

Mr Carlson

I note that the Code of Ordinances of the City of Jackson, specifically Chapter 7, Sec 3, Sec 5, and Sec 11 make it a crime to commit desecration in our City Cemeteries. As you know, since a copy was mailed to the office of the City Attorney, on 7-7-11 I made a public request of the DPW and the City Manager to stop using herbicide on the graves of the ancestors in the City cemeteries since this action constitutes desecration under the Code 7-11, noting that the definition of "desecration" is as follows in Websters Dictionary: Desecration "1) the act of depriving something of its sacred character 2) or the disrespectful or contemptuous treatment of that which is held sacred or holy by a group or individual." In my letter to the DPW, the City Manager, and the City Attorney's office i noted that i was a pagan and animist and that according to my religious beliefs what the City was doing by spraying herbicide on the graves of the ancestors was robbing them of their sacred character and through your contemptuous and disrespectful treatment turning their holy nature into a problem of worker convenience or economic efficiency. I also noted that Sec 7-11 states that no person "shall cut down or disturb any tree therein without permission of the City Manager" and that spraying herbicide around the base of trees to control grass and weed growth constituted a serious disturbance.

Since the Ordinance specifically states that the City Manager has responsibility and authority over the cemeteries, I communicated with Mr. Larry Shaffer (see e-mails below) and after a 4 week review which he extended 1 additional week, he concluded that "My intent is to not use that material (herbicides) in the cemetery around graves and trees." Since the City Ordinance 7-3 specifically gives the City Manager control (subject to the City Council) and since 7-5 gives him powers of enforcement, this statement by Larry Shaffer clearly establishes City policy on this matter.

On May 31, 2012 while walking through the Mt. Evergreen cemetery, i approached a worker to inquire as to why they were spraying herbicide around the gravestones and trees in the cemetery. The worker, a black man, directed me to another worker on a tractor, who when he turned his tractor off and took his i-pod phones out of his ears, gleefully told me "It's not Roundup" establishing that he knew about my letters to the DPW and City the previous summer and knew of the policy that had been implemented by the City Manager. Yet he felt he could evade Mr. Shaffer's directive not to use herbicide, simply by switching the herbicide used. I had specifically asked Mr. shaffer this question in my e-mail and Mr. Shaffer had responded that it was his intnet that no herbicide would be used. Thus this action by the City workers is in direct violation of City policy and constitutes a desecration.

Desecration is a very serious offense and since you have pursued my own violation of a local ordinance (trespassing) with such vigor, i expect you to use the same energy and effort to prosecute these City workers who have violated the sacred nature of the spirits of the ancestors in the Mt Evergreen cemetery and also willfully disturbed trees. Failure to prosecute will be regarded as a deliberate disregard for the duties of your office.

The City workers, who i can identify by sight, but not by name, are the same workers that worked there last year. They drive City trucks, with City logos, and City license plates. These are not outside contracted workers who may not have been informed of City policy. These workers had knowledge of policy and deliberately disregarded it.

I personally believe that this is yet another example of deliberate discrimination by the City against my pagan and animist beliefs. i have been going daily to the cemetery for the last two years and respectfully praying at the graves of the unknown civil war soldiers who fought to preserve our Union and end the christian slavery of black people in the South. I take your violation of their sacred nature and your desecration of their graves very seriously and insist that you perform the duty of your office to

prosecute those people who have violated their graves.

Please contact me and let know your intended disposition of this case.

Sincerely,

Peter Bormuth
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Jackson, MI 49201
(517) 787-8097
wardance@live.com

(Code 1977, § 3.60)

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Chapter 7 – CEMETERIES [26]

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Sec. 7-1. - Definitions. 

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Burial space means a lot or portion of lot in any cemetery designated and maintained for the interment of a human body and for no other purpose.

Cemetery means any public cemetery owned, managed or controlled by the city.

Owner means any person owning or possessing the privilege, license or right of interment in any burial space.

(Code 1977, § 3.51)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 7-2. - Designation of city cemeteries. 

The cemeteries which have been or may be established by the city and maintained either within or without its limits, of which plats have been or shall be filed in the office of the city clerk, shall be known as city cemeteries.

(Code 1977, § 3.52)

Sec. 7-3. - Control generally. 

The city manager, subject to the orders of the city council, shall have the management, supervision, care and improvement of city cemeteries. It shall be his duty to employ such assistants or laborers as may be necessary to properly care for and maintain such cemeteries. He shall, if necessary, cause such cemetery grounds to be laid out in lots, drives and walks; the lots to be numbered, drives and walks therein to be named, and plats thereof to be made and when properly approved, to be filed in the office of the city clerk. The city council shall fix the price of lots and other services necessary thereto.

(Code 1977, § 3.53)

Sec. 7-4. - Rules and regulations.

The city council shall, from time to time, make such rules and regulations for the burial of the dead; care, improvement and protection of the grounds, mausoleums, monuments and appurtenances of the cemeteries and orderly conduct of persons visiting the same as may be deemed necessary.

(Code 1977, § 3.54)

Sec. 7-5. - Enforcement.

It shall be the duty of the city manager to see that this chapter and all rules and regulations in respect to cemeteries are strictly enforced. The city clerk shall attend to the selling of lots, and all deeds therefor shall be executed on behalf of the city by the mayor and city clerk.

(Code 1977, § 3.55)

Sec. 7-11. - City to open graves; destruction of grounds or vegetation.

No person other than an employee of the city acting under the direction of the city manager shall dig or open any grave, nor shall any person grade or fill in a burial space or otherwise do any work in connection therewith, unless such work be done under supervision of the city employee in charge of such cemetery. No person shall commit trespass or do any act upon the grounds of such cemeteries which shall amount to a desecration of any properties therein. Neither shall any person pick or cut flowers or shrubs except on his own burial space, nor shall he cut down or disturb any tree therein without the permission of the city manager.

(Code 1977, § 3.61)