

# CHURCHES

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concerns against the constitutional right of freedom of worship.

Attorney Marc Abrams urged the judge to put a hold on his ruling until the state Supreme Court could review it.

The governor's office will file Monday asking for "rapid review" by the state Supreme Court, Abrams said. The governor will cite the importance of Brown's emergency restrictions on social gathering due to the "loss of life, spread of the disease," Abrams said. He also noted that most states in the United States have taken actions similar to that of Brown.

"There's evidence that this is working and the hardship balance calls at least for the court to stay its order to allow for legal review and in the interest of maintaining the status quo," he argued.

But the judge denied the request.

Ten churches from across the state asked the court to find the governor's social distancing order infringed on their religious

*"If we're risking our lives to go to church, if we survive, great. If we die, then we're going to heaven. If we want to take that risk, then it's on us."*

Ray D. Hacke, attorney representing the religious group

freedoms.

"If we're risking our lives to go to church, if we survive, great," said Salem-based attorney Ray D. Hacke, who had filed the motion. "If we die, then we're going to heaven. If we want to take that risk, then it's on us."

Hacke filed the lawsuit earlier this month on behalf of the nonprofit group Pacific Justice Institute, which takes on religious liberty cases. It's representing the churches and 21 individuals. The churches are in Baker City, Bend, Camas Valley, Klamath Falls, Lincoln City, Newberg, Portland, Roseburg and Salem.

They so far have respected the governor's order banning gatherings of more than 25 people and discouraging Oregonians from being around more than 10 people at a time, according to Hacke.

But the churches no longer believe such an order is justified, the suit says.

Brown earlier this month modified the order, allowing social gatherings of up to 25 people with social distancing for counties with state-approved reopening plans. But the churches said that's not sufficient.

"If a congregation has 250 members, what are they going to do? Hold 10 services? That's just not realistic," Hacke said. "It's an infringement on religious liberty."

The governor's office urged the suit be dismissed, arguing that public health is paramount.

"The Executive Orders issued by Governor Brown are not designed to hinder any specific faith, not designed to impede worship any more than any other

activity that, by the mere act of gathering in large numbers, puts lives at risk. They are designed to keep Oregonians alive and to stop the spread of COVID-19," Abrams argued in court filings. "And they have been working. In large part because of the Governor's Executive Orders, the deaths in Oregon have been tragic, but relatively limited."

Abrams took issue with Hacke's quote about parishioners willing to take their own risks.

"But when behavior endangers others, it is not just a matter of individual choice and is, instead, a threat to public health," Abrams wrote.

Plaintiffs successfully argued that ORS 443.441 limits declared public health emergencies to 14 days, or up to 28 days maximum, and because COVID-19 is a public health crisis, that limitation applied.

But the governor's attorney argued that Brown declared a state of emergency under a different state law, ORS 401.165, which is not limited to any particular time period and continue indefinitely.

The churches named as plain-

tiffs in the suit are: Elkhorn Baptist Church in Baker City, Calvary Chapel Newberg, Calvary Chapel Lincoln City, Calvary Chapel Southeast Portland, New Horizon Christian Fellowship in Klamath Falls, Camas Valley Christian Fellowship, Peoples Church in Salem, Prepare The Way religion nonprofit ministry in Bend, Bend Community Church, Covenant Grace Church in Roseburg.

Conservative activist Kevin Mannix, former legislator and gubernatorial candidate, on behalf of the nonprofit group Common Sense Oregon, also filed a motion to intervene in support of the churches' suit against the governor.

In a similar case brought in California, a federal judge ruled this month that state and local stay-at-home orders were a valid exercise of emergency police powers and didn't violate a church's constitutional rights. The judge in that case noted that the U.S. Supreme Court more than 100 years ago upheld the government's right to exercise police powers to promote public safety during a public health crisis.

# VETERANS

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week to limit public gatherings to no more than 25 people.

The number of large flags on display will be cut to 30 this weekend. These flags will all be placed around Grandview's Veterans Circle, a site where veterans are buried.

No other other large flags will be displayed because of the negative economic impact the COVID-19 pandemic has had on the American Legion Post 43. Craig explained Post 43 has not been able to raise the money it needs to pay to keep the large flags illuminated at night during Memorial Day Weekend. The local post usually rents gas-powered generators to operate the portable lights that illuminate the flags.

American Legion Post 43 raises much of its money for the lighting at its hall, which was not able to operate for two months because of the COVID-19 restrictions. The post wasn't able to raise money by renting the building out for events such as weddings and anniversaries, Craig said.

Craig said the Veterans Circle flags will be illuminated this year thanks to Eastern Oregon Rental, which will donate portable lights, electrical generators



Observer file photo

Grandview Cemetery in La Grande was awash in color at the 2019 annual Avenue of Flags ceremony. This year, American Legion Post 43 has to scale back the event due to the coronavirus crisis.

and fuel for them.

A federal resolution, which the American Legion wrote and Congress adopted, requires all American flags on display after dark to be illuminated enough for identification, Lonnie Myers of La Grande American Legion Post 43 said in a previous Observer interview.

Craig said another reason a large number of flags cannot be on display is it would require a large group

of people, which would present social distancing issues. Members of American Legion Post 43 will put up the flags Saturday at the Veterans Circle. They will take them down May 25 at 3 p.m.

In addition to the Veterans Circle flags, members of VFW Post 299 will place small American flags at the headstones of veterans at Grandview Cemetery on Friday and returned to retrieve the flags after

3 p.m. May 25. Craig added that La Grande American Legion Post 43 will do the same thing at Hillcrest East Cemetery and the Sons of the American Legion will place flags at Hillcrest Cemetery.

Craig said it is important to have at least a scaled back Avenue of Flags this weekend at Grandview to keep its tradition alive.

"We want to sustain our commitment to honoring veterans," Craig said.

# GRANT

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would be paid for design, engineering and planning work.

O'Toole said the foundation already has the required \$20,000 in matching funds in hand.

Funds from the grant would help pay for work including:

- Raising the stage floor 3 feet: The 1,500-square-foot stage floor is 3 feet lower than it was when the theater was operating. This has created a gap between the bottom of the backstage door to the rear exit and the floor. Per the application, elevating the stage floor would improve the view of the stage from the auditorium.

- Seating: The Liberty Theatre has no auditorium floor or balcony seating, and the grant would provide money to add about 350 seats to the auditorium floor and balcony.

- Restrooms: The lobby needs unisex bathroom facilities to be compliant with the federal Americans with Disabilities Act and in line with building code requirements. In addition, the women's and men's restrooms on the mezzanine, now in poor condition, would receive upgrades.

The Liberty Theatre Foundation will learn this summer whether it will

receive the grant, O'Toole said.

The historic theater, which opened in 1911 as the Arcade, closed in May 1959 and was then transformed into a space for retail businesses. Occupants of its space included Western Auto, which operated there for many years. The retail space had a false ceiling and floor and most customers didn't realize the Liberty Theatre was above and below them.

The foundation's restoration work to date includes extensive improvements to the exterior, from facade and brick repair to a sign replacing the original.

Portions of the building's facade and bricks have been repaired or replaced, and a sign replicating its original was installed as part of this process. Much of this work, which started about five years ago, has been funded with help of grants, including one in 2019 from the Oregon Main Street Project that provided \$100,000 to the effort.

The work in 2019 includes the completion of a new roof, the installation of blond bricks on the facade and entryway at street level, extensive auditorium and stage work and the installation of an underground conduit for improved electrical service.



Staff photo by Sabrina Thompson

La Grande Farmers Market drew chalk lines to help customers remain 6 feet apart Saturday morning as part of COVID-19 restrictions at the market's opening day.

# MARKET

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customers are safe when they visit her booth.

"We are all wearing face masks, gloves and practicing vigilant social distancing, including when we are dealing with produce as we grow it," Fisher said. "I live with the philosophy that no one will be hurt if we are cautious, but people might

if we are not, so better to be on the safe side and be more cautious."

One draw of the market's opening day was the chance to get out of the house and socialize. However, because many are still under self-quarantine, Bogard said, there weren't as many people who came to the first market as in previous years.

Union County was among Oregon's 31 counties that received permission Friday to enter Phase 1

of Gov. Kate Brown's plan to reopen the state. Those counties must maintain certain public health criteria for at least 21 days before moving out Phase 2 and further reopening.

While the market was going on, a couple of members of the Union County Republicans returned to the sidewalk across the street and in front of La Grande City Hall to protest for the full reopening of the state of Oregon.

# Officials take precautions as Oregon votes during pandemic

By Andrew Selsky  
Associated Press

SALEM — Hand sanitizers. Social distancing. Licked envelopes containing ballots.

Tuesday's primary in Oregon amid the coronavirus pandemic and other challenges has created some unprecedented issues for officials and workers handling the vote-by-mail election.

"We are all very busy and focused on making this election work in spite of the pandemic, heightened cybersecurity threats, misinformation, disinformation and lack of public attention to this election understandably due to pandemic health and economic concerns," said Bill Burgess, president of the Oregon Association of County Clerks.

At this point, all ballots must be taken to official drop-off sites because it's

too late for mail delivery. Ballots must be received by 8 p.m. Tuesday to be counted.

Despite the challenges, Burgess, the county clerk for Marion County, expects to have initial results at 8 p.m. Tuesday and to certify final results within a predetermined 20-day window.

Locally, Union County Clerk Robin Church also reported her office plans to post results soon after 8 p.m.

There is no drama in the primary race for the White House. President Donald Trump is the presumptive Republican nominee and Joe Biden is the presumptive Democratic nominee.

Of more interest are the party races for Oregon secretary of state — the second-highest statewide office after the governor — and one to replace Rep.

Greg Walden, Republican from Hood River, in the huge 2nd Congressional District covering eastern, central and part of southwest Oregon.

Walden, the only Republican in the state's congressional delegation, is not running for a 12th term.

Republicans seeking to succeed Walden include Knute Buehler, a former member of the Legislature who unsuccessfully ran for Oregon governor in 2018; former state Sen. Cliff Bentz; and former state legislator Jason Atkinson.

Four Democrats are seeking the seat. Three Democrats are running for secretary of state: Sens. Shemia Fagan and Mark Hass, and Jamie McLeod-Skinner, who lost to Walden in 2018.

State Sen. Kim Thatcher is the only GOP candidate.

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