

Retiring Justice Kennedy often the man in the middle

By MARK SHERMAN
Associated Press

WASHINGTON — Justice Anthony Kennedy, the Supreme Court's decisive man in the middle on abortion, gay rights and other contentious issues, announced his retirement, giving President Donald Trump a golden chance to cement conservative control of the nation's highest court.

The 81-year-old Kennedy, often a voice of moderation over three decades on the court, provided the key vote on such closely divided issues as affirmative action, guns, campaign finance and voting rights in addition to same-sex marriage and the right to abortion.

Kennedy informed his colleagues of his plans, then went to the White House to meet with Trump, where the president said they talked for half an hour about a potential successor and other topics. The retirement, announced Wednesday, will take effect at the end of July.

Trump praised Kennedy as a man of "tremendous vision" and said his search for a new justice would begin "immediately."

Without Kennedy, the court will be split between four liberal justices who were

appointed by Democratic presidents and four conservatives who were named by Republicans. Trump's nominee, likely to give the conservatives a solid majority, will face a Senate confirmation process in which Republicans hold the slimmest majority but Democrats can't prevent a vote.

Several former law clerks have said that Kennedy, a nominee of President Ronald Reagan, preferred to be replaced by a Republican. If he had waited, and if Democrats had taken control of the Senate in November, Trump could have found it more difficult to get his choice confirmed.

The other two older justices, Ruth Bader Ginsburg, 85, and Stephen Breyer, 79, are Democratic appointees who would not appear to be going anywhere during a Trump administration if they can help it.

Trump's first high court nominee, Neil Gorsuch, was confirmed in April 2017. If past practice is any indication, the president will name a nominee within weeks, setting in motion a process that could allow confirmation by the time the court reconvenes in early October.

Trump already has a list of 25 candidates — 24 judges



AP Photo/Carolyn Kaster
President Donald Trump, left, and Supreme Court Justice Anthony Kennedy participate in a public swearing-in ceremony for Justice Neil Gorsuch in April 2017 in the Rose Garden of the White House in Washington.

and Utah Sen. Mike Lee — and has said he would choose a nominee from that list.

Abortion is likely to be one of the flash points in the nomination fight. Kennedy has mainly supported abortion rights in his time on the court, and Trump has made clear he would try to choose justices who want to overturn the landmark Roe v. Wade decision. Such a dramatic ruling may not be immediately likely, but a more conservative court might be more willing to sustain abortion restrictions.

"If Donald Trump, who has promised to overturn Roe v. Wade, picks someone who is anti-choice, the future of Roe v. Wade is very much in question," said David Cole, national legal director for the American Civil Liberties Union.

Interest groups across the political spectrum are expected to mobilize to support and fight the nomination because it is so likely to push the court to the right.

Republicans currently hold a bare 51-49 majority

in the Senate, although that includes the ailing Sen. John McCain of Arizona. If Democrats stand united in opposition to Trump's choice, Senate Majority Leader Mitch McConnell of Kentucky can lose no more than one vote. If the Senate divides 50-50, Vice President Mike Pence could break a tie to confirm the nominee.

Prominent on the list of possible successors are Judges Thomas Hardiman of Pennsylvania and William Pryor of Alabama, who were seriously considered for the seat eventually filled by Gorsuch, and Judge Brett Kavanaugh, who serves on the federal appeals court in Washington. Judges Amy Coney Barrett, whom Trump named to the federal appeals court in Chicago, and Raymond Kethledge, a former Kennedy law clerk who serves on the appeals court based in Cincinnati, also may be considered.

Kavanaugh is a longtime Washington insider, also a one-time Kennedy clerk and a key member of independent counsel Kenneth Starr's team that produced the report that served as the basis for President Bill Clinton's impeachment. In October, Kavanaugh dissented when his court ruled that a teenage migrant in federal cus-

tody should be able to obtain an abortion immediately.

Regardless of who replaces him, Kennedy's departure will be a major change for the high court, where he has been the crucial swing vote for more than a decade. He has sided with the liberal justices on gay rights and abortion rights, as well as some cases involving race, the death penalty and the rights of people detained without charges at the Guantanamo Bay naval base. He has written all the court's major gay-rights decisions, including the 2015 ruling that declared same-sex marriage is a constitutional right nationwide.

However, he also has been a key vote when conservatives have won major rulings on the outcome of the 2000 presidential election in favor of George W. Bush, on gun rights, limiting regulation of campaign money and gutting a key provision of the landmark federal Voting Rights Act.

There were no outward signs that Kennedy was getting ready to retire. He had hired his allotment of four law clerks for the term that begins in October and he is planning to spend part of the summer as he typically does, teaching a law school class in Salzburg, Austria.

Experts: Mental health workers will answer police calls in community

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Oregon promised to expand mobile crisis services statewide by July as part of an agreement with the U.S. Department of Justice to resolve a federal civil-rights investigation into the state's treatment of the mentally ill.

The state has committed to a community-based mental health approach that emphasizes treatment over institutionalization and criminal justice. Some counties have paired mental health experts with police for the past few years and have seen promising results.

Yet many rural areas, like Clatsop County, have lacked the resources to adequately respond to people in mental health crisis or offer treatment locally.

Teams of two mental health experts from Clatsop Behavioral Healthcare will cover 12-hour shifts and answer police calls in the community. The outreach could give law enforcement deeper insight into people who are already on the county's mental health radar, as well as provide a point of contact for people with undiagnosed or untreated mental illness.

"In many ways, people don't access services until they're in crisis," Baker said.

Brighter lines

Clatsop Behavioral Healthcare, the target of intense crit-

icism by some families over treatment decisions, has tried to use the rollout of mobile crisis services as an opportunity to draw brighter lines of responsibility with hospitals.

In an April letter to Columbia Memorial Hospital in Astoria and Providence Seaside Hospital, the mental health agency outlined the risk of legal liability in participating in the discharge and safety planning of patients.

Over the past few years, disagreements over whether patients brought to hospitals in mental health crisis should be released have led to confusion over who is ultimately responsible.

In May, Samuel Dickson, the civil commitment coordinator for the Oregon Health Authority, visited the county and stressed the importance of professional boundaries between a mental health agency and hospital.

"Hospitals are ultimately responsible for the admission and discharge of their patients, per state and federal regulation," Saerom England, a spokeswoman for the Oregon Health Authority, said in an email. "The community mental health program can work in partnership with the hospital to conduct mental health assessments and to connect consumers to services in the community; however, hospitals are ultimately responsible for stabilization and discharge."

'In many ways, people don't access services until they're in crisis.'

Amy Baker

the executive director of Clatsop Behavioral Healthcare, the county's mental health contractor

The process can be confounding for families, especially when a patient released from the hospital slips further into mental illness or harms themselves or others.

Police can detain someone in mental health crisis and take them to the hospital. Medical staff can evaluate patients and determine whether they should be placed on a hold for mental health reasons. Clatsop Behavioral Healthcare can consult with both police and hospitals on treatment options and place patients on what is known as a director's hold, a path to transfer to a psychiatric hospital.

The mental health agency also does investigations for civil commitments, where judges determine whether patients should be committed for mental health treatment.

Columbia Memorial and Providence Seaside do not provide psychiatric care, so tension often builds over how long to keep patients brought to emergency rooms in mental health crisis once they appear to stabilize.

"CMH has worked hard over the years to develop

strong, collaborative relationships with CBH in support of mental health services in our community," Nicole Williams, the chief operating officer at Columbia Memorial, said in an email. "We believe that mobile crisis response is an essential component of the portfolio of outpatient mental health services and are pleased CBH will continue to provide those services."

'Gravity'

Law enforcement has at times been frustrated after repeatedly taking people in mental health crisis to hospitals, only to see them released. A crisis respite center in Warrenton that was supposed to be an alternative to hospitals or jail does not have secure beds, so the respite center functions as a residential treatment option.

In 2015, Astoria police pulled a woman with a history of schizophrenia and depression from the Astoria Bridge and took her to Columbia Memorial, where she was evaluated by a mental health crisis worker and doctor and

released. A week later, the woman jumped off the bridge to her death.

In March, Warrenton police took a young woman in crisis to Columbia Memorial in the days before she killed her dog.

"If you're standing up on the bridge with somebody and they're telling you, 'Look, this is my plan. I'm going to end my life.' And you remove them from that situation to the hospital, I think there are times when the gravity of what that really is gets lost when they're in a more controlled environment," Astoria Police Deputy Chief Eric Halverson said.

"And so I know there has been frustration in the past by officers when folks have been released. But, at the end of the day, we're just one part of the process. And the process exists to make sure that people's rights are protected and that people are getting the kind of help that they should be getting."

After a management shake-up in 2016, Clatsop Behavioral Healthcare has tried to build stronger relationships with law enforcement through regular discussions to talk through situations that pop up in the community. Having mental health experts in the field with police could improve understanding.

"We all want to work together regarding this current issue which is a huge drain and strain on everyone involved,"

Sheriff Tom Bergin said in an email. "We already work closely with them, so no special guidance to our deputies. However, I am sure this is an asset that will be used regularly and widely amongst those of us connected to the current mental health crisis."

With limited training in mental health, police officers and sheriff's deputies have to make judgment calls about whether someone who has not committed a crime should be detained and taken to the hospital.

"Any additional services that we can get to assist people in mental health crisis would be very valuable to us," Astoria Police Chief Geoff Spalding said. "There's clearly a shortage of that in this community, and most communities, so anything is going to be beneficial." Mobile crisis services might improve the odds law enforcement can de-escalate outbursts that could easily descend into violence or end in suicide.

A 2015 study by the Treatment Advocacy Center, a nonprofit in Arlington, Virginia, found that people with untreated mental illness are 16 times more likely than others to be killed after being approached or stopped by police.

"Anything that can allow my officers to get somebody the help they need without taking away personal liberty," Warrenton Police Chief Mathew Workman said.

TV SCHEDULE

Evening listings THURSDAY

THURSDAY EVENING												JUNE 28	
A	L	6 PM	6:30	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM	11:30
2	KATU	(2) KATU News at 6 (N)		Jeopardy! (N)	Wheel of Fortune	The Gong Show (N)		Match Game (N)		Take Two "The Smoking Gun" (N)		KATU News (N)	(35) Jimmy Kimmel
3	KOMO	(4) KOMO 4 News (N)		Wheel of Fortune	Jeopardy! (N)	The Gong Show (N)		Match Game (N)		Take Two "The Smoking Gun" (N)		KOMO 4 News (N)	(35) Jimmy Kimmel
4	KING	(5) NBC News (N)	KING 5 News	KING 5 News	Evening	Little Big Shots "Steveosaurus Rex" (N)	Marlon (N)	Marlon (N)		Law & Order: S.V.U. "Info Wars"		KING 5 News (N)	(35) Tonight Show
6	KOIN	(6) KOIN Local 6 (N)	Evening News (N)	Extra	Ent. Tonight	Big Bang Theory	Big Bang Theory	Big Brother (N)		S.W.A.T. "Imposters"		News (N)	(35) Colbert
7	KIRO	(7) KIRO 7 News (N)	Evening News (N)	KIRO 7 News (N)	Ent. Tonight	Big Bang Theory	Big Bang Theory	Big Brother (N)		S.W.A.T. "Imposters"		KIRO News (N)	(35) Colbert
8	KGW	(8) KGW News at 6:00 p.m. (N)		The Tonight Cassidy	Inside Edition	Little Big Shots "Steveosaurus Rex" (N)	Marlon (N)	Marlon (N)		Law & Order: S.V.U. "Info Wars"		KGW News (N)	(35) Tonight Show
9	KRCW	(3) Modern Family	Modern Family	The Goldbergs	The Goldbergs	Supernatural "Tombstone"		Black Lightning		News at 10 (N)	Friends	Two and a Half	Two and a Half
10	KOPB	(10) Travels Darley	Business (N)	PBS NewsHour (N)		Oregon Art Beat	Oregon Guide	Vera "Black Ice"					
12	KPTV	(12) 6 O'Clock News (N)		Family Feud	Family Feud	The Four "Week Four" A new set of challengers face off against The Four. (N)		10 O'Clock News (N)		10 O'Clock News (N)		News (N)	Page Six TV
13	KPDx	(13) Mike & Molly	Mike & Molly	Big Bang Theory	Big Bang Theory	FOX 12's News (N)		9 O'Clock News (N)		FamilyGuy 2/2	American Dad!	The Game	The Game
13	KCPQ	(13) Modern Family	Modern Family	Big Bang Theory	Big Bang Theory	The Four "Week Four" A new set of challengers face off against The Four. (N)		Q13 NEWS AT 10 (N)		Q13 NEWS AT 10 (N)		News (N)	The Simpsons
20	TBS	(20) Family Guy	Family Guy	Seinfeld	Seinfeld	Seinfeld	Seinfeld	Big Bang Theory	Big Bang Theory	Conan			
23	KZJO	(23) Friends	Friends	Mom	Modern Family	Mom	Modern Family	Q13 News at 9 (N)		Big Bang Theory	Big Bang Theory	Two and a Half	Two and a Half
29	ESPN	(29) (4:00) MLB Baseball	L.A. A/Bos. (L)	SportsCenter (N)		SportsCenter (N)		SportsCenter (N)		SportsCenter (N)	Big Bang Theory	SportsCenter (N)	SportsCenter (N)
30	ESPN2	(30) Around the Horn	WNBA Basketball	Los Angeles Sparks at Seattle Storm (L)		Interruption		Nación ESPN (N)		First Take The hottest topics in sports are debated.			
31	NICK	(31) The Loud House	The Loud House	The Loud House	Loud House (N)	Double Dare	Henry Danger	*** Happy Feet Two (11, Family)		Voices of Robin Williams, Pink, Elijah Wood.		Friends	Friends
32	DISN	(32) Big City Greens	Stuck in Middle	Bunk'd	Bunk'd	Andi Mack	Raven's Home	Stuck in Middle	Big City Greens	Bizaardvark	Raven's Home	Andi Mack	Bunk'd
34	FAM	(34) *** The Lion King (94)	Voices of Matthew Broderick, Jonathan Taylor Thomas.			Cloak & Dagger "Princeton Offense" (N)		*** Casper (1995, Comedy) Bill Pullman, Cathy Moriarty, Christina Ricci.		The 700 Club			
35	FMC	(35) (5:55) *** Rio 2 (14, Ani)	Anne Hathaway, Jesse Eisenberg.	(5:50) FXM Presents		Wild (2014, Biography) Gabby Hoffman, Laura Dern, Reese Witherspoon.		(5:20) FXM Presents	Wild (2014, Biography) Gabby Hoffman, Reese Witherspoon.				
36	LIFE	(36) Grey's Anatomy "Readiness Is All"		Grey's Anatomy "Perfect Storm"		*** The Wedding Planner (01) Matthew McConaughey, Jennifer Lopez.		(5:05) *** First Daughter (04, Comedy) Marc Blucas, Michael Keaton, Katie Holmes.					
38	ROOT	(38) (3:30) MLB Baseball	MarinersPre-game	MLB Baseball Seattle Mariners at Baltimore Orioles Site: Camden Yards - Baltimore, Md.				Post-game	MLB Baseball Classics Kansas City Royals vs. Seattle Mariners				
39	F51	(39) ARCA Auto Racing	SCOTT 150 (L)			FIFA World Cup Tonight (L)		MLB Whiparound (L)		USGA Golf U.S. Senior Open Round 1			
43	SPIKE	(43) Mom	Mom	Friends	Friends	Friends	Friends	Friends	Friends	Amer. Woman (N)	Lip Sync Battle (N)	Lip Sync Battle	Lip Sync Battle
44	COM	(44) (1:10) The Office	(45) The Office	(2:20) The Office "Garage Sale"		(5:55) The Office	The Office	The Office 1/2	The Office 2/2	The Office	Detroiters (N)	The Daily Show (N)	The Opposition (N)
45	HIST	(45) American Pickers "Tick Tock Pick"		American Pickers "Hello Jell-O"		Swamp Mysteries "Swamp Shark"		Swamp Mysteries "Devil Gator" (N)		(5:05) Alone "The Serpent" (N)		(5:05) Swamp Mysteries "Hogzilla"	
46	A&E	(46) The First 48 "Fallen Hero/ The Last Deal"		Live PD: Patrol	Live PD: Patrol	Live PD: Patrol	Live PD: Patrol	Live PD: Patrol (N)	Live PD: Patrol (N)	Live PD: Patrol (N)	(35) Live PD: Patrol	(35) Live PD	(35) Live PD
47	TLC	(47) (5:00) 90 Day Fiancé "Big Little Lies"		My 600-lb Life "Ashley's Story"		600 Life: Supersized "Doug" Doug has lost over 200 pounds and is active. (N)		My Big Fat Summer		My Big Fat Summer		My 600-lb Life: Supersized "Doug"	
48	DISC	(48) Naked and Afraid "Forbidden Fruit"		Naked and Afraid "The Pain Forest"		Afraid "South Africa All-Stars: Part 7" (N)		Afraid "South Africa All-Stars: Part 8" (N)		Naked and Afraid "A Screw Loose"		Naked and Afraid "A Screw Loose"	
49	NGEO	(49) Thru Hell "I Can't Take It Anymore!"		Drain Alcatraz		Drain the Ocean "WWII"		Drain the Oceans "Legends of Atlantis"		Wicked Tuna "Fight to the Finish"		To Be Announced	Wicked Tuna
50	TNT	(50) NCIS: New Orleans "Swift, Silent, Deadly"		NCIS: New Orleans "Slay the Dragon"		*** Now You See Me (2013, Crime Story) Common, Mark Ruffalo, Jesse Eisenberg.		(15) *** Premium Rush (2012, Action) Dania Ramirez, Joseph Gordon-Levitt.					
51	AMC	(51) *** National Lampoon's European Vacation (85)	Chevy Chase.			*** The Goonies (1985, Adventure) Corey Feldman, Josh Brolin, Sean Astin.				(35) *** Caddyshack (80)	Chevy Chase.		
52	USA	(52) Law & Order: S.V.U. "Goliath"		Law & Order: S.V.U. "Rape Interrupted"		Law & Order: S.V.U. "Broken Rhymes"		Queen of the South "El Colgado" (N)		Beat Flyer "Red Meat" (N)		Law & Order: S.V.U. "911"	
53	FOOD	(53) Beat Bobby Fly	Beat Bobby Fly	Chopped "Food Truck Luck"		Chopped "Best Laid Plans"		Chopped "Doughnut Dash"		Beat Bobby Fly	Beat Bobby Fly	Beat Bobby Fly	Beat Bobby Fly
54	HGTV	(54) Flip or Flop	Flip or Flop	Flip or Flop	Flip or Flop	Flip or Flop	Flip or Flop	Flip or Flop (N)	Flip or Flop	House Hunters (N)	House Hunters (N)	House Hunters	House Hunters
55	FX	(55) *** Lucy (2014, Action) Morgan Freeman, Analeigh Tipton, Scarlett Johansson.		Now You See Me 2 (2016, Action) Lizzy Caplan, Woody Harrelson, Jesse Eisenberg.				Anderson Cooper 360		Cuomo Prime Time		CNN Tonight With Don Lemon	
57	CNN	(57) Cuomo Prime Time		CNN Tonight With Don Lemon		CNN Tonight With Don Lemon		Anderson Cooper 360		Cuomo Prime Time		CNN Tonight With Don Lemon	
58	FNC	(58) Hannity		The Ingraham Angle		Fox News @ Night		Tucker Carlson Tonight		Hannity		The Ingraham Angle	
61	CNBC	(61) Shark Tank		Shark Tank		The Profit "Ellison Eyewear"		The Profit "JD Custom Designs"		The Profit "Hip Pops"		Paid Program	
63	BRAV	(63) Southern Charm "Reunion Part 2" 2/2		Southern Charm "Beer and Trembling"		Southern Charm "Gone Girl"		Southern Charm (N)		Girlfriends' Guide to Divorce (N)		Watch What (N)	Southern Charm
64	TRM	(64) (5:00) *** Funny Girl (68) Omar Sharif, Barbra Streisand.		(4:45) *** Fiddler on the Roof (1971, Romance) Norma Crane, Leonard Frey, Chaim Topol.						Girlfriends' Guide to Divorce (N)		Watch What (N)	Southern Charm
65	SYFY	(65) (4:00) Knowing		*** Ghost Rider (2007, Action) Eva Mendes, Wes Bentley, Nicolas Cage.				*** Ghost Rider: Spirit of Vengeance (11) Ciarán Hinds, Idris Elba, Nicolas Cage.				The Expanse "Congregation"	
102	RFD	(102) SF Machinery	Small Town	Rural "United Soybean Board" (N)		Steve Lantvit (N)	Rural Eve. News	Market Journal	GA Farm Monitor	SF Machinery	Small Town	Time Life Library	