BAKER CITY Herald

Opinion

WRITE A LETTER
news@bakercityherald.com
Baker City, Oregon

EDITORIAL

Proper punishment for teenage criminals

Police and the Baker County District Attorney's office have released scant information about the fatal shooting of a male juvenile on July 13 in Baker City.

Part of the reason is simple — the accused killer is also a juvenile, a 17-year-old male.

Authorities generally don't release the names of juvenile suspects — even when the charges, as in this case, include second-degree murder — at least not initially.

It's not so clear, though, why officials haven't answered a few basic questions that ought not jeopardize anyone's privacy. This includes the circumstances of the suspect's arrest. He fled the scene of the shooting, in the parking lot at the Baker Technical Institute, according to a press release from the Baker County Sheriff's Office. Ashley McClay, public information officer for the Sheriff's Office, later told the Herald that the suspect was arrested in "the early morning hours" of July 13.

Nor have authorities said whether the female juvenile, who was also at the BTI parking lot but was not hurt, called police to report the shooting, or whether there were other witnesses, one of whom made the initial call.

What we do know is, of course, terrible.

A boy is dead.

And although it's premature, given the paucity of information, to make absolute pronouncements, presumably the district attorney, Greg Baxter, has a legitimate reason to have filed a motion seeking to have the suspect prosecuted as an adult, a decision a judge will make.

This wouldn't even be an issue if the suspect were 18 rather than 17.

That age different is not significant, though, in a situation when somebody ends up dead.

Absent compelling extenuating circumstances — which might exist, to be sure — it would be proper for the defendant in this case to be charged, and if convicted, to be punished, as an adult.

That could mean the difference between the shooter spending the rest of his life in prison, or being released within 15 years.

Sadly, this wouldn't have been an issue a few years ago.

When Oregon voters approved Measure 11 in 1994, they endorsed a mandatory minimum sentencing system that required juvenile defendants ages 15-17 to be prosecuted as adults for murder and other serious crimes such as rape and assault.

But the Oregon Legislature weakened Measure 11 when it passed Senate Bill 1008 in 2019. Most notably, the law removed the requirement that juveniles 15-17 charged with the most serious crimes, including murder, be prosecuted as adults. Instead, prosecutors, as Baxter has done, must seek a hearing before a judge.

That's unfortunate.

And unnecessary.

But at least there's still a process by which a murder suspect can be potentially held to account for a heinous act rather than being coddled, comparatively speaking, due solely to what might be a few months difference in age.

— Jayson Jacoby, Baker City Herald editor

CONTACT YOUR PUBLIC OFFICIALS

Oregon Gov. Kate Brown: 254 State Capitol, Salem, OR 97310; 503-378-3111; www.governor.oregon.gov.

Oregon State Treasurer Tobias Read: oregon.treasurer@ost.state.or.us; 350 Winter St. NE, Suite 100, Salem OR 97301-3896; 503-378-4000.

Oregon Attorney General Ellen F. Rosenblum: Justice Building, Salem, OR 97301-4096; 503-378-4400.

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

State Sen. Lynn Findley (R-Ontario): Salem office: 900 Court St. N.E., S-403, Salem, OR 97301; 503-986-1730. Email: Sen.LynnFindley@oregonlegislature.gov

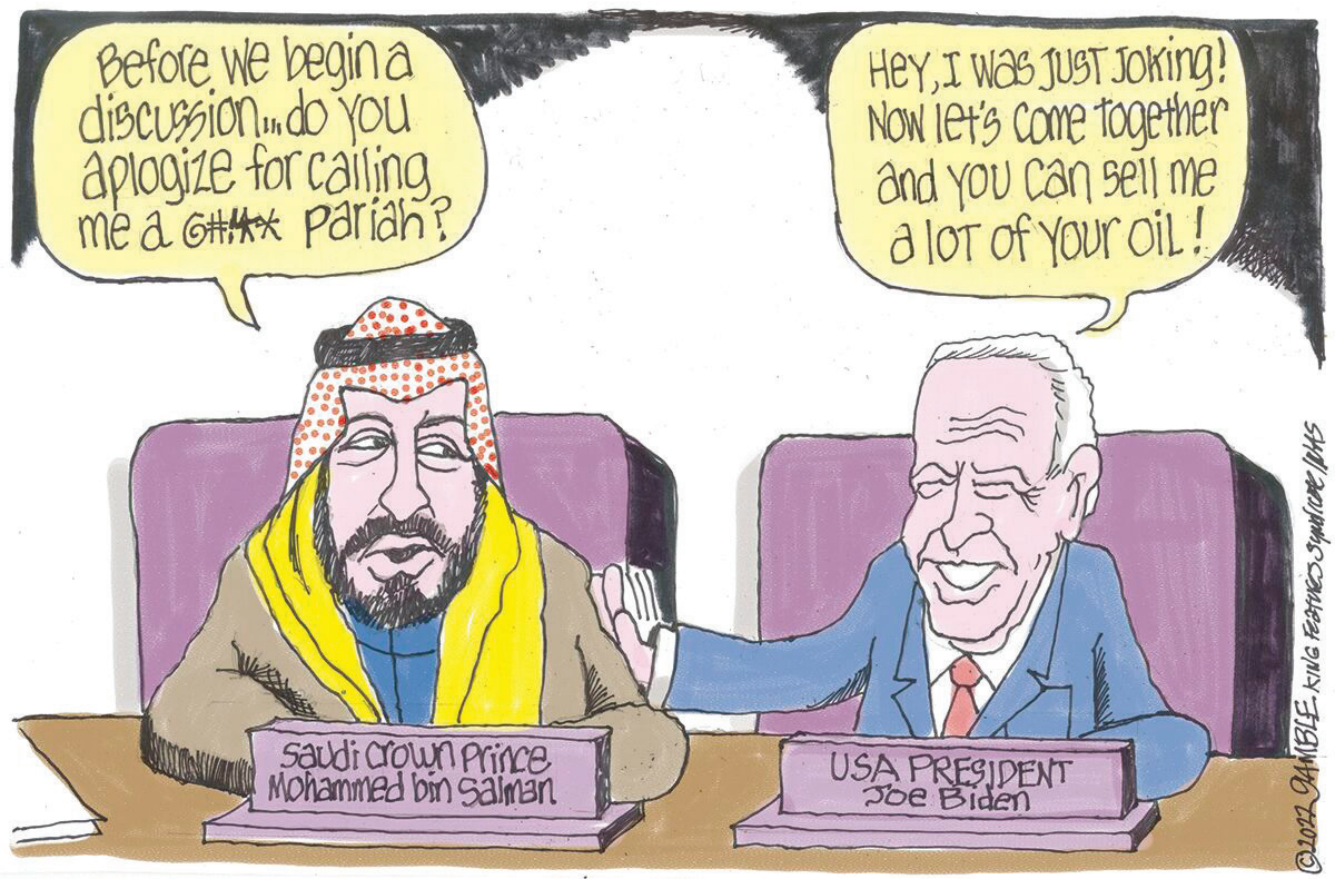
State Rep. Mark Owens (R-Crane): Salem office: 900 Court St. N.E., H-475, Salem, OR 97301; 503-986-1460. Email: Rep.MarkOwens@oregonlegislature.gov

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.



COLUMN

Which Betsy Johnson would govern?

Steve Forrester
Writer's Notebook

Betsy Johnson entered my office at The Astorian in 2000 as a candidate for the state House of Representatives. Decades prior, our family histories intersected when my father and Johnson's mother were colleagues on the Oregon State Board of Higher Education. They had a simpatico relationship. So I was inclined to like this legislative candidate. And I did.

Not being a pollster, I will leave it to others to speculate on the viability of Johnson's strategy for winning the three-way race she has with Democrat Tina Kotek and Republican Christine Drazan. What interests me much more is what kind of governor she would be.

Oregon has not had a governor with business ownership in their background since Victor Atiyeh, our last Republican governor, who led the state from 1979 to 1987. Atiyeh grasped the concept of being the state's CEO.

Our state government has grown considerably since the 1980s, but some of the same challenges beg for oversight. With government's growth, the state's dependence on computer systems and software platforms has grown markedly. And Oregon has lacked a governor who grasped that particular challenge and dealt with it.

Oregon's state government's computer system disasters are no secret. Refreshing my memory about those malfunctions, I consulted a man with some 30 years of watching the statehouse — Dick Hughes, our newspaper's Salem columnist. "They're awful," Hughes said.

On the one hand, computer systems have become the nervous systems of most businesses and governments. On the other hand, no candidate for state office will run on a platform of improving them. This is not sexy stuff.

Based on what Hughes tells me and what I know of Johnson, she would have the moxie to ask the tough questions of systems and software providers who are contracted to serve the divisions of state government — which are equivalent to large companies — in terms of their payroll, budget and the size of the customer base they serve.

Guns, however, are a sexy issue — a highly visible flashpoint. When Johnson told me, more than a decade ago, about the machine gun that she purchased at an auction, I was startled. In U.S. Marine Corps infantry training, I had fired the M60 machine gun. Why, I wondered, would anyone not in uniform want that killing machine?

When Johnson and I had this conversation, a national community of public health physicians was gathering numbers on the scale of gun woundings, deaths and suicides. They argued America should recognize this as a public health issue. A calamity. An epidemic.

An example of this public health perspective was "The Medical Costs of Gunshot Injuries in the United States," published in the Journal of the American Medical Association. Its conclusions were: "Gunshot injury costs represent a substantial burden to the medical care system. Nearly half this cost is borne by the US taxpayers," (Aug. 4, 1999).

David Hemenway, of the Harvard School of Public Health, was a leading explorer of the intersection of firearm woundings and deaths and public health. "Private Guns, Public Health" was his 2004 book. The virtue of Hemenway's work and other public health physicians is that it moved the gun issue away from politics and emotion into the world of medicine, healing and prevention. In an attempt to have a fruitful dialogue with Johnson, I gave her one of Hemenway's papers. At that point, this very articulate woman said nothing in response.

I was sorry to hear Johnson's response to the school shooting in Uvalde, Texas, but it was the Betsy I listened to some 20 years ago.

I know that her independent campaign for governor demands she cultivate a hard-line stance for the single-issue voter — to cut into the Republican electorate. That's fine for short-term thinking. But it is not leadership for what has become a mortal concern.

Put simply, Johnson is on the wrong side of history. And if Oregon has another Umpqua Community College shooting (2015), Clackamas Town Center incident (2012) or Thurston High School shooting (Kip Kinkel, 1998), most Oregonians will want much more than a cliched response from their governor.

■ *Steve Forrester, the former editor and publisher of The Astorian, is the president and CEO of EO Media Group.*

OTHER VIEWS

Packing Supreme Court would be ruinous

BY ADAM CARRINGTON

"Man learns from history that man doesn't learn from history." My father used to repeat this line to me, a saying he heard from one of his teachers.

We see the quote's wisdom in current calls to add justices to the Supreme Court. Those calls came loudly from the political left in reaction to President Donald Trump's appointments of Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett. They have returned in the wake of the court's just-completed term. Those justices proved crucial votes in decisions to expand religious liberty, protect gun owners and overturn Roe v. Wade.

We have been here before. In 1937, Congress voted on President Franklin D. Roosevelt's "court-packing" plan. That plan sought to add up to six justices to the nine already serving.

FDR's endeavor failed, and deservedly so.

The problem with court packing lies not in its strict legality. Congress sets the number of Supreme Court justices. Thus, it has the legal power to change that number. Moreover, the legislative branch has exercised this power in the past.

The problem with court packing goes deeper. To pinpoint its shortcomings, we must understand the role the courts play in our system of government. The judiciary holds a relationship to the law, unlike any other branch. It must take the law as the law exists and interpret and apply it to decide legal disputes. The judiciary thus depends on the law as the basis for all its reasoning and all its actions.

Not so with Congress and the president. Those two institutions do rely partly on the law, especially the highest law of the Constitution. They obtain the power to act, legislate and enforce laws from that document. But they also depend on voters, needing their support to retain office. This is their greater dependence, at least regarding the pressure to act. While working through constitutional mechanisms, the people exert significant control over the actions taken by these two branches.

As in 1937, this new court-packing scheme is, in all likelihood, doomed to failure.

The Constitution's framers linked the judiciary to the law to better achieve justice. The law seeks to treat all people equally and to give them a fair chance to establish innocence. The people support such laws in the abstract, voting for them through their elected representatives. But the framers knew the people's immediate response to events and individuals to which the law applied might involve prejudice and passion. Popular will might wish to skirt the protections of the law, punish a person because he belonged to an unpopular group or convict without process a person accused of a heinous crime. Supreme Court justices are insulated from these pressures by not facing an election and serving for good behavior, meaning essentially for life. Their focus on the law, statutory and constitutional, means they uphold the better version of the people's will as written down in just and equal laws, not as manifested in immediate reactions. The justices thus can stem the tide of prejudice and passion in service of the better angels of our nature. Due to this needed role, Congress has not changed the court's composition since 1869.

This task for the justices illuminates the problem with court-packing schemes, old and new. Then, as now, the plan to pack the court came from intense opposition to court decisions. This opposition came from a passionate and prejudiced reaction that wished the court to follow the policy preferences of the other branches, not the law as found in the Constitution.

In the 1930s, at least five justices opposed important elements of the New Deal and seemed poised to undermine it further. They had good grounds for suspecting that FDR and Congress had greatly overstepped their constitutional bounds. They rightly, for a time, opposed pressures to act in conformity with those institutions' policy preferences, though the "switch in time that saved nine" resulted in the court acquiescing to much of the New Deal eventually.

Today, the political left wants more justices to overturn the court's recent decisions on religious liberty, the Second Amendment and abortion. These plans come from policy preferences wrapped in weak constitutional arguments. The court this past term has done much to remove judicial policy-making from its efforts and instead apply the law as written. The opposition to this beneficial direction would seek to make the court into more of a second legislative branch.

As in 1937, this new court-packing scheme is, in all likelihood, doomed to failure. It should go nowhere, another likely unheeded warning to future generations.

Let us recall FDR's failure to remember the real role of our Supreme Court. And let us seek to encourage and preserve that role for the sake of justice and the rule of law.

■ *Adam Carrington is an associate professor of politics at Hillsdale College in Michigan.*