

Justices expand right to carry guns

President Biden 'deeply disappointed' by 6-3 ruling

BY JESSICA GRESKO
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WASHINGTON — In a major expansion of gun rights after a series of mass shootings, the Supreme Court said Thursday, June 23 that Americans have a right to carry firearms in public for self-defense, a ruling likely to lead to more people legally armed. The decision came out as Congress and states debate gun-control legislation.

About one-quarter of the U.S. population lives in states expected to be affected by the ruling, which struck down a New York gun law. The high court's first major gun decision in more than a decade split the court 6-3, with the court's conservatives in the majority and liberals in dissent.

Across the street from the court, lawmakers at the Capitol sped toward passage of gun legislation prompted by recent massacres in Texas, New York and California. Senators cleared the way for the measure, modest in scope but still the most far-reaching in decades.

Also Thursday, underscoring the nation's deep divisions over the issue, the sister of a 9-year-old girl killed in the school shooting in Uvalde, Texas, pleaded with state lawmakers to pass gun legislation. The Republican-controlled legislature has stripped away gun restrictions over the past decade.

President Joe Biden said in a statement he was "deeply disappointed" by the Supreme Court ruling. It "contradicts both common sense and the Constitution, and should deeply trouble us all," he said.

He urged states to pass new laws. "I call on Americans across the country to make their voices heard on gun safety. Lives are on the line," he said.

New York law

The decision struck down a New York law requiring people to demonstrate a particular need for carrying a gun in order to get a license to carry a gun in a con-



Philip Kamrass/Associated Press, File

The U.S. Supreme Court in a 6-3 decision on June 23, 2022, ruled that Americans have a right to carry guns in public for self-defense.

cealed way in public. The justices said that requirement violates the Second Amendment right to "keep and bear arms."

Justice Clarence Thomas wrote for the majority that the Constitution protects "an individual's right to carry a handgun for self-defense outside the home." That right is not a "second-class right," Thomas wrote. "We know of no other constitutional right that an individual may exercise only after demonstrating to government of-ficers some special need."

California, Hawaii, Maryland, Massachusetts, New Jersey and Rhode Island all have laws similar to New York's. Those laws are expected to be quickly challenged.

Gov. Kathy Hochul, D-N.Y., said the ruling came at a particularly painful time, with New York mourning the deaths of 10 people in a shooting at a supermarket in Buffalo. "This decision isn't just reckless. It's reprehensible. It's not what New Yorkers want," she said.

Gun control groups called the decision a significant setback. Michael Waldman, president of the Brennan Center for Justice and an expert on the Second Amendment, wrote on Twitter that the decision could be the "biggest expansion of gun rights" by the Supreme Court in U.S. history.

Republican lawmakers were among those cheering the decision. Tom King, president of the plaintiff New York State Rifle and Pistol Association, said he was relieved.

"The lawful and legal gun owner

of New York State is no longer going to be persecuted by laws that have nothing to do with the safety of the people and will do nothing to make the people safer," he said. "And maybe now we'll start going after criminals and perpetrators of these heinous acts."

Public opinion

The court's decision is somewhat out of step with public opinion. About half of the voters in the 2020 presidential election said gun laws in the U.S. should be made more strict, according to AP VoteCast, an expansive survey of the electorate. An additional one-third said laws should be kept as they are, while only about 1 in 10 said gun laws should be less strict.

About 8 in 10 Democratic voters said gun laws should be made more strict, VoteCast showed.

Among Republican voters, roughly half said laws should be kept as they are, while the remaining half closely divided between more and less strict.

In a dissent joined by his liberal colleagues, Justice Stephen Breyer focused on the toll from gun violence.

Since the beginning of this year, "there have already been 277 reported mass shootings — an average of more than one per day," Breyer wrote. He accused his colleagues in the majority of acting "without considering the potentially deadly consequences" of their decision. He said the ruling would "severely" burden states' efforts

ALSO

• Roe v. Wade overturned; abortion rights set to diverge in Oregon, Idaho and other states, **A6**

to pass laws "that limit, in various ways, who may purchase, carry, or use firearms of different kinds."

Several other conservative justices who joined Thomas' majority opinion also wrote separately to add their views.

Justice Samuel Alito criticized Breyer's dissent, questioning the relevance of his discussion of mass shootings and other gun death statistics. Alito wrote that the court had decided "nothing about who may lawfully possess a firearm or the requirements that must be met to buy a gun" and nothing "about the kinds of weapons that people may possess."

"Today, unfortunately, many Americans have good reason to fear they will be victimized if they are unable to protect themselves," the Second Amendment, he said, "guarantees their right to do so."

Justice Brett Kavanaugh, joined by Chief Justice John Roberts, noted the limits of the decision. States can still require people to get a license to carry a gun, Kavanaugh wrote, and condition that license on "fingerprinting, a background check, a mental health records check, and training in firearms handling and in laws regarding the use of force, among other possible requirements."

Backers of New York's law had argued that striking it down would lead to more guns on the streets and higher rates of violent crime. Gun violence, on the rise during the coronavirus pandemic, has spiked anew. Gun purchases have also risen.

In most of the country gun owners have little difficulty legally carrying their weapons in public. But that had been harder to do in New York and the handful of states with similar laws. New York's law, in place since 1913, says that to carry a concealed handgun in public, a person applying for a license has to show "proper cause," a specific need to carry the weapon.

Sentence

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Adair was returned from Coffee Creek to the Baker County Jail on May 25 at the request of her attorney, Robert Whitnah of Baker City, prior to the Wednesday sentencing, Baker County District Attorney Greg M. Baxter said.

Adair has been in custody, either in the Baker County Jail or at Coffee Creek, since early October 2021, Baxter said.

Prior to sentencing Adair, Shirtcliff noted her recurring criminal history, most recently an Oct. 6, 2021, incident in which she entered a home in Baker City while the couple who lived there were home.

Adair pleaded guilty on Wednesday to first-degree burglary, a Class A felony, in that case. She was sentenced to 26 months in prison on that charge, Baxter said.

Two other charges, for third-degree theft and second-degree criminal trespassing, were dismissed.

The resident of the home took cellphone videos showing Adair in his backyard on the evening of Oct. 6, 2021.

According to a police report, when the resident confronted Adair and told her to drop the items she was holding, she claimed the items belonged to her.

Baker City Police arrested Adair at about 1:23 a.m. on Oct. 7, 2021.

The rest of the 73-month sentence includes the 17 months on the Union County theft, and 30 months on a first-degree burglary conviction in Baker County in 2021. That prison sentence was initially suspended, Baxter said.

Shirtcliff imposed the three prison sentences — 26, 17 and 30 months — to run consecutively, yielding the total term of 73 months.

Baxter said he argued for the sentences to run consecutively rather than concurrently — in which case Adair would have served a maximum of 30 months, the longest of the three terms — because "there were separate victims and she had been given multiple opportunities to better herself while on probation."

The 30-month sentence was based on Adair pleading guilty April 23, 2021, to first-degree burglary. She admitted spending a night in the Eldorado Motel in Baker City in February 2021, without paying for it, according to court records.

Failures to comply with probation terms

Baxter said Adair had been ordered to complete substance abuse treatment and participate in the Baker County Mental Health Court, which offers mental health services to people, most of whom are on probation, but she failed to do either.

"She had every opportunity," Baxter said. Adair's history of failing to comply with probation requirements is outlined in two reports from probation officer Debbi Wray, one from June 15, 2021, the other from Oct. 14, 2021.

Adair was on probation at the time for the Eldorado Motel incident and for convictions in 2020.

In the June 15 report, Wray writes that "Ms. Adair has failed to engage in any of her treatment recommendations."

Adair tested positive for methamphetamine and marijuana on May 18, 2021, and she failed to report to her probation officer on April 26 and May 4, according to Wray, who had supervised Adair's probation since August 2020.

"She was referred to employment services but due to pain, she states she cannot work," Wray wrote in the June 15 report. "Ms. Adair went through the process and qualified for social security disability, which she did on her own less than a year ago. Ms. Adair exhibits the ability to get things done if it's something she wants. I believe Ms. Adair does need mental health and addiction treatment but getting her to engage has been ineffective. Unfortunately, Ms. Adair is unable to count on family for support, money or housing. Family members that live out of state have contacted me but do not want to give her money unless she 'is clean' and 'doing good.'"

Baxter said Adair lived in the Boise area before moving to Baker City.

In the Oct. 14, 2021, report, Wray wrote that Adair had again failed to attend required drug treatment.

"She has been provided a place to live twice in which she was asked to leave for violation of curfew and drug use," Wray wrote. "She was presented with the possibility of transition housing for women, clean and sober housing, upon successful completion of treatment as encouragement to make good choices."

Two arrests in 2019 lead to prison term

Adair's first arrest in Baker County was in February 2019, when her address was in Boise.

Adair and Deylen Scott Loos of Meridian, Idaho, were found in a home on Vandecar Road in Durkee that was supposed to be empty.

A local resident who knows the homeowner called police and then went to the home with a friend, who had a shotgun.

Eric Colton of the Baker County Sheriff's Office arrested Adair and Loos.

While charges from the Durkee case were pending, Adair was arrested in April 2019 for stealing a variety of items, including a .357 pistol, from a home near Halfway.

On June 12, 2019, Adair pleaded guilty to charges in both the Durkee and Halfway incidents, including first-degree burglary in the Halfway case, and first-degree criminal trespassing and third-degree theft in the Durkee episode. She was sentenced to 18 months in a state prison and three years probation.

Adair entered the prison system on June 20, 2019, and she was released from prison on Aug. 20, 2020, according to the Oregon Department of Corrections.

After she was released from prison, Adair pleaded guilty to mail theft from the McDonald's restaurant in Baker City on Sept. 30, 2020.

She was charged with first-degree criminal trespassing on the Union Pacific Railroad right-of-way in June 2021. In September 2021 she was charged with second-degree criminal trespassing and third-degree theft, both incidents in Baker City.

Byway

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Chelsea Judy, marketing manager at Anthony Lakes, said 120 inches of snow has fallen at the ski area since the resort closed for the season the first weekend of April — an amount that would be respectable for the same period in the middle of winter.

"It's been a crazy spring," Story said, "with the late snow and these really cool temperatures."

The lingering snow is a tangible effect of the trend, and one that had prevented travelers from completing the 106-mile Elkhorn Drive, which circles its namesake range and passes through Baker City, Haines, Granite and Sumpter.

Although warmer temperatures earlier this week melted snow from about a mile of the byway, Story said that when he drove up on June 22, the route was blocked by snow between the upper Crawfish Basin trailhead and near Grande Ronde Lake, just west of Anthony Lakes.

That section includes the highest parts of the byway, capped by Elkhorn Summit about two miles west of Anthony Lakes. At 7,392 feet, it's the second-highest point on a paved road in Oregon, behind only the Rim Drive in Crater Lake National Park, which ascends to 7,900 feet.

With one lane opened on Friday, it's likely that the complete opening of the byway will happen about a month later than in 2021, and around two weeks later than usual.

The Forest Service doesn't plow snow from the byway.

But Anthony Lakes Mountain Resort, which has a certain amount of experience in moving snow around, starting last year offered to use its equipment to punch through remaining drifts when the byway was almost clear.

Although the byway opening is unusually late this year, Story thinks it might have been later still but for a project he coordinated several years ago that had nothing to do with snow but yielded an unexpected benefit.

He hired a contractor to cut small trees — with a diameter of



Dan Story/Contributed Photo

Lingering snowdrifts on the Elkhorn Drive Scenic Byway near the upper Crawfish Basin trailhead on June 22, 2022.

less than nine inches — within six feet of the shoulder of the byway between Crane Flats, a few miles north of Granite, and the Elkhorn Summit.

The purpose was to get rid of tree branches that impeded drivers' views on the curvy byway, Story said.

But since the work was done in 2016, Story said he's noticed that snow doesn't accumulate to quite such prodigious depths in some places, and it seems to melt earlier — he estimates the difference at 10 to 14 days.

He figures that removing the roadside trees, besides extending drivers' sightlines, exposed the byway to more sunlight, hence the accelerated snowmelt.

Story notes that this effect is muted, however, when snow is actually falling, as it did on many days this spring.

Other roads, other issues

The Elkhorn Drive wasn't the only road on the forest still blocked by snow earlier this week, Story said.

The rough route to Marble Creek Pass west of Baker City is impassable on the east (Baker

City) side of the pass.

The culprit here is an exceptionally deep drift that tends to plug the pass itself, where the road follows a narrow gap in the stone.

The west side of the pass, accessed from Sumpter Valley and on a much sunnier southwest exposure, is accessible.

In eastern Baker County, snow continues to block the last mile or so of Forest Road 66 leading to Fish Lake, a popular campground and angling destination north of Halfway.

Above Cove, the 6220 road running north from Moss Springs toward Mount Harris and Point Prominence is also closed, Story said.

Some other popular routes are open, however, including Forest Road 39, the Wallowa Mountain Loop Road, which leads north from Highway 86 east of Halfway to near Joseph.

The Blue Mountain Scenic Byway from Granite to Ukiah is also open.

Besides the persistent snow, Story, who has worked on the Wallowa-Whitman for 31 years, said this spring has been noteworthy for the amount of debris he's

seen on forest roads.

The detritus includes rocks as well as fallen trees.

Story said an infestation of fir engraver insects has killed many white fir trees, and the combination of strong winds on dead firs, bearing loads of heavy, wet spring snow, led to what he called an "excessive" number of trees toppling across roads.

Other than one year in the 1990s, Story said the treefall has been heavier this spring than any other year in his tenure.

He also noted — as campers and other outdoor enthusiasts undoubtedly did — that some of the soggy storms happened on weekends.

Story said he's found several places where people driving on saturated roads left deep ruts that channel water onto the road and prevent it from draining.

"There's been a lot of damage to our road system," he said.

Story recommends forest users, who will be out in larger numbers with the summery weather that began this week and is forecast to continue through the Fourth of July weekend, to expect possible debris as they ply forest roads.

Library

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"Now we have a phone on-site that kids can use to check in with their parents when they're here at the library or in the park, seniors can use to schedule bus rides from Community Connections, and anyone can use in an emergency or to stay in-touch with family and friends anywhere in the country," Stokes said.

He said he's also excited about the placement of the new phone — it's outside, on the east

side of Resort Street near the entrance to the library's north parking lot.

"This provides enhanced privacy for callers, and less disruption to the library from loud talkers," Stokes said.

The phone is under a blue hood, and the unit is made of industrial-grade stainless steel and fiberglass designed to protect against weather and vandalism.

The library district spent about \$2,200 from its general fund to buy and install the phone. The district will spend about \$300 per year for

the subscription that routes calls through the internet system.

Upcoming projects

The library's facilities plan includes a major roof repair at the Baker City branch, and an outdoor solar-powered charging station where the public can charge cellphones and other devices.

Stokes expects work on the roof to start within two to three weeks and be finished by fall, and the charging station has been ordered but there is no delivery date at this point.