as soon as roadbed and track

It violates all constitutional guarantees

The city will be involved in endless litigation provides that every section and every clause

Regardless of any merits zoning may

This zoning ordinance was hastily and

Don't pass this ordinance and expect the commission has power to change it.

When you vote this ordinance in effect

You must change this zoning law before have voted the power to change it out of your —three politicians.

Again we urge you to protect your property

Vote

On THIS Zoning

Birmingham Protective

Called by the Birmingham Citizens Protective Auditorium, SATURDAY EVENING, OCTOBER 10

Everybody Come! Best speakers to be Mr. Judson Bradway's talk of last Wednesday

property without paying him for it is no different from stealing his money.

I would like to know what Mr. Blucher's business experience and legal training have been that would justify his presumption in advocating such principles for a community to enact into law. I cannot imagine that Mr. Blucher would champion such theories if he owned property that would be sacrificed by such regulations.

If Mr. Blucher's theory is correct then it would be proper and right for the village authorities to burn up a man's house without compensation if it considered its beauty or construction was not in conform-

BIRMINGHAM CITIZENS PROTECTIVE ASSOCIATION