WSJ: [Why Struggling Cities Should Cut Property Taxes](https://www.wsj.com/articles/why-struggling-cities-should-cut-property-taxes-11618610309)

*It’s the perfect time to reboot urban economies and help the country’s poorest homeowners.*

As the pandemic recedes, cities and towns are feeling the budget pinch. Many will be tempted to raise property taxes to fill the gaps. They should cut them instead. This isn’t only sound economics—it’s also an antidote to a regressive taxation scheme whose costs fall unfairly on the country’s poorest homeowners, many of them minority residents of struggling cities.

The traditional case against high property tax rates is that they deter investment, chase people out of cities, and make it harder to attract new residents. Growing empirical evidence from across the country [shows](https://propertytaxproject.uchicago.edu/) that property taxes are also inequitable, saddling low-income homeowners with a lopsided share of municipal tax burdens.

On the surface, it isn’t intuitive why property taxes are unfair. They are calculated, after all, as a fixed percentage of a home’s assessed value. The problem is that houses in poor neighborhoods generally sell for less than the assessment values used to calculate their property taxes, while expensive homes in affluent communities reliably sell for more than their assessed values. Tax assessors systematically undervalue America’s priciest homes and consistently overvalue the country’s least expensive homes. Affluent homeowners may be paying less in taxes than they should, and poorer homeowners have been paying more than they should.

Take Baltimore. According to data from a recent University of Chicago [study](https://cpb-us-w2.wpmucdn.com/voices.uchicago.edu/dist/6/2330/files/2019/04/Berry-Reassessing-the-Property-Tax-3121.pdf), more than 75% of the city’s least valuable homes sold between 2007 and 2018 yielded prices that were lower than the assessment value used for property taxes. The exact opposite is true when it comes to Baltimore’s most lavish homes. During that same period those residences sold on average for more than twice the value used to compute property taxes.

This absurdity is amplified by Baltimore’s high property tax rate, which is twice that of neighboring counties, even as the city hemorrhages people. Baltimore has fewer residents in 2020 than it had in 1920. In return for paying the highest property taxes in the state, city dwellers get a stew of the worst services and outcomes in the U.S.: Municipal ineptitude leading to uncollected water bills, potholes pockmarking every other street, alleys strewn with trash. Many of Baltimore’s public school buildings lack heat or drinkable water, and the city’s [homicide](https://www.wsj.com/articles/the-wire-is-finished-but-baltimore-still-bleeds-11581119104?mod=article_inline), drug-overdose, illiteracy and lead-poisoning rates are among the highest in America.

What an injustice that the residents most directly affected by this dysfunction are often the same homeowners who, because of inflated assessments, pay a higher share of the city’s property taxes. Baltimore isn’t alone in this regard. The same cruel irony persists in Detroit, Atlanta, St. Louis and other cities caught in the quicksand of exorbitant taxes.

Because of the myopia caused by the current crisis, leaders in cities like Baltimore may be unwilling to cut taxes. To reverse decades of decline and inequity, however, this is exactly what they must do. And they need to start now because U.S. cities are about to enter a fierce contest for capital as the economy emerges from pandemic-related strictures. How we work and where we live will never be the same, and unrivaled investments will accompany this transformation. Relief dollars from Washington will be dwarfed by pent-up private capital spilling into markets as American consumers begin to spend money again. This could be the biggest infusion of federal capital into the economy since the New Deal and the largest introduction of private investment ever.

Those investments won’t be distributed evenly, however, and cities will need to set themselves apart, conspicuously and fast. In the scramble to grab a share of this gold rush, there’s no time to lose. Cities should pledge to cut property taxes immediately because investment decisions are being made now.

The economic upside of cutting property taxes is evident in the academic literature. A 1999 school-finance reform in New Hampshire resulted in property-tax cuts across the Granite State. In low-density areas, economists found an 11% to 22% jump in residential construction; in southern New Hampshire, where housing concentration was already high, tax cuts drove up home prices instead. Both results—a surge in construction and higher home values—materialized in Boston and San Francisco too. Many forget that before they were two of America’s darling coastal cities, both were in steep decline, with substantial population loss between 1950 and 1980. Critical to their turnaround [were statewide ballot measures](https://www.wsj.com/articles/SB10001424052970204468004577167283166176946?mod=article_inline) in California (1978) and Massachusetts (1980), which slashed taxes. San Francisco’s property-tax rate [plunged](https://www.wsj.com/articles/SB122852270789884347?mod=article_inline) 57% practically overnight. Over the course of two years, Boston’s property-tax rate fell 75%.

These are lessons with renewed importance today. A modern cataclysm sparked by disease could give way to a renaissance of smart and righteous reform. In cutting property taxes, cities have a chance to reboot their economies and dismantle hidebound tax policies that have hurt poor homeowners the most. Leaders who seize this moment will see their cities surge ahead. Those who don’t will fall further behind.

USA Today - [Compromise on immunity: Why the law should not protect police who use excessive force](https://www.usatoday.com/story/opinion/2020/09/10/compromise-immunity-dont-protect-cops-who-use-excessive-force-column/5756103002/)

*Qualified immunity in excessive force cases has come to symbolize structural racism and the ways in which the law shields corrupt police from scrutiny.*

Graphic video from Kenosha, Wisconsin, has reignited debate on why the law makes it so hard for Jacob Blake to sue police for shooting him seven times in the back.

Removing the main legal barrier — the qualified immunity defense — has become the bellwether reform for activists and Democratic lawmakers. It was the clearest policy demand at last month’s March on Washington.

It also marks a Maginot line for Republicans, with South Carolina Sen. Tim Scott calling the end of qualified immunity a “poison pill,” that is, a suggestion so toxic for his political kin that it would kill off the possibility of building consensus around other police reform proposals.

Compromise is not the mood of America today, but it is needed here. This once obscure, now contentious doctrine, which all but precludes private lawsuits against police officers, does not have to be scrapped completely to satisfy its critics.

Instead, Congress (or state legislatures) should withdraw qualified immunity for excessive force claims but otherwise keep it intact. Excessive force, after all, is where the immunity defense inspires the most grief and makes the least sense.

Qualified immunity, a rule many conservatives steadfastly support, was invented by judges. It is not in the Constitution; it’s not rooted in colonial history or legal tradition; no legislature has ever ratified it.

The doctrine was first hatched by the Supreme Court in 1967. Since then, it has become an increasingly vexing obstacle for anyone suing a public official.

By the 1980s, a lawsuit could move forward only if the defendant violated “clearly established” law, the latest in a series of tripwires that extinguished most cases. From inoculating schoolteachers from lawsuits by their students to gutting cases by patients against hospital administrators, the doctrine’s steady creep gobbled up more and more cases, but reached excessive force claims only in the mid-2000s.

That means reversing this last expansion does not void the doctrine — it merely resets the law to where it was before courts began to approve its application in police brutality cases.

The logic for immunity also collapses in the excessive force context. Qualified immunity was meant for situations where legal rules are unsettled or evolving, where a public official might be forgiven for not knowing the precise state of the law.

For example, Fourth Amendment rules can be tricky. Should police get a warrant to electronically track a car on public streets? Is the smell of marijuana enough to conduct a search in middle-ground states that have decriminalized marijuana possession but where selling weed is still illegal? These are byzantine questions debated by law professors, whose answers shift from one court opinion to the next.

The law of excessive force, by contrast, is not confusing or complex. Whether force is justified certainly depends on the circumstances of the situation, but that’s true for lots of discretionary judgments. Doctors are not shielded from liability just because they need to make hard decisions in emergency conditions.

The point is, the law on the use of force is not erratic or hard to comprehend and, consequently, allegations of police brutality are the last place where qualified immunity should be available. We do not yet know, for instance, what defense the Minneapolis officers in the killing of George Floyd will mount, but assuredly it will not be that the law was unclear.

Admittedly, part of the rationale for immunity is that public officials should not hesitate, because they fear being sued, to act in the public’s interest. But don’t we want officers to err on the side of avoiding force when there are alternatives? Don’t we want them to resort to force, deadly or otherwise, not as a reflex triggered by muscle memory but as a trained choice on the use-of-force spectrum?

Law enforcement is under the microscope today. Recruitment of diverse officers and retention of seasoned detectives is harder than ever. In times like these, it is fair to ask, do we want to subject police to lawsuits and personal liability? This question implies, however, that we must cloak officers with the conceit that they operate with impunity to forge an effective police force.

This is exactly backward. Officers should know that they will be far better trained for tough situations, that they will have to make hard choices, and that we respect them enough to expect them to get it right. Cities should indemnify them, so damages do not come out of an officer’s pocket — but the truth should come out in court.

Qualified immunity in excessive force cases has come to symbolize structural racism and the ways in which the law shields corrupt police from scrutiny.

Reform does not require us to discard the whole book on qualified immunity. But the chapter that says to Black and brown victims of brutality that the law provides no remedy when police break bones or break the law is a chapter that should never have been written in the first place.

Sun: [Ruth Bader Ginsburg’s last dying wish and the threat to the legitimacy of the court](https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0930-thiru-ginsburg-supreme-court-20200929-nvzteormjvexpkfmqhtemlvsoi-story.html)

Among my fondest memories working at the Supreme Court was the sight and sound of Justice Ruth Bader Ginsburg and Justice Antonin Scalia, shoulder to shoulder, belting out Christmas carols at the annual holiday celebration. Theirs was an improbable, decades-long friendship — a Catholic originalist and a Jewish feminist, a principled conservative and a pioneering liberal — that reflected the noblest vision of the nation’s highest court, a shared commitment that one organ of American government stood above the banal tumult of politics.

Last week, President Donald Trump had the temerity to doubt the dying words of Justice Ginsburg, relayed to the American people by her granddaughter. On Saturday, by announcing a nominee just weeks before the election, he disregarded and dishonored them.

Justice Ginsburg’s fervent last wish — to have her successor named by the next president — was not about preserving the Supreme Court’s precarious political balance. It was a warning to a nation already on edge that appointing a justice on the eve of an acrimonious presidential election would drain the court of its public legitimacy and tear America apart. It would turn the judiciary into the one thing, particularly in this moment, it cannot afford to become: another polarized and nakedly political body.

The branch of government with neither an army nor the power to tax is only as strong as the people’s faith in it. Justice Ginsburg knew this. For a diverse, divided country to accept the court’s pronouncements, the people must believe its judgments are not preordained by the crass partisan winds of the day. This conviction for the moment endures. It is renewed each time a justice casts an unexpected vote. When Chief Justice John Roberts votes to uphold the Affordable Care Act. When Justice Anthony Kennedy decides that marriage equality is the law of the land.

We abide the court’s rulings because, even if we disagree with them, many of us still believe the court is composed of the greatest legal minds of our generation applying bedrock principles, refracted through their judicial philosophies and lived experiences and God-granted wisdom, to settle the nation’s most contentious issues. Because of this faith, we follow the law.

But it was not always so. Justice Stephen Breyer, for whom I had the privilege of clerking, often reminds audiences, after Worchester v. Georgia in 1832, where the Supreme Court recognized the tribal sovereignty of the Cherokee Native Americans. President Andrew Jackson questioned the court’s power to compel Georgia to comply with its ruling: “John Marshall has made his decision, now let him enforce it.” The Trail of Tears followed.

A century later, even after a unanimous decision in Brown v. Board of Education (1952), the governor of Arkansas directed the state militia to block the schoolhouse doors so Black children could not attend Little Rock Central High School. President Dwight Eisenhower had to dispatch the 101st Airborne Division to enforce the court’s rulings.

The progress we have made should not be taken for granted. Our country survived Bush v. Gore because of the trust we place in the court. Vice President Al Gore conceded the election, President George W. Bush took the oath, and the Republic endured.

This fragile trust has never been more at risk. Gone are the days when Justice John Paul Stevens and Justice Scalia, representing the far left and right flanks of the court, were unanimously confirmed on the strength of their qualifications. Today, serious people are talking about adding two to four seats to the nine-member Supreme Court, granting statehood to Puerto Rico and Washington, D.C., and abolishing the filibuster, proposals that could stand on their merits but are being pitched as righteous retaliation as the President rushes to fill a vacancy even as ballots are being cast to replace him.

This race to the bottom has no end. Except that America returns to a grim time when the court’s decisions were only as valid as the weight of public sentiment behind them.

I would like to believe Justice Scalia would join his friend in urging our senators to extend the same courtesy to Justice Ginsburg that he was ultimately accorded, to have a successor confirmed only after the people have spoken. For he would understand that Justice Ginsburg’s parting wish was never about her legacy, but about the legitimacy of the court. It was the desperate plea of an American patriot, witnessing with her closing eyes a country riven by race and class and politics and summoning the nation’s better angels when we need it most.

To deny her dying wish will imperil the court she spent her life serving and divide this nation in ways that may never be undone. President Trump does not realize this, or he does not care. Either way, the rest of us must.

WaPo: [Kavanaugh’s accuser deserves a fair criminal investigation](https://www.washingtonpost.com/opinions/kavanaughs-accuser-deserves-a-fair-criminal-investigation/2018/09/19/c0605ec4-bc1a-11e8-97f6-0cbdd4d9270e_story.html)

California professor Christine Blasey Ford has not accused Supreme Court nominee Brett M. Kavanaugh of “youthful indiscretions,” “rough horseplay” or “misconduct,” as some have benignly characterized it; she accused him of serious, jarring crimes. Her courage to come forward deserves more than empty theater ahead of a preordained confirmation. It warrants a fair-minded criminal investigation by Maryland prosecutors.

If the allegations contained in Ford’s letter to Sen. Dianne Feinstein (D-Calif.) are true — that 17-year-old Kavanaugh, with the aid of a confederate, pushed a young girl into a bedroom, locked the door and played loud music to drown out her protests; physically pinned her down and groped her; and when she tried to scream covered her mouth, making it hard for her to breathe — Kavanaugh could have been charged as an adult back then with a range of offenses from assault to attempted rape.

While the FBI conducts background checks on White House nominees and can, as it has in other confirmations, interview additional witnesses to inform Senate deliberations, it is typically local law enforcement officials and prosecutors who investigate sexual assault crimes and decide what, if any, charges are appropriate.

Some of the possible alleged offenses in this case, such as false imprisonment, are misdemeanors whose statutes of limitations ran out long ago. But other potential charges are not necessarily barred, even today, because Maryland has not imposed time limits on certain felony crimes.

For example, attempting a sexual assault with the aid of another person counts as attempted first-degree rape, just as restricting a victim’s breathing to stop her from shouting for help could fairly qualify as first-degree assault. Both are felonies with no statute of limitations in Maryland. Likewise, under Maryland law, using force to move a victim a short distance, even from one room to another, can amount to kidnapping, a crime that similarly has no limitations period. There are examples across the country where convictions for kidnapping have been upheld in cases where rapists took the victim just to a separate room to commit the crime.

To be sure, the allegations go back 35 years, to when the accomplished federal judge was a high school senior. What may or may not have taken place at a Bethesda home in the early 1980s would no doubt be hard to prove at trial and might not, in the judgment of local prosecutors, justify criminal charges all these years later.

But sexual assault prosecutions are always difficult to try, and decisions about whether to bring charges are properly made after, not before, an investigation is complete. Plus, here, Ford has already named a potential witness to the alleged attack, voluntarily subjected herself to a lie detector test and, in 2012, told others who could corroborate her account of what happened.

Just as Ford deserves to have her allegations taken seriously, Kavanaugh is entitled to the presumption of innocence. But it is the responsibility of local authorities to investigate a credible criminal allegation to determine what happened. And it is not uncommon for police and prosecutors to pay closer attention in high-profile cases, even cold cases, when prominent individuals such as Harvey Weinstein or Bill Cosby are accused of crimes. That is partly to combat the impression that people with power get away with crimes when others do not, and partly to vindicate the wrongly accused if defamatory claims prove false.

In this case, an impartial investigation would not just be for the sake of the alleged victim; it would also be good for Kavanaugh and the integrity of the Supreme Court. The Senate, after all, will soon take a fateful vote in circumstances that have already placed the legitimacy of the court at risk, even before the latest revelations: This will be the first time in American history that a president at risk of impeachment and under criminal investigation will name a justice to the Supreme Court. Neither Bill Clinton nor Richard Nixon nor Andrew Johnson did that.

This is no time to push through a nominee without addressing the cloud of criminal uncertainty overhead. An expedited investigation confined to a short list of witnesses and this specific incident could, one way or the other, provide the resolution the Senate needs before it decides whether to confirm Kavanaugh.

Unlike virtually every other act of government — from executive orders to congressional statutes — a presidential appointment to the Supreme Court is one of the few under our Constitution that cannot be undone except under the extraordinary circumstance of impeachment. One exquisitely American tenet the court affirms every day is that no one is above the law.

Ford, at great risk to herself, has put that to the test. For the Senate to pass this test, authorities in Maryland must have the time to do their job, before the ink of history irreversibly dries.

Daily Record: [Judges are not to blame for Baltimore’s record violence](https://thedailyrecord.com/2018/12/27/thiru-vignarajah-judges-are-not-to-blame-for-baltimores-record-violence/)

Public officials — from our governor and mayor to our former police commissioner and members of the Baltimore City Council — continue to blame city judges for another year of record murders. This month, interim Police Commissioner Gary Tuggle joined the chorus. He criticized Judge Jeffrey Geller for releasing on probation a defendant, Raytawn Benjamin, charged with illegal gun possession, who has also allegedly been linked to several gang-related murders.

It’s a tempting strategy: firing at targets who, by oath and office, can’t shoot back. It’s a shrewd tactic used to support failed, regressive policies like mandatory minimums that resurface in times of crisis. It’s also a false narrative that needs to be put to rest.

Part of the problem is a common misconception of the role of judges when it comes to sentencing. Truth is, city judges decide what sentence to impose in a tiny fraction of cases.

Here’s the reality that many outside the justice system do not know:

Once a case is indicted by the grand jury, it can end in one of four ways. First, prosecutors could drop the case, a decision judges have no power to stop. Second, the case could result in an acquittal, where again there is no sentence for the judge to impose. Third, prosecutors could strike a plea deal with the defendant, which under Maryland law judges cannot influence — unless the prosecutor and defense counsel allow it. Finally, a jury could find the defendant guilty at trial.

Only in this last case — a conviction at trial — does a judge have actual authority to decide what prison sentence is warranted. But trial convictions are rare these days. The Baltimore Sun reported last year that “(o)nly 17 percent of defendants who elected to go to trial were tried and convicted,” which produced a startling total of only 175 trial convictions for an entire year in Baltimore. Sentences in those cases are the sole ones for which the public can fairly fault judges.

This is why I decided to take a closer look at the video in the troubling case of Raytawn Benjamin.

Turns out, there’s a lot more to the story, perhaps more than the commissioner knew.

As the Daily Record editorial advisory board pointed out last week, the sentence the judge ultimately chose was not far from the plea range proposed by the prosecutor and defense attorney. The prosecutor asked for 18 months; that meant, for a firearm charge where an inmate typically serves half the sentence because of the time he had already served, Benjamin would be out by summer.

Moreover, the city judge knew almost none of the facts Tuggle identified as reasons for a stiffer penalty. The judge was never told that Benjamin had been linked to gangs or murders; that he had been shot twice; that incriminating evidence was recovered from his cellphone; or that, from prison, the defendant asked an associate to dispose of a gun used in numerous violent crimes.

Benjamin’s only other adult charge, also for a firearm, was dropped because the arresting officers were convicted on federal corruption charges.

Sure, Geller could have focused more on the defendant’s prior juvenile commitments for firearms, which the prosecutor noted — or asked more, in a city besieged by retaliatory killings, about the recent murder of the defendant’s mother, which the defense attorney referenced. But what Geller faced was one side asking him to sentence a 20-year-old with no adult convictions to a few more months in prison, while the other side asked the judge to send Benjamin home that day with no prospects and a felony record.

Instead, Judge Geller picked up the phone, called Project Serve (a workforce development program with wraparound services led by Living Classrooms), and proposed Benjamin as a candidate. The defendant was required to return to court on Jan. 17 with an update. Neither the prosecutor nor the defense lawyer raised an objection.

Everyone is fed up with unrelenting crime. Many will still disagree with the judge’s decision, even with these additional facts and context. In this case and every other, there’s room for improvement all around. But this is hard work, and these are hard choices by public servants of good faith.

For Baltimore to turn things around in the new year, we need an honest appraisal of real deficits, not imagined ones, along with a lot more focus on how to address this crisis rather than who to blame for it. So, as popular as it has become to point the finger at judges, let’s be sure to have as complete a picture as possible before rendering our verdict. I remain confident that judges, including Geller, endeavor to do that every day.

Sun: [Getting aerial surveillance off the ground in Baltimore](https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1025-aerial-surveillance-20181024-story.html)

At a City Council hearing last week, advocates and opponents of aerial surveillance presented a false choice between privacy and public safety. Truth is, with a little creativity and compromise, Baltimore can have both.

Aerial surveillance consists of a Cessna prop plane flying in public airspace with a battery of cameras taking what amounts to wide angle, low-resolution video of a large swath of the city.

The company promoting this apparatus is wrong to expect the city to grant the police department — not exactly an institution brimming with public trust these days — a blank check to surveil the city whenever and for whatever reason it wants. Instead, Baltimore should limit the use of aerial footage to the investigation of serious crimes, require written judicial approval in those cases and provide for periodic community review.

Citizens are understandably skeptical after the train wreck that prompted this debate last time around. In 2016, the police department got caught running a “pilot” that no elected official was apparently told about in advance.

It did not matter that the funding came from philanthropists who have also supported the ACLU and abolishing cash bail, the same benefactors who funded a Johns Hopkins public health initiative to deliver eyeglasses to thousands of city schoolchildren. The cloak of secrecy and how the program was discovered were too much for Baltimore to stomach.

But, with a fourth consecutive year of record violence, our city cannot afford to discard potentially good ideas just because they were badly presented.

Aerial surveillance could be a potent tool to solve violent crimes. Admittedly the raw footage alone is of modest value: it shows blurs of unrecognizable dots and rectangles, which happen to be people and cars, moving about the city. But investigators can follow a blur tied to a crime to determine where the subject came from and went. And when that dot or box passes a street camera at a particular time, police have an opportunity to get a closer look.

The tandem of aerial footage that traces the path of “dots of interest” coupled with a sprawling network of higher-resolution, ground cameras could significantly improve clearance and conviction rates.

Similar to body cameras, this new investigative tool could also make it easier to contest or verify the statements of law enforcement and would give defense attorneys a clear method to exonerate the innocent.

At the same time, this “eye in the sky” raises serious and unprecedented privacy concerns that must be addressed. Earlier this summer, in Carpenter v. United States, the Supreme Court ruled that police have to get a warrant if they want a significant interval of cell tower location data, even though a private company (the cellphone carrier) collected it. Part of the court’s rationale was that the Fourth Amendment protects against “searches” that yield information that is, like here, “detailed, encyclopedic, and effortlessly compiled.” Under the logic of this landmark decision, police use of aerial surveillance footage could be declared unconstitutional without adequate safeguards.

But we do not have to wait for a court to strike down the warrantless use of aerial surveillance; we can proactively adopt measures to protect individual and community privacy and shield use of this new technology from a likely and legitimate legal attack.

How might a limiting protocol work?

First, the city would establish stringent rules permitting review and use of aerial surveillance solely to help solve certain enumerated crimes starting with homicides. This is how Maryland’s wiretapping law works, allowing police to intercept phone calls only for certain kinds of investigations.

Second, police would have to convince a judge to sign a warrant based on probable cause before they could get their hands on any surveillance footage (except in the case of an ongoing emergency such as a carjacking, child abduction or active shooter scenario).

Finally, every six months or so, the city would publish an annotated list of all cases in which surveillance was obtained, indicating whether or not the crime was solved. Baltimore should, after all, periodically reevaluate whether the fiscal costs and privacy concerns are worth it.

This approach circumscribes the use of an untested innovation, it guarantees vital judicial oversight, and it allows the community to meaningfully audit the program to assess its overall value each year.

It also gives our city a promising new tactic at a time when current strategies are manifestly failing.

Seattle Times: [Deporting Dreamers is as cruel and unusual as it gets](https://www.seattletimes.com/opinion/deporting-dreamers-is-as-cruel-and-unusual-as-it-gets/)

*If banishment from the greatest country in the world to a place they have never known is not punishment, then what on earth is?*

As a growing number of lawsuits have recently said, rescinding DACA is unlawful. Promising to 800,000 Americans a moment of legitimacy only to then withdraw it on a whim violates equal protection, due process and federal-agency law. No one yet has filed, however, the intuitive claim that this is also incompatible with the Eighth Amendment of the Constitution. After all, to deport immigrants raised in America since they were children for the supposed sins of their parents is the definition of cruel and unusual punishment — expelling a person to a country they do not know because of a decision they did not make is as spiteful as it is bizarre.

So why has this trenchant Eighth Amendment challenge not been part of the legal attack on the president’s actions? The main reason is because deportation was long ago classified as civil, not criminal, and the constitutional shield against cruel and unusual punishment only applies to criminal penalties. But the civil designation of deportation hearings is tied to a 125-year-old Supreme Court decision whose moorings have become threadbare with the passage of time, as America’s immigration apparatus has become more and more indistinguishable from our criminal armament.

When the seminal case (Fong Yue Ting v. United States) was decided in 1893, it was the Treasury Department — not the Department of Homeland Security — that was charged with implementing immigration policy. Today, state and local police routinely investigate immigration violations alongside 6,500 federal agents.

President Donald Trump has all but confirmed that immigration policy in America today is inseparable from the fight against crime. He infamously began his campaign smearing Mexican immigrants as “rapists” who brought drugs and crime with them. He has inflamed anti-immigrant sentiment with a dedicated victim hotline and graphic tales of crimes committed by immigrants. And his administration blames them for rising crime and promises strict immigration controls as the antidote.

The president’s rhetoric and policies extinguish what remains of the myth that deportation disputes are civil matters. Moreover, even though we generally limit certain constitutional rights to criminal cases, extending those protections to immigration proceedings for extreme constitutional violations is not without precedent. Evidence from illegal searches is generally permitted at deportation hearings, for example, but if the Fourth Amendment violation is “egregious” — for instance, in cases of patent racial profiling — the constitutional right springs back to life and the evidence is barred.

Society and precedent have changed considerably from the time when core safeguards like the Eighth Amendment were originally declared inapplicable to deportation decisions. And the president’s recent actions provide the perfect occasion to update the law. This is not, however, just about clinically clarifying our constitutional jurisprudence — it’s about acknowledging the reality of what deportation means for Dreamers today, as it hangs like the sword of Damocles over every aspect of their lives.

Immigration enforcement has become the predicate and pretext for countless vehicle stops, searches, detentions, arrests and prosecutions. No one even bothers anymore to disguise the underlying xenophobia in economic terms or to pretend this is about students overstaying their visas. Rather, Trump’s deportation agenda represents a politically charged, conscious strategy to remove a generation of immigrants from the country they call home.

The Framers knew it would be tempting to talk tough about a beleaguered group and to visit upon them draconian hardships in the name of the law. The Constitution’s safeguards, including the Eighth Amendment, were meant to prevent just this. To separate someone from friends and family and to end the life they have built in America — unthinkable consequences for the actions of another — are as cruel and unusual a punishment as one can conceive. To answer that deportation is not punishment is to rely on a technicality that time has made a fiction. If banishment from the greatest country in the world to a place they have never known is not punishment, then what on earth is?

Sun: [Data show mandatory minimum sentences won't stop Baltimore’s gun violence](https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0813-mandatory-gun-sentence-20170809-story.html)

Faced with one of the worst crime surges in Baltimore's history, city lawmakers are grappling with proposals that would impose a one-year mandatory sentence for unlawfully possessing a firearm within 100 yards of certain public places, such as parks, schools and houses of worship. With more than 200 murders already this year, frustration among leaders in Baltimore is palpable, but their focus is misdirected. State law already prescribes harsher mandatory minimum penalties for most gun cases, and those have done little to end the horrific bloodshed our city has endured these past couple of years.

Public data extracted from the Maryland Judiciary Case Search, an online database of state court cases, yielded 3,733 Baltimore City Circuit Court gun-related cases filed by prosecutors between January 2015 and June 2017. In three out of four gun crimes — 2,852 of 3,733 cases — prosecutors already wielded a five-year mandatory minimum because of the defendant's record or the nature of the charges; in other words, only a quarter of the gun cases do not already contain charges that carry a mandatory penalty. There is perhaps no better proof that mandatory penalties are not a panacea for crime than the fact that statutory minimums already exist, yet gun violence continues to soar.

The latest version of the City Council bill developed to address the carnage adds a mandatory one-year penalty for second offenses or situations in which the gun is tied to another crime. This risks diverting energy and resources from prosecuting ruthless gangs and unrepentant killers — violent repeat offenders — who require our undivided attention by shifting some of the focus to defendants with less serious conviction records, if any at all. It's a strategy that's also more likely to target younger, black citizens. In fact, of the 881 gun defendants in the data set whose cases do not already trigger a mandatory penalty, 96 percent are African-American; 63 percent were under 25 years old, 9 percent were minors, and none had felony convictions.

These are not the serial offenders believed to be driving the murder crisis unfolding in Baltimore today. To concentrate on them in the name of public safety threatens to consign more young black men to the revolving door of poverty and prison. At a time when Baltimore needs to heal divides and rebuild trust in its communities, proposals that echo the failed policies of the past are painful to hear. For many, mandatory minimums are synonymous with institutional and structural racism, 100-to-1 crack-cocaine sentencing disparities, racial profiling and the misguided, interminable war on drugs. Gun violence is decimating our neighborhoods, and public outrage is long past due. But reflexively recycling the regressive strategies of the 1980s will not make us safer and only risks further erosion of public trust.

It is also inaccurate to claim, as some have, that judges are mainly responsible for gun defendants prematurely returning to the streets. Take a look at the just over 2,000 gun cases resolved since 2015 in which a five-year mandatory minimum sentence applied — some for felony firearm possession, some connected to drug trafficking and some used in violent crimes from robbery to murder. Nearly 40 percent of them were dropped by prosecutors or placed on the inactive "stet" docket; of the more than 270 that went to trial, almost two-thirds of them ended in an acquittal on all counts. According to this analysis, the outcomes were nearly as disappointing for the 700-plus resolved gun cases carrying no mandatory penalty: The State's Attorney's Office dropped or stetted 26 percent of those cases; only nine resulted in a conviction at trial.

The fact is the Baltimore City State's Attorney's Office already has ample tools under Maryland law to address both first-time, as well as repeat, gun offenders, but they often don't get to use them. Overall, since 2015, prosecutors dropped or stetted 35 percent of all gun crimes an average of six months after they decided to indict them, and lost another 65 percent of those they took to trial. The judiciary cannot be blamed for cases that are dropped or lost at trial. And criticizing judges — who, by oath and office, generally cannot respond — is a dangerous national trend we should not fuel.

There certainly are instances where a sentence dictated by the legislature matches the appropriate sentence in an individual case. But sometimes a one-year prison sentence for illegal gun possession is too high, and categorically barring a judge from giving a first-time offender a second chance is unwise. Conversely, sometimes a one-year sentence is too low: In 2012, for example, a circuit court judge in Baltimore City appropriately sentenced a defendant convicted of gun possession charges to eight years in prison (the maximum available in that case), even though he had only one prior conviction for simple drug possession and no mandatories applied. This was after the city prosecutor who handled the case filed a detailed sentencing memorandum and presented substantial evidence of the defendant's likely participation in two prior homicides.

That is hard work, and prosecutorial resources are scarce. So mandatory penalties offer an inviting shortcut. Perhaps this is why senior officials from the Baltimore City State's Attorney's Office for the past two years have testified forcefully before the General Assembly in favor of statewide mandatory minimum laws. In its advocacy for a 2016 state bill that would have imposed a mandatory minimum sentence for illegal gun possession for everyone, including those with no criminal record (the same as the original City Council bill), prosecutors lamented that Baltimore faced a "new normal" of 300-plus murders a year, explained that the "profile of the offender" in Baltimore City tended to be young men between 16 and 21, and stated that with respect to handgun violations "the pendulum ha[d] swung too far" toward an "emphasis on treatment."

These kinds of arguments have been marshaled in support of mandatory minimums before. Over the past 40 years, however, at untold costs to communities of color, we have learned that mandatory minimums are not the answer. In 2017, that is not a lesson we should have to learn again.

Sun: [The legal case against Trump's Muslim ban](https://www.baltimoresun.com/opinion/op-ed/bs-ed-ban-courts-20170426-story.html)

The day after the United States bombed airfields in Syria to punish the Assad regime for the chemical slaughter of civilians, the Justice Department quietly filed its latest brief defending a ban on refugees from that country. Next month, appeals courts on both coasts will debate the matter, hearing arguments in cases from Maryland and Hawaii, where two district judges found that a revised presidential order blocking immigrants from certain predominantly Muslim countries violates the Constitution.

The Fourth Circuit Court of Appeals, which is scheduled to hear the Maryland case on May 8, recently announced that all 15 judges (instead of the usual three-judge panel) would review the lower court's decision. And President Donald Trump has already vowed to challenge the rulings "all the way up to the Supreme Court." That may be where this dispute ends up, with a first test for Justice Antonin Scalia's successor Neil Gorsuch, but the president should not be surprised if it ends differently than he hopes. Especially considering that the Justice Department's main defense — that the words of the president are beyond review, and his campaign promises and divisive rhetoric can be disregarded after election day — is unsound as a matter of history, law and policy.

For the sake of democracy, a candidate's commitments on the campaign trail should not be forgotten or forgiven as the false promises and flamboyance needed to get elected. Candidates do not get a clean slate once they take the oath of office. As the federal judge in Maryland said, "the world is not made new every morning." Politicians' pledges and proposals should be reliable indicators of how they intend to govern and lead. And what they say to score cheap political points lingers long after the smoke of a campaign clears.

The legal allure of the president's argument is its resemblance to a position Justice Scalia often advanced: Why on earth should a court get to see behind the curtain to understand the purpose of state action rather than look simply at the language of the law? According to Justice Scalia, the intent of the legislature must be divined from text alone, without regard to statements by its advocates on the legislative floor. That view, even skillfully framed by one of history's most gifted jurists, never fully took root. Now, President Trump's lawyers are trying to replant that defective seed in the context of executive action, where the concerns Justice Scalia raised are at their weakest.

Justice Scalia, after all, was worried about problems specific to legislatures: the risk that shrewd legislators could poison the record with statements that do not reflect the true intent of the majority, the challenge of ascribing a single voice to a legislature composed of many different lawmakers, and the temptation to selectively pluck from a dense legislative history only those statements supporting a court's preferred ruling.

But none of those concerns apply when it is the president's words a court is weighing. For one thing, the president has no reason to sabotage his own orders by proclaiming an illicit motive that is not his own. For another, unlike the cacophony of a legislative chorus, the president sings with a single voice. So, Justice Scalia's fears of being unable to discern a unifying note are misplaced when one person speaks with the clarity and consistency that President Trump has on this subject.

Indeed, federal judges in both cases now on appeal had no trouble identifying President Trump's intent from a string of unambiguous, unwavering statements made before — and after — he was elected, calling for the exclusion of Muslim immigrants. There was plenty to point to: his original rallying cry demanding a "total and complete shutdown of Muslims entering the United States" (November 2015); his clarification that his policy as the Republican nominee was not a "rollback" but an "expansion" of his earlier proposal (July 2016); his response as president-elect, "You know my plans," when asked about the Muslim ban after an attack in Germany (December 2016); and, on the very day of the signing of the order, titled "Protection of the Nation from Foreign Terrorist Entry into the United States," President Trump remarked, "We all know what that means" (January 2017).

Yes, Mr. President, we do. So did the federal courts that ruled that your presidential order was inspired — and hence infected — by an unconstitutional purpose: to denigrate the religion of Islam and discriminate against its adherents.

In this respect, the bans are the latest chapter in a checkered history in which discrimination and hate, with a little help from an artful attorney, all too easily don the cloak and costume of neutrality. Asking courts to accept the pretext of fighting terrorism and ignore the president's true motive is just how states for too long prevented interracial marriage and denied marriage equality, how cities redlined neighborhoods by race and perpetuated segregated schools, and how the Supreme Court upheld Japanese internment camps in Korematsu v. United States and embraced the shameful doctrine of separate but equal in Plessy v. Ferguson.

Thankfully, that is not the law or tradition followed by courts today. Americans should be proud that our judges are no longer swayed by the veneer of neutrality and instead are compelled by the Constitution to ferret out sinister purposes that lie beneath the surface. These days, judges and juries routinely determine intent, from employment discrimination and racial gerrymandering to Fourth Amendment and Establishment Clause cases. That is all that the courts have done here, properly declining, as the Hawaii court wrote, to "crawl into a corner, pull the shutters closed, and pretend it has not seen what it has."

President or politician, words matter. They can be weapons too. And the harm of hateful words especially — the sense of inferiority and subordination they engender — cannot easily be undone. Nor can the damage to the hearts and minds of those whose faith the president has denounced be rectified by a clumsy, unconvincing pretext inked into an order by a clever lawyer's pen. Federal judges are not fooled by this. Neither are the rest of us.

Vox: [A look at the past work of the Deputy AG who called for Comey’s firing](https://www.vox.com/the-big-idea/2017/4/26/15433124/justice-department-sessions-rosenstein-crime-incarceration-deportation)

*Jeff Sessions’s No. 2 was more moderate than his boss on a range of issues — and an effective crime-fighter.*

The United States Senate just confirmed Rod Rosenstein as the country’s Deputy Attorney General, ending his tenure as US Attorney for Maryland after a dozen years of distinguished service. The first order of business for Rosenstein may be briefing his new boss, Attorney General Jeff Sessions, on how Maryland reduced violent crime rates by 37 percent from 2005 to 2014 — because it was not by following the script that Sessions has been promoting.

When it comes to fighting crime, Sessions seems to be dusting off the failed playbook of the 1980s. He is concerned that America has developed “too much of a tolerance for drug use — psychologically, politically, morally.” Because “lives are at stake,” he recently said, he is “not going to worry about being fashionable.” No risk of that. From hitting the brakes on police reform, to praising Nancy Reagan’s “Just Say No” campaign, to stressing the supposed moral failings of drug users, the attorney general has signaled a return to the policies and rhetoric of zero tolerance, dragnet deportation, mandatory minimums, and mass incarceration as the backbone of the Justice Department’s strategy to curb violent crime — which Sessions likes to say is on the rise.

In truth, crime nationally remains at historic lows. Unfortunately, some cities like Baltimore have seen a heartbreaking surge in murders and violence after years of steady progress. But that progress was not achieved by resorting to the tactics that Sessions appears to support.

Rosenstein enjoyed rare bipartisan support in Maryland and was the only United States attorney in the country appointed by President George W. Bush who remained in the role at the end of the Obama administration. This was no accident. Federal prosecutors who served in his office (Democrats like me among them) wrote in support of his confirmation, and local elected prosecutors from across Maryland sent the Senate a similar letter, reporting that when they ask Rosenstein for assistance, “he does not care if you are a ‘D’ or an ‘R’, he has only cared about making this State safer.”

And there he made real strides. Over his first decade as the lead federal prosecutor in Maryland, murders statewide were cut by a third, double the decline at the national level. Other violent offenses like robberies and aggravated assaults also fell faster than the national average, including a remarkable 70 percent drop in carjackings across the state. A few years ago, even in the stubborn conditions of Baltimore, Rosenstein — working shoulder-to-shoulder with law enforcement, state, and local prosecutors, and most important the community — saw bleak homicide numbers decrease to less than 200 for the first time in 33 years.

A lot of folks deserve credit for that, as Rosenstein would be the first to point out. But he was a big part of it. Take, for example, the impact on the Cherry Hill community in South Baltimore, where there had been 35 shootings in one year soon after Rosenstein took office. In 2013, his office brought federal racketeering charges against 26 men responsible for numerous murders, shootings, and robberies. Afterward, the neighborhood went 700 days without a shooting.

That was tough, targeted enforcement, and it was typical of his tenure. Prosecutors helped drive down murder and violent crime rates by concentrating on gang leaders and gun violations, not by vilifying victims of addiction, getting tough on marijuana, or reviving policies of mass incarceration for petty offenses. Collaboration between prosecutors, police, and the community combined with a dogged focus on violent repeat offenders was the anchor of Rosenstein’s approach.

In addition, reconceiving America’s drug epidemic as a public health crisis, not solely as a problem of crime, has represented a massive step forward in policy and insight — one that Rosenstein embraced. Last year, in an editorial in the Baltimore Sun, he and Maryland’s Attorney General Brian Frosh described the heroin and opioid epidemic as “one of the most significant public health issues facing the nation.” Even as they promised to seek stiffer penalties for dealers whose drugs led to overdose deaths, they also concluded: “Enforcement efforts are more effective when they are part of a larger strategy to prevent addiction by educating potential drug abusers, and ensuring that help is available to people who become addicted.”

Sessions does not seem convinced. Last month, at a youth summit, the attorney general talked up enforcement and appeared to disparage treatment, remarking that it “often comes too late” and that he had “seen families spend all their savings and retirement money on treatment programs for their children, just to see these programs sometimes fail.” Complete remission among victims of heroin addiction will never be 100 percent, but that has not stopped Rosenstein from appreciating the importance of treatment, particularly in the context of reentry programs.

A year ago, Rosenstein visited a federal prison to talk with inmates about their future. He recognized that they “face strong temptations to return to a life of crime” and emphasized the programs available to help them, saying, “Our mission is preventing crime, not just sending people to prison.” Rosenstein hired a re-entry specialist and this past December published a statewide 181-page catalog of services for ex-offenders seeking a better life. The funds from the Justice Department that made this possible are now on a list of cuts Sessions reportedly wants to make.

Sessions has also blamed immigrants for everything from DUIs to rapes to gang murders, warning that “countless loved ones would not be grieving today if the policies of sanctuary jurisdictions were ended.” But mass deportation is no better a strategy to identify and incapacitate violent criminals than mass incarceration was to fight the spread of drugs in America’s inner cities. Rosenstein seems to get that too. Following the directive of President Barack Obama to prioritize “felons, not families … criminals, not children,” Rosenstein sparingly used federal immigration laws to target violent repeat offenders who were breezing through the state system.

A prosecution of mine, for example, resulted in the incarceration of a domestic abuser for violating federal immigration law: He had twice entered the country unlawfully, twice attacked his victim, and twice pled guilty to assault. The second attack — where he started to beat and strangle his victim before throwing her to the ground — took place back in Baltimore just months after he had been deported.

Beyond individual cases like this where special attention is warranted, Rosenstein has also consistently gone after whole organizations like MS-13, bringing his first indictment against 19 members of the vicious street gang in his first year as US Attorney and his last one just last month. He would notify immigration officials of criminal defendants who were in the country unlawfully. But his first priority was holding them accountable for the murders and violent crimes they committed in Maryland.

Nor did Rosenstein ever doubt the need to crack down on police misconduct. As US attorney, Rosenstein prosecuted individual cases of corrupt cops across the state. For years, he also pursued sweeping indictments that exposed systemic wrongdoing by law enforcement. They ranged from extortion charges in 2011 against city officers who, for a kickback, funneled accident victims to select towing operators, to a racketeering conspiracy in 2013 involving prison guards who were in bed with inmates (literally and figuratively). Currently pending are allegations against seven police officers accused of falsifying arrests and stealing money and drugs from arrestees.

Thanks to careful, painstaking investigations like these, Rosenstein has managed to preserve excellent relations with local law enforcement while at the same time bringing corrupt officials to justice. These cases also sent an important, unmistakable signal to the community that wearing a badge is not a license to break the law.

No one disputes that Rod Rosenstein is a rock-ribbed Republican. But he had an impact in Maryland using strategies and rhetoric very different from those Sessions has espoused. What has happened in Baltimore the past two years is wrenching and tragic, but the answer is not to disregard the lessons from the decade of progress Rosenstein embodied.

The attorney general would be wrong to sideline the very strategy that made his new deputy such a success. It would also dishonor the work of police and prosecutors at the state and federal level who toiled for a decade — led by dedicated public servants like Rosenstein — to prove that we can secure public safety without sacrificing our values.

Sun: [Baltimore’s rejection of maglev shows a lack of next generation thinking](https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0708-maglev-pro-20210707-z5nguez6bfcftbf6fbsxk2h6ue-story.html)

In 1729, Baltimore held an advantage over every other American city — it boasted the westernmost deep-water port on the Eastern Seaboard. The second westernmost deep-water port was Hudson Harbor in New York City. For a hundred years, the two coastal cities competed for commerce from Europe. By 1825, New York had built for itself the second greatest infrastructure project in U.S. history: the Erie Canal, clearing a sea passage from the Atlantic Ocean to the Great Lakes.

On July 4, 1828, Baltimore City unveiled to the world its answer, laying the cornerstone of the greatest infrastructure project in U.S. history: the American railroad. Charles Carroll, one of the original signers of the Declaration of Independence, performed the groundbreaking but would die 20 years before the B&O railroad reached Ohio.

Leaders back then made decisions they knew would outlive them, investments that only years later would be vindicated. The next generation’s rail system — superconducting magnetic levitation trains that travel over 300 miles per hour — requires that kind of leadership.

Baltimore currently lacks it.

This deficit of leadership was confirmed recently when city officials filed their formal objection to a maglev train to Washington, D.C., just one week after Amtrak executives testified against the project and pushed for more subsidies to expand their own legacy rail lines instead.

Baltimore should not have succumbed to shortsighted lobbying or the false choice between Amtrak and maglev. At stake is a complementary transit proposal requiring no local tax dollars that promises to create thousands of jobs, slash regional commute times, reduce congestion and carbon emissions, and revitalize dwindling neighborhoods desperate for people and capital.

For a city losing 1% of its population each year, one surefire way to spark a surge in newcomers is to introduce a sleek, 15-minute bullet train between an increasingly unaffordable political capital and a port city with high vacancy rates. The rail line would continue further north in the future, ultimately taking commuters to the world’s financial center, New York City, in 45 minutes. The herculean construction would generate 74,000 jobs and, once complete, remove 16 million car trips from the road each year.

Even so, Baltimore’s concerns about equity, affordability and the environment are legitimate. The job of city leaders, however, is not simply to spot problems but to solve them as well.

Take gentrification. At greatest risk are proposed terminals like Cherry Hill, whose residents, after enduring the neighborhood’s hardships for years, could be pushed out just as the renaissance arrives. But the solution is to stop displacement, not to resist development. Learning from mistakes elsewhere, Baltimore should pioneer a novel paradigm of growth without gentrification, attracting diverse new homeowners even as it persuades those who have fled to return and those who are here to remain.

In Cherry Hill, the city could cap annual property tax increases at inflation for existing homeowners, guarantee residential options in new developments for current public housing tenants, offer South Baltimore natives who moved to the suburbs incentives to return, and subject developers to the same affordable housing and mixed-use requirements that federal grant programs like Hope VI and Choice Neighborhoods impose.

Ecological concerns can likewise be addressed. According to the Federal Railroad Administration’s impact assessment, every proposed route threatens Maryland’s cherished Patuxent Wildlife Refuge. That’s a deal-breaker. But the agency’s analysis also says longer (albeit more expensive) stretches of deep underground tunneling could avoid these risks altogether.

That leaves one last objection: Only the rich can afford to pay an expected $60 for a one-way ticket on maglev. But that’s the average price, and pre-purchased tickets could start at $27, already less than the current $46 Acela fare. High initial prices were also an objection to iPhones and airplanes. Fares on maglev and Amtrak will come down with time and competition. Plus, there are pricing regulations that could ensure affordability. An annual commuter pass could be capped, for example, at 5% of the rider’s salary, making daily maglev travel cheaper for a line cook than a CEO. Baltimore could also issue income-dependent transit subsidies to people who elect to live in the city.

With some ingenuity and elbow grease, high-speed rail can be transformative, sustainable and fair. History tells us there is no better place than Baltimore for the next chapter of rail travel to begin. We just need the courage and leadership to get on board.

Sun: [A good day in Birdland](https://www.baltimoresun.com/2018/08/17/a-good-day-in-birdland/)

Many of us spent last week lamenting the tragic football death of a promising Baltimore area native and the latest viral video depicting undeniable police brutality. Between those disturbing headlines and the daily drumbeat of crime stories, sunny images of our mayor zipping around on an electric scooter are hard to enjoy. But these days Baltimore has to savor its small victories. And Mayor Catherine Pugh’s deal-making with two electric scooter companies is not only a win for city transit, it is also a reminder that decisive, even maverick leadership — on crime and so much else — can make a real difference.

Soon to replace the disastrous Bike Share program are 2,000 dockless scooters promoted by two cool, entrepreneurial companies that have agreed to give discounts to low-income users and ensure that at least a quarter of their fleets serves mixed-income neighborhoods.

No doubt there will be critics with legitimate concerns: More of an opportunity for public input and greater transparency about the terms of the deal would have been appreciated, a clear plan to avoid them lying around like litter would be helpful, and above all the public needs confidence that the safety risks of electric scooters on city streets and sidewalks are understood and under control.

But the alacrity with which this was accomplished should also be applauded. There were no work groups or task forces, no hemming and hawing or self-destructive games of chicken. City Hall saw an opportunity and seized it. In a town whose transit deficits are as widespread as they are neglected, companies developing leapfrog technologies like electric scooters are a beacon of hope. Baltimore is in desperate need of a few overnight, starter solutions.

Truth is, “micromobility” options will help immensely with the stubborn last-mile problem, an actual and psychological obstacle that keeps so many Americans in their cars. And electric scooter companies like Bird and Lime promise to bring with them local, living-wage jobs — from repairmen to rechargers. To be clear, they won’t make up for Gov. Larry Hogan’s indefensible disinvestment in the Red Line, and they can’t patch the innumerable gaps in an inequitable, Swiss-cheese transportation grid that leaves too many resorting to selling drugs around the corner rather than commuting to a legitimate job two hours across town.

Still, the mayor deserves credit in this case. To appreciate the audacity of City Hall inking this agreement, consider the allergic reactions of so many other cities. Several cities including Miami, Denver and San Francisco banned scooters soon after they arrived, and Milwaukee sued one electric scooter company when it refused to leave. In Nashville, Cleveland and Los Angeles, scooters have been impounded, tossed into the ocean, even set on fire. Places that saw a company to tax or a nuisance to avoid are missing out. For once Baltimore wisely saw promise in innovation where others perceived only pitfalls.

Indeed, some of Baltimore’s best moments have been when we act with urgency and when we lead rather than follow, breaking from the unimaginative blueprints of other cities. It was a year ago last week that Mayor Pugh had another defining moment, when she brought down Confederate statues without the needless discussion and debate that paralyzed and divided other cities. Odd as it is to relate the historic dismantling of symbols of hate and evil to swift negotiations with electric scooter companies, both were good days to remember in a city that has too few.

Part of why the challenges of Baltimore appear so intractable is because true durable solutions require investments whose returns are years away. But appreciating the need for long-term strategies should not prevent us from taking decisive, short-term actions.

As a candidate for state’s attorney, I often said fighting crime is both a marathon and a sprint. That is true for so many of our city’s greatest problems. To be sure, electric scooters will no more solve the transit crisis in Baltimore than removing Confederate statues will end racism in America. But taking a moment to celebrate even modest progress — and learning (with a helmet) to ride a scooter this weekend — could do our city some good.

Sun: [Release of murder suspect a symptom of Baltimore ills](https://www.baltimoresun.com/2019/01/23/release-of-murder-suspect-a-symptom-of-baltimore-ills/)

Phillip West is charged with the cold-blooded murder — a few days before Christmas — of Rodney Beaman Jr., allegedly shooting him to death just after midnight inside a popular Fells Point bar. Mr. West has a prior federal felony conviction for which he spent nine years in prison. He was apprehended only after finally surrendering to police last week, three weeks after a murder warrant was issued for him.

Unbelievably, the next day, Mr. West was home.

There is no excuse for the outrageous decision of a city judge to release a homicide defendant on electronic monitoring and a $100,000 bail. Prosecutors should have no trouble getting this dangerous error swiftly reversed.

But there’s more here to set right than an isolated, errant judgment.

As a city prosecutor, I never saw a single case in which a person charged with first-degree murder was released on bail. Mr. West became the exception to the rule and went home on a bail more typical of a defendant charged with assault or resisting arrest, not murder, because he could afford to.

He hired one of Maryland’s most expensive and effective defense attorneys, the kind of lawyer whose rates you pay to persuade a pliable district court judge to bend norms and do the unthinkable. And then Mr. West presumably forked over enough to a bail bondsman — likely around 10 percent of $100,000 — to read news of his arrest on Monday from his dining room table on Tuesday.

In federal court where I started my career, there is no cash bail. Mr. West exploited features of a predatory state industry that makes poor defendants charged with petty offenses languish in prison while rich perpetrators indicted on violent crimes pay and go home. This system survives in only two countries in the world: the United States and the Philippines, a regressive, authoritarian regime.

Under federal law, there is also a presumption against releasing a person charged with violent gun crimes. Defendants can overcome this presumption only by showing they are not a flight risk or a danger to the public. Maryland should adopt this same rule. It would prevent the impulsive release of defendants like Mr. West; it would curb the cash bail roulette wheel currently in operation; and instead of another round of finger pointing, it would convert public outcry into a practical improvement.

Because, if we’re to be honest, this judge’s casual treatment of a murder case is symptomatic of a far bigger problem: Violence has bled into the psyche of the city, death is becoming routine, and too many of our neighbors are losing hope that anything can be done.

This erosion of faith is not the fault of judges. Today, Baltimore has among the highest rates of murders and opioid overdose deaths in America with nearly 3,200 murders and over 3,900 fatal overdoses in the past dozen years. That’s more than 7,000 people — 1 percent of Baltimore’s population — who lost their lives to guns or drugs, yet these tragedies rarely make the evening news or the front page of our papers anymore.

We should abolish cash bail and adopt the federal presumption against release in violent gun cases. But this will not erase the gnawing indifference or growing acceptance of crime produced by four consecutive years of relentless violence. For that, we need a sense of urgency and outrage to match the moment — and we need it now. Otherwise, a murder defendant released on bail will become the norm, not the exception.

Sun: [For Baltimore archdiocese, release of grand jury report presents opportunity to atone](https://www.baltimoresun.com/2023/02/24/for-baltimore-archdiocese-release-of-grand-jury-report-presents-opportunity-to-atone-guest-commentary/)

As lawmakers debate the Child Victims Act in Annapolis, a Baltimore City judge has agreed to publicly release — only after suitable redaction — a blockbuster report prepared by the Maryland Attorney General’s Office cataloging 80 years of sexual abuse perpetrated by 158 priests and other officials affiliated with the Archdiocese of Baltimore. Releasing the report, the capstone of a grand jury inquiry that spanned four years and examined hundreds of thousands of internal documents, is exactly the right thing to do, morally and legally.

Tucked beneath its sanitized title, the 456-page “Clergy Abuse in Maryland” is expected to chronicle a century of shame. According to the Attorney General’s Office, the investigation “uncovered pervasive sexual abuse amongst the priesthood and repeated failures by the Archdiocese to protect the children of Baltimore.” In total, it identifies over 600 victims and predicts hundreds more.

Yet, the report spent months tied up in litigation over its public release. At first, Baltimore Archbishop William Lori said the Catholic Church would not oppose the report’s distribution, signaling it was braced for a moment of reckoning. Soon after, however, it was revealed the archdiocese was privately paying two prominent attorneys who fought to seal the proceedings and the report itself, according to the Attorney General’s Office, making it uncertain whether the findings would ever see the light of day.

The announcement Friday that a redacted version will be available for public review ends the standoff. The anticipated release shows respect for victims who have long fought to expose the Church’s complicity in widespread abuse, encourages additional survivors to come forward now knowing they have a voice, and gives the archdiocese an opportunity to atone.

Withholding the report in its entirety would serve only to protect perpetrators, fortifying the strategy of delay and culture of silence they created and counted on. It also would have been a clear misapplication of the law. The American grand jury conducts its work behind closed doors, but its conclusions are meant to be public and unedited. The veil of secrecy, designed to protect witnesses and preserve the integrity of ongoing proceedings, is supposed to be fully lifted once an investigation has run its course.

In criminal cases, that happens each time a grand jury returns an indictment. The same presumption of disclosure applies to investigative grand juries, which have produced eye-opening reports on topics nationwide, including homelessness in California, school safety in Florida and voter fraud in Illinois.

Grand juries have proved potent in exposing institutional wrongdoing that amplified individual crimes. Take, for example, the 2011 investigation of Jerry Sandusky. That grand jury report not only laid bare the depravity of the disgraced football coach, but also excoriated Penn State for its failure to intervene. Several years later, a second grand jury criticized the university’s inaction in the face of “rampant and pervasive” hazing and condemned the role of influential alumni and affluent donors in resisting reform.

Like Penn State, the Archdiocese of Baltimore — powerful, popular and politically connected — is an anchor in the community. Its footprint encompasses 153 parishes and missions, 40 elementary schools, 18 high schools, and 462 patient beds at two area hospitals. Baltimore was the first diocese in America, yet it remains today among the last to confront its shameful past.

Two decades ago, an investigative grand jury first put the spotlight on child sexual abuse within the Archdiocese of New York. Subsequent grand jury reports unmasked abuse by clergy and the Church’s acquiescence in New Hampshire, Massachusetts, Maine and Pennsylvania. The Pennsylvania grand jury took a second look in 2018, generating a report similar in scope and scale to the Maryland Attorney General’s Office investigation. That inquiry looked at six dioceses from Allentown to Pittsburgh and identified more than 300 “predatory priests” whose rape and abuse victims over 70 years could number “in the thousands.”

None of these reports, not even Pennsylvania’s incendiary tome, contained more than the bare minimum of redactions. The Baltimore archdiocese deserves the same.

That is especially true since, for many survivors of child sexual abuse in Maryland, an unvarnished public accounting of the truth may be the only justice they get. Criminal prosecutions are vanishingly rare. Memories are fragile, victims are apprehensive, and in places like Baltimore — where the Catholic Church has the highest concentration of parishes in the state — police have competing priorities as the city exceeds 300 murders year after year.

Likewise, civil relief is sharply circumscribed in Maryland. Though survivors do not typically disclose their childhood trauma until they are over 50, plaintiffs here can sue only until age 38, unlike 24 other states where child abuse claims may be revived. The General Assembly is considering a bill (H.B. 1) that would erase this constraint. But, even if passed, it would face a convoluted constitutional challenge because of a messy 2017 law backed by the Catholic Church, which the archdiocese now says irretrievably extinguished all older abuse claims.

Despite the paucity of criminal and civil remedies, there may be no better time to reassure survivors that they are not alone and that their stories will not be edited, discredited or roundly ignored. Between “The Keepers” (a Netflix documentary linking the unsolved 1969 murder of Sister Catherine Cesnik to sexual abuse allegations at a Baltimore Catholic school), the Attorney General’s Office report, and potential new legislation, patience with the Church has worn thin, survivors have found strength in their shared horror, and the archdiocese faces a defining inflection point.

Pedophiles cloaked in the vestments of Catholic priests have done untold damage to thousands. Any chance at redemption requires the Archdiocese of Baltimore to admit its failures and commit to change. Unsealing the grand jury report represents the archdiocese’s best hope for a new beginning.