

DAILY PLANNER

TODAY

Today is Saturday, May 9, the 130th day of 2020. There are 236 days left in the year.

TODAY'S HIGHLIGHT

On May 9, 1945, with World War II in Europe at an end, Soviet forces liberated Czechoslovakia from Nazi occupation. U.S. officials announced that a midnight entertainment curfew was being lifted immediately.

ON THIS DATE

- In 1712, the Carolina Colony was officially divided into two entities: North Carolina and South Carolina.
- In 1864, Union Maj. Gen. John Sedgwick was killed by a Confederate sniper during the Civil War Battle of Spotsylvania in Virginia.
- In 1914, President Woodrow Wilson, acting on a joint congressional resolution, signed a proclamation designating the second Sunday in May as Mother's Day.
- In 1926, Americans Richard Byrd and Floyd Bennett supposedly became the first men to fly over the North Pole. (However, U.S. scholars announced in 1996 that their examination of Byrd's flight diary suggested he had turned back 150 miles short of his goal.)
- In 1958, "Vertigo," Alfred Hitchcock's eerie thriller starring James Stewart and Kim Novak, premiered in San Francisco.
- In 1961, in a speech to the National Association of Broadcasters, Federal Communications Commission Chairman Newton N. Minow decried the majority of television programming as a "vast wasteland."
- In 1962, scientists at the Massachusetts Institute of Technology succeeded in reflecting a laser beam off the surface of the moon.
- In 1965, Russian-born American pianist Vladimir Horowitz performed publicly for the first time in 12 years with a recital at Carnegie Hall in New York.
- In 1974, the House Judiciary Committee opened public hearings on whether to recommend the impeachment of President Richard Nixon. In 1994, South Africa's newly elected parliament chose Nelson Mandela to be the country's first black president.
- LOTTERY**
- Megabucks:** \$1.1 million
13-17-19-20-21-44
- Mega Millions:** \$231 million
7-13-17-21-45-14 x2
- Powerball:** \$68 million
7-8-35-50-65—PB-20 x4
- Win for Life:** May 6
33-36-42-44
- Pick 4:** May 7
- **1 p.m.:** 1-5-8-7
 - **4 p.m.:** 4-5-2-7
 - **7 p.m.:** 9-2-4-1
 - **10 p.m.:** 0-0-4-3
- Pick 4:** May 6
- **1 p.m.:** 1-6-3-6
 - **4 p.m.:** 3-1-5-2
 - **7 p.m.:** 4-1-2-6
 - **10 p.m.:** 7-9-9-2
- DELIVERY ISSUES?**
- If you have any problems receiving your Observer, call the office at 541-963-3161.
- TODAY'S QUOTE**
- "Life is a series of collisions with the future; it is not the sum of what we have been, but what we yearn to be."
- Jose Ortega y Gasset, Spanish philosopher (born this date in 1883, died in 1955)

Pendleton's 1st Batallion 168th Aviation Regiment mobilizes

By Ben Lonergan
EO Media Group

PENDLETON — Oregon Army National Guard soldiers received a rousing sendoff Wednesday morning — from a distance.

Dozens of cars paraded onto the tarmac at the Oregon Army National Guard Aviation Support Facility in Pendleton as family members and friends arrived for a socially distanced mobilization ceremony for Pendleton's 1st Battalion, 168th Aviation Regiment of the Oregon Army National Guard.

Families hugged goodbye to their loved ones and shed tears as the men and women of the unit set off on a year-long deployment to Afghanistan, the unit's third in the last two decades. Six Chinook helicopters departed shortly after 10 a.m., flashing lights to the waving crowd on the tarmac.

"It's a lot," said Maria Ford, who embraced her father, Chief Warrant Officer 4 Donald Ford, and shed a tear as she said goodbye. "It's hard and emotional but it has to get done."

While Wednesday's deployment was a first for some, for others, such as Chief Warrant Officer 2 Jacob Murphy, it's familiar territory. Murphy was previously deployed to Afghanistan with the Marines shortly after the Sept. 11, 2001, terror attacks and said that the return will provide an interesting comparison nearly two decades later.

"I'm going to expect a lot of changes and a lot of unknown, especially with the political climate going

on over there," Murphy said.

Murphy said he spent the last few weeks trying to spend quality time with his family, preparing them for his deployment and staying healthy.

"We've had to keep ourselves safe from anyone that might have the virus in order to get the guys that are over there home as soon as they can," he said.

For Capt. Taylor Frye, the mobilization marks his first deployment in his 12 years with the Oregon Army National Guard. Frye said the past few days and weeks have been extremely hectic, but incredibly rewarding.

"I've had the opportunity to learn and grow from those who have deployed before as I prepare," he said. "Preparing for deployments is always stressful and then you add in the pandemic."

Frye, whose fiancée came to see him off, said that he felt as though Wednesday's ceremony provided necessary recognition for the families of deploying soldiers.

"Sometimes their commitment is the hardest thing," said Frye, acknowledging that families aren't always recognized for their commitment to their guardsmen and women.

Ashley Prine said a tearful goodbye to her husband, Staff Sgt. Jeff Prine, and sat in her van watching the mobilization with her children as her husband boarded one of six Chinook helicopters bound for Ft. Hood, Texas. It is there that the unit will join units from the Pacific Northwest in preparation for the deployment to Afghanistan.

For Prine, this is her husband's second deployment



Photo by Ben Lonergan/EO Media Group

People watch as a series of Chinook helicopters fly toward the Blue Mountains during a mobilization ceremony Wednesday in Pendleton for members of the Oregon Army National Guard 1st Battalion, 168th Aviation Regiment leaving for a year-long deployment to Afghanistan.

with the National Guard and she said that the COVID-19 pandemic and the ages of her children have made this deployment harder than the last.

Prine said her children have a better understanding of what is happening this time, something that makes the day harder on all of them, and social distancing requirements have made it more difficult to prepare.

"It's really hit and miss," she said of the family's emotions. "We've been doing a lot of talking about it."

Despite tearful goodbyes, a sense of duty carried through the minds of many. Sgt. Skyler Leasy is embarking on his first deployment, and despite the hardships of leaving family behind, he said he remains optimistic.

"I didn't join the Guard just to sit here," he said. "I wanted to go do this. It's pretty exciting."



Photo by Ben Lonergan/EO Media Group

Chief Warrant Officer 4 Donald Ford, left, hugs his daughter Maria Ford before deploying Wednesday morning from the Oregon Army National Guard Aviation Support Facility in Pendleton.

Church lawsuit calls Gov. Brown's orders unconstitutional

■ Suit in Baker County Circuit Court seeks injunction to block coronavirus measures

By Jayson Jacoby
EO Media Group

BAKER CITY — A group of Oregon churches and individuals, including as lead plaintiff the Elkhorn Baptist Church in Baker City, is suing Gov. Kate Brown, claiming her executive orders imposing restrictions due to the coronavirus pandemic are unconstitutional.

The plaintiffs filed the suit Wednesday in Baker County Circuit Court. In addition to Elkhorn Baptist Church, the group consists of nine other churches across Oregon, from Calvary Chapel in Lincoln City, to Peoples Church in Salem, to Prepare The Way in Bend. Thirteen congregants also joined the lawsuit, including Polly Johnson of Pendleton, Benjamin Boyd

of Enterprise and Annette Lathrop of Joseph.

Attorney Ray D. Hacke of the Pacific Justice Institute in Salem represents the group. Hacke said the institute is a nonprofit law firm that defends religious liberty. Its headquarters are in Sacramento, California, and it opened its Salem office about two years ago.

The plaintiffs are asking for a preliminary injunction prohibiting the governor from enforcing the orders.

Hacke said Thursday afternoon he also filed a motion seeking a temporary restraining order that would prevent the governor from imposing terms of the executive order, including the prohibition on gatherings of people if participants cannot maintain social distancing.

Although the order

doesn't specifically mention church services, the plaintiffs contend the order's restrictions on "non-essential social and recreational gatherings" would encompass church services.

Hacke said the plaintiffs contend Executive Order 20-12, which Brown issued March 23, violates their constitutional rights to assemble and worship.

According to the lawsuit, the plaintiffs have thus far complied with the executive order because the churches don't want to expose themselves to criminal liability or expose their congregations to possible 30-day jail sentences or \$1,250 fines.

The lawsuit also states "at the outset of the coronavirus pandemic, many, if not all, churches shared defendant governor's concerns about having too many people too close together indoors, thereby increasing the risk of spreading the

coronavirus, especially to the persons most vulnerable to it, such as the elderly."

However, Hacke said because there have been relatively few confirmed cases of the virus in many Oregon counties — Baker County's first, and so far only, confirmed case was announced Wednesday — the risk is not sufficient to justify the continued prohibition on gatherings.

Although religious freedom is an aspect of the lawsuit, Hacke said the chief legal issue is the governor's authority under Oregon's constitution. In the lawsuit he cites the section of the constitution — Article X-A — that authorizes the governor to declare a state of emergency due to a public health crisis. Hacke said the plaintiffs don't dispute that Brown has such authority due to the pandemic. The governor declared the state of emergency March 8.

But Hacke points to a section in Article X-A that states the governor's emergency powers can extend for no more than 30 days unless the Legislature, on at least a three-fifths vote of both the House and the Senate, agrees to extend the governor's emergency powers.

Brown has not convened the Legislature since declaring the emergency.

"Because governor failed to avail herself of the constitutionally prescribed procedure, her initial executive order declaring the public health emergency, issued on March 8, 2020, terminated by operation of law on April 7, 2020, and all subsequent executive orders implementing or extending the original order are legally null and void," the lawsuit states.

"She's giving herself powers to infringe on constitutional liberties in perpetuity," Hacke said.

Former deputy pleads not guilty to attempted rape, other charges

By Steven Mitchell
EO Media Group

JOHN DAY — A former deputy who was arrested on attempted rape and other charges maintained his innocence last week.

Former Grant County Sheriff's Office deputy Tyler Smith pleaded not guilty to seven charges in a Grant County Circuit Court proceeding conducted by teleconference.

Smith, who the sheriff's office fired in January, was indicted Sept. 27 on charges of first-degree attempted rape, a felony, and attempted first-degree sex abuse and fourth-de-



Smith

gree assault, also felonies — all constituting domestic violence. The indictment accuses Smith of attempting to engage in sexual intercourse with a woman on Aug. 31, 2018, "by forcible compulsion" and while knowing she was pregnant.

He also faces four misdemeanor charges of second-degree child neglect, accused of leaving two children under the age of 10 unattended at a John Day residence on Sept. 4 and Sept. 5, according to information filed in court Sept. 10 by the Grant County district attorney's office.

The felony and misdemeanor cases will be tried separately. The six-day felony trial is scheduled to begin Oct. 19. The two-day

misdemeanor trial is scheduled to begin Nov. 4.

Hearings for pretrial motions are scheduled for May 14 and Aug. 14.

Senior Judge William D. Cramer Jr. said should social distancing rules still be in place in October, the trial might need a larger venue, such as the Grant County Fairgrounds, where people can be 6 feet apart. He said he has not yet discussed this with county officials.

Smith worked for the John Day Police Department from November 2014 until May 2016 when the sheriff's office hired him.

Smith was arrested Sept. 9, but he had already been placed on administrative leave Aug. 9 for an unrelated issue.



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