

EDITORIAL

Change of heart
about VA plan
is good news

Good news from Congress is often hard to come by but the recent announcement from U.S. Sen. Ron Wyden's office that a plan to modify the Jonathan M. Wainwright Memorial VA Medical Center in Walla Walla into an outpatient clinic is no longer an option was a bright spot among the usual fare of depressing information that leaks from the nation's capital.

Wyden said in a press release earlier this month that he "welcomed the news" that a group of bipartisan senators will block the plan originally configured by the veterans Asset and Infrastructure Review Commission. That plan would have shut down the 31-bed residential rehabilitation and treatment program and moved it to Spokane.

Wyden, in a recent town hall meeting, reported he'd heard from veterans about how the plan to turn the facility into an outpatient clinic would make a negative impact.

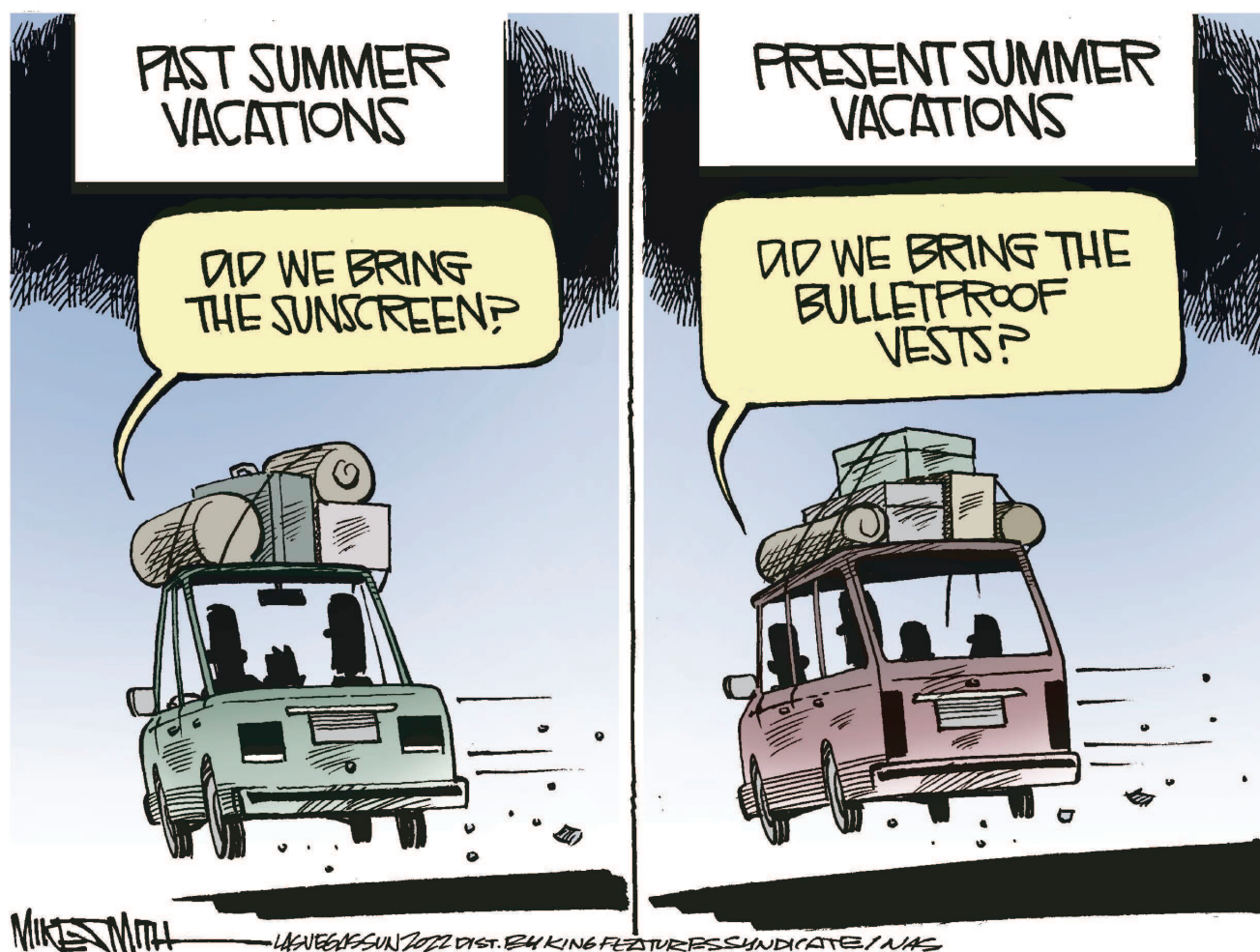
All the gratitude for the decision can't rest with Wyden, of course, as a number of other prominent senators also chimed in to stop the plan from becoming a reality. Yet, Wyden's influence was surely a factor and we thank the senator for that assistance.

The fact is the concept was a bankrupt one from the very beginning. Why the federal government would want to shortchange our veterans on any issue is not only a mystery but grossly unfair. Surely money had a lot to do with the decision. It is no secret the costs of the Veterans Administration continue to climb at an unprecedented rate. Taxpayers are ultimately billed for those costs, just like taxpayers end up footing the bill for any conflict the nation finds itself in.

Caring for our veterans is one of those unseen and often not talked about aspects of our foreign policy. When the call erupts across the nation to let slip the dogs of war, the upfront costs are always high. Yet when a conflict is over, those costs continue as the men and women who shouldered the burden need long-term, costly care.

We owe our veterans a great deal, including excellent health care. The fact that the plan to turn the Walla Walla clinic into an outpatient center has been abandoned is good news.

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OTHER VIEWS

High court undermines Miranda rights

EDITORIAL FROM THE SACRAMENTO BEE:
Lost in the furor over the Supreme Court's decision to overturn the nearly five decades of American bodily autonomy guaranteed by *Roe v. Wade* was another appalling ruling in *Vega v. Tekoh*. It undermined the landmark 56-year-old precedent that established what have come to be known as Miranda rights.

In a decision that fell along the same ideological lines as the one that overturned *Roe*, the court ruled that suspects who are not informed of their constitutional right to remain silent under police questioning cannot sue law enforcement or other government officials for damages.

The decision guts the 1966 ruling in *Miranda v. Arizona*. If police are not compelled to read Miranda warnings by the threat of lawsuits, then there is no impetus for them to do so.

The court was ruling on the case of Terence Tekoh, who was arrested by Los Angeles Sheriff's Deputy Carlos Vega in 2014 for the sexual assault of a patient at the hospital where Tekoh worked. Under interrogation, Tekoh confessed to the crime. But Vega had failed to announce his Miranda rights at the time of arrest, opening the door for Tekoh to sue the department for violating his constitutional rights.

Justice Samuel Alito wrote for the majority that while Miranda rights have "roots" in the Constitution, "a violation of Miranda does not necessarily constitute a violation of the Constitution."

Tekoh was ultimately acquitted even though his confession was presented at trial. His lawyers argued that Vega refused to accept Tekoh's profession of innocence and had "a hand resting on his firearm" during the suspect's interrogation. They also argued that the deputy threatened to report Tekoh, a legal U.S. resident, to immigration officials, which could have meant deportation to, and persecution in, Cameroon.

Justice Samuel Alito wrote for the majority that while Miranda rights have "roots" in the Constitution, "a violation of Miranda does not necessarily constitute a violation of the Constitution." The justice wrote that statements obtained without a Miranda warning should be suppressed at trial, but he argued that "Allowing the victim of a Miranda violation to sue a police officer for damages ... would have little additional deterrent value, and permitting

such claims would cause many problems."

But Justice Elena Kagan wrote in dissent that the ruling "strips individuals of the ability to seek a remedy for violations of the right recognized in *Miranda*. The majority observes that defendants may still seek the suppression at trial of statements obtained in violation of *Miranda's* procedures. But sometimes, such a statement will not be suppressed." In such cases, the justice asked, what remedy will defendants have for wrongful convictions and other harms at the hands of police who don't inform them of their rights?

Given that the court previously found Miranda warnings "necessary to safeguard the personal protections of the Fifth Amendment," Kagan asked, why shouldn't the reading of rights be enforceable?

Most people's experience of Miranda rights comes from watching police procedures on television, which often get the basic facts of the law right: Those taken into police custody must be advised of their Fifth Amendment protection from self-incrimination, such as during interrogation.

As the dissent argued, it's not clear what will compel police to inform suspects of their rights during interrogation if they can't be held accountable for ignoring the requirement. Rights do not enforce themselves.

LETTERS TO THE EDITOR

- We welcome letters on any issue of public interest. Customer complaints about specific businesses will not be printed.
- The Baker City Herald will not knowingly print false or misleading claims. However, we cannot

- verify the accuracy of all statements in letters.
- Writers are limited to one letter every 15 days.
- The writer must include an address and phone number (for verification only). Letters that do not include this information cannot be published.

- Letters will be edited for brevity, grammar, taste and legal reasons.

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COLUMN

Lesson from recent shootings: Red flags can't wave themselves

BY MARTIN SCHRAM

Red flags will just hang like limp noodles if their flag-wavers go AWOL on breezeless days. Left unattended, those red bits of cloth will signal no warning alert, send no sense of alarm that urgent action is needed to save lives.

And the same goes for even our best-intentioned red flag laws — such as the one the Congress recently approved, touching off a burst of belated bipartisan self-congratulation. Red flag laws can prove every bit as limp and useless as those bits of cloth, if the laws are left to somehow enforce themselves, by federal, state and local law enforcement officials who allow themselves to become the government's equivalents of limp noodle bureaucrats.

That is one of the tragic lessons we are now being forced to confront after a twisted young shooter, armed with new combat-style weapons he was allowed to legally purchase — despite police warnings! — rained 83 flesh-ripping combat rounds on

a family-friendly Fourth of July parade through Chicago's picture-perfect northern suburb of Highland Park.

The director of the Illinois State Police, Brendan Kelly, wants to be sure you know his agency handled everything strictly by the book. Kelly told reporters he believes his agency handled everything appropriately. Even when it allowed Robert E. Crimo III to buy all those weapons — despite the fact that the state police received warnings of two red flag incidents in which Highland Park police classified Crimo as a "clear and present danger."

You be the judge. (And in this case, you needed to be — because Kelly's state police never brought the matter to a court's attention before allowing the underage youth to buy his mass-killing combat weapon.) Here, Your Honors, is what Kelly's state police knew before allowing Crimo to buy his arsenal, on the grounds that it didn't have enough info to ask a judge to decide:

- In September 2019, Highland

Park police went to Crimo's home after a person (name publicly withheld) warned police the then-teenager had bladed weapons and threatened to "kill everybody" in the house. Police confiscated 16 knives, a dagger and a sword. Earlier that year, police had gone to the house after receiving a report that the youth had attempted suicide.

- The Highland Park police filed what is called a "clear and present danger" report with the Illinois State Police. The youth's father, Robert E. Crimo Jr., who lives elsewhere, reportedly told police all the bladed weapons were his and his son was just holding them for him. Police gave the knives, dagger and sword to the father.

- Three months later, the youth, not yet 21, applied for a Firearm Owner's Identification card, with his father signing as his sponsor. By 2020, young Crimo owned several guns, including the rapid-firing semi-automatic rifle he allegedly used to kill seven and wound many more.

The police who believed that the

youth's possession of 16 knives, a dagger and a sword was a "clear and present danger" may well have been able to convince a judge that possession of multiple rapid-firing rifles, magazines carrying 30 rounds and huge amounts of ammunition was at least as dangerous as those sharp blades.

Illinois State Police Director Kelly wants to be sure you know that his agency doesn't have a copy of the report filed by the Highland Park police. Illinois' red flag law was in effect in 2019. But the state police didn't choose to ask a judge to decide whether the youth, who had no arrest record, should be allowed to buy his mass-killing arsenal.

Kelly emphasized Wednesday that family and friends should take the lead in matters such as this. "This is so dependent upon the people that may be closest around the individual of concern, the person that may be posing a threat to themselves ... or others," said Kelly.

Time Out: Perhaps family members sometimes cannot lead an effort to

block a gun purchase by an unstable family member — out of fear for their own safety at home. This may have been the duty of the state police to enforce public safety by asking a judge to decide whether a "Firearm Restraining Order" should be issued, as provided in Illinois' red flag law.

As explained in an Illinois state agency report, a judge can oversee the issuance of a 14-day Emergency Firearm Restraining Order, followed by a six-month Firearm Restraining Order and can hold a full hearing into the case.

Back in Washington, armed with our new federal red flag provisions, the attorney general and secretary of homeland security need to act at once. They need to swiftly provide all states with a template of procedures that will assure that red flag alerts have at least an enforceable chance of safeguarding us all.

■ Martin Schram, an op-ed columnist for Tribune News Service, is a veteran Washington journalist, author and TV documentary executive. Readers may send him email at martin.schram@gmail.com.

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Oregon Legislature: Legislative documents and information are available online at www.leg.state.or.us.

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Baker City Hall: 1655 First Street, P.O. Box 650, Baker City, OR 97814; 541-523-6541; fax 541-524-2049. City Council meets the second and fourth Tuesdays at 7 p.m. in Council Chambers. Councilors Jason Spriet, Kerry McQuisten, Shane Alderson, Joanna Dixon, Kenyon Damschen, Johnny Waggoner Sr. and Dean Guyer.

Baker City administration: 541-523-6541. Jonathan Cannon, city manager; Ty Duby, police chief; Sean Lee, fire chief; Michelle Owen, public works director.

Baker County Commission: Baker County Courthouse 1995

3rd St., Baker City, OR 97814; 541-523-8200. Meets the first and third Wednesdays at 9 a.m.; Bill Harvey (chair), Mark Bennett, Bruce Nichols.

Baker County departments: 541-523-8200. Travis Ash, sheriff; Noodle Perkins, roadmaster; Greg Baxter, district attorney; Alice Durflinger, county treasurer; Stefanie Kirby, county clerk; Kerry Savage, county assessor.

Baker School District: 2090 4th Street, Baker City, OR 97814; 541-524-2260; fax 541-524-2564. Superintendent: Mark Witty. Board meets the third Tuesday of the month at 6 p.m. Council Chambers, Baker City Hall, 1655 First St.; Chris Hawkins, Andrew Bryan, Travis Cook, Jessica Dougherty, Julie Huntington.