

DAILY  
PLANNER

## TODAY

Today is Saturday, June 13, the 165th day of 2020. There are 201 days left in the year.

## TODAY'S HIGHLIGHT

On June 13, 1967, President Lyndon B. Johnson nominated Solicitor-General Thurgood Marshall to become the first black justice on the U.S. Supreme Court.

## ON THIS DATE

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## ON THIS DATE:

In 1842, Queen Victoria became the first British monarch to ride on a train, traveling from Slough Railway Station to Paddington in 25 minutes.

In 1911, the ballet "Petroushka," with music by Igor Stravinsky and choreography by Michel Fokine, was first performed in Paris by the Ballets Russes, with Vaslav Nijinsky in the title role.

In 1927, aviation hero Charles Lindbergh was honored with a ticker-tape parade in New York City.

In 1935, James Braddock claimed the title of world heavyweight boxing champion from Max Baer in a 15-round fight in Queens, New York.

"Becky Sharp," the first movie photographed in "three-strip" Technicolor, opened in New York.

In 1942, a four-man Nazi sabotage team arrived on Long Island, New York, three days before a second four-man team landed in Florida. (All eight men were arrested after two members of the first group defected.) President Franklin D. Roosevelt created the Office of Strategic Services and the Office of War Information.

In 1966, the Supreme Court ruled in *Miranda v. Arizona* that criminal suspects had to be informed of their constitutional right to consult with an attorney and to remain silent.

In 1977, James Earl Ray, the convicted assassin of civil rights leader Martin Luther King Jr., was recaptured following his escape three days earlier from a Tennessee prison.

In 1983, the U.S. space probe Pioneer 10, launched in 1972, became the first spacecraft to leave the solar system as it crossed the orbit of Neptune.

In 1986, Benny Goodman, the clarinet-playing "King of Swing," died in New York at age 77.

In 1992, Democratic presidential candidate Bill Clinton stirred controversy during an appearance before the Rainbow Coalition by criticizing rap singer Sister Souljah for making remarks that he said were "filled with hatred" toward whites.

In 1997, a jury voted unanimously to give Timothy McVeigh the death penalty for his role in the Oklahoma City bombing. The Chicago Bulls captured their fifth professional basketball championship in seven years with a 90-to-86 victory over the Utah Jazz in game six.

In 2005, a jury in Santa Maria, California, acquitted Michael Jackson of molesting a 13-year-old cancer survivor at his Neverland ranch. The Supreme Court warned prosecutors to use care in striking minorities from juries, siding with black murder defendants in Texas and California who contended their juries had been unfairly stacked with whites.

## LOTTERY

**Megabucks:** \$2.5 million  
**1-9-11-18-29-34**

**Mega Millions:** \$20 million  
**1-5-9-10-23-22 x2**

**Powerball:** \$22 million  
**10-33-41-52-54 — PB-18 x5**

**Win for Life:** June 10  
**2-23-41-68**

**Pick 4:** June 11

• **1 p.m.:** 3-3-7-5

• **4 p.m.:** 6-9-5-5

• **7 p.m.:** 8-3-2-8

• **10 p.m.:** 3-2-3-7

**Pick 4:** June 10

• **1 p.m.:** 7-9-4-3

• **4 p.m.:** 6-3-6-2

• **7 p.m.:** 6-4-4-8

• **10 p.m.:** 5-8-9-1

## DELIVERY ISSUES?

If you have any problems receiving your Observer, call the office at 541-963-3161.

## TODAY'S QUOTE

"Fear has its use but cowardice has none."  
— Mahatma Gandhi (1869-1948)

## CORRECTION

A story on page 1 of the June 6 edition of The Observer, "LG School District budget picture may be on solid ground," incorrectly stated how much additional money Oregon school districts will need from the state to be considered fully funded in 2020-21. Based on the state's May 20 economic forecast, the sum is \$490 million. The Observer regrets the error.

## Bowling center opening delayed

## ■ Landmarks

## Commission ruling goes against Brickyard Lanes

By Dick Mason

The Observer

LA GRANDE — The owners of Brickyard Lanes, a bowling center under construction in La Grande, were dealt a setback Thursday night that may delay the opening of their business for about a month.

The La Grande Landmarks Commission voted against allowing the owners of Brickyard Lanes to place recycled cedar fence board trim around their building's windows because it does not meet the standards businesses in the city's Downtown National Historic District must adhere to. The owners are converting the old Fraternal Oregon Eagles building on Jefferson Avenue into a bowling



Contributed photo

The owners of Brickyard Lanes, a bowling center under construction at 1118 Jefferson Ave., La Grande, have to replace the trim from around these and other windows to meet historic building standards. The work will delay the opening of the bowling center.

center. Businesses that do extensive outside renovations are required to have exteriors that match the look of La Grande firms in the era from 1896 to the early 1940s, according to Mike Boquist, La Grande's city planner.

This means windows must have wood trim with a tight grain and a smooth finish. The commission said

the cedar trim the owners of Brickyard Lanes wanted to install is not acceptable because it has a rustic, barn-wood look, something which is specifically prohibited under the standards set for buildings in the Downtown Historic District, according to Katie Boula, a member of the Landmarks Commission.

Brickyard Lanes has about 80 windows and cedar board trim has already been placed around 20% of them, said co-owner Darrin Kiesecker of Boise, Idaho. This trim will have to be removed. Kiesecker said that doing this and installing the approved trim will take about a month and cost an additional \$10,000.

He said he was disappointed by the commission's decision.

"It is disheartening," he said, noting that the cedar trim was less expensive.

Kiesecker told the commission Thursday he believed he was taking the proper step by installing recycled cedar trim because portions of some buildings in the Downtown Historic District have trim with a similar rustic look.

His goal, he said, had been to open Brickyard Lanes in August but this is unlikely now because of the extra work involved in following the commis-

sion's decision.

The commission is empowered by the La Grande City Council and charged with reviewing projects within the Downtown Historic District and those involving historic landmarks, and determining whether those projects are "historically appropriate," according to the city of La Grande website. The rules businesses must follow regarding historic appropriateness apply only to the buildings' exteriors.

Kiesecker said he may appeal the Landmark Commission's decision to the city council, but Boquist explained an appeal is not an option in this case.

La Grande's Downtown Historic District was created about two decades ago and extends roughly from Fourth Street to Greenwood Street and from Jefferson Avenue to Washington Avenue. The district is part of the National Register of Historic Places.

## People of Color Caucus offers legislative package

By Peter Wong

Oregon Capital Bureau

SALEM — The nine minority-group members of the Oregon Legislature will promote bills to tighten the accountability of police after the death of George Floyd in Minneapolis and the subsequent protests in Portland and other cities.

The People of Color Caucus, which numbers two senators and seven representatives among the 90 legislators, seeks two bills during an anticipated special session of the Legislature later this year and another measure for the 2021 session.

"I am pleased to see allies from all colors now stepping forward to do something about this," Sen. Lew Frederick, D-Portland, said at a news conference last week. "It is time. We have had enough. I want to see some action and I hope we will."

The Portland City Council on Thursday promised to support the bills. Many other issues were raised in a joint work session Thursday morning during the wide-ranging discussion, from reforming the state's training system for new police officers to requiring them to live in the communities in which they serve.

One measure is a new version of Frederick's Senate Bill 1567, which cleared the Senate unanimously, but died in the House without a vote after the 2020 session ended abruptly on March 5. A similar measure he sponsored (Senate Bill 383) also passed the Senate in 2019 but died in a House committee.

Under the bill, if an arbitrator concludes there was police misconduct, the arbitrator cannot lessen any disciplinary action taken by



PMG file photo

State Sen. Lew Frederick, D-Portland, a member of the Legislature's People of Color Caucus, predicted a special session could happen within a few weeks to take up bills related to police misconduct and racism.

the police agency against the officer based on that misconduct.

The other bills may face a tougher legislative road.

One measure would require the Oregon Department of Justice, led by the elected attorney general, to investigate deaths or serious physical injuries when police use deadly force. Those investigations are now conducted by police — though not the agencies employing the officers involved in the use of force — and district attorneys in Oregon's 36 counties.

The other measure would direct the House Judiciary Committee to convene a bipartisan work group to look at Oregon's law governing police use of deadly force when making an arrest or preventing an escape. The measure is intended to prompt recommendations for change in the 2021 session. The basic law goes back to 1971, and in 2007, the Legislature required use-of-force plans on a county-by-county basis.

House Speaker Tina Kotek, D-Portland, said in a statement:

"Oregon has an opportunity to address abuses that have gone on for far too long. We must rise to the challenge of this moment and make real change to create a safe and supportive community for all Oregonians."

Democrat Rob Wagner of Lake Oswego, the new Senate majority leader, pledged his support for the measures. He said in a statement on his Facebook page:

"As elected leaders, we have the power to change the ways our laws uphold institutional racism and systems of oppression, and we cannot wait any longer to take action. The People of Color Caucus (members) ... have put forth policy proposals to improve police accountability and act against injustice. I am eager to work with my colleagues to advance these important policies. We must act now."

## CAUCUS OF NINE

In addition to Frederick, the caucus members are Sen. James Manning of Eugene and Reps. Teresa Alonso León of Woodburn, Janelle Bynum of Clackamas, Diego Hernandez of Portland,

Akasha Lawrence Spence of Portland, Mark Meek of Oregon City, Andrea Salinas of Lake Oswego and Tawna Sanchez of Portland. All are Democrats. Lawrence Spence isn't seeking election, but the caucus is likely to add to its ranks Nov. 3.

"I look forward to supporting the POC Caucus as they fashion their proposals into effective legislation," Attorney General Ellen Rosenblum said in a statement last week. "We must dismantle racism. Doing so requires looking at our systems from every angle. Dismantling racism demands thoroughly listening to those voices and issues that make us uncomfortable. Dismantling racism mandates acknowledging that the answers haven't been found, the solutions haven't been enacted, that many promises have turned up empty."

In 2015, the Legislature barred police use of profiling, a practice of identifying criminal suspects based on broad personal characteristics such as race.

In 2017, at Rosenblum's urging, another law required agencies to collect information on traffic and pedestrian stops by police.

The first phase involved reports by Oregon's 12 largest agencies, including the Oregon State Police, sheriff's offices in the three metro-area counties and police in Portland, Gresham, Hillsboro and Beaverton. Their data was released last year by the Oregon Criminal Justice Commission, which eventually will collect information from all Oregon police agencies to see if there are patterns where police are stopping minorities

disproportionately.

## PAST AND PRESENT

During the news conference last week with Gov. Kate Brown, Frederick referred to past incidents when police have stopped him as he was going to and from his home in Portland's Irvington neighborhood, where he has lived since 1977.

He recounted one incident in the early 1990s, when he was a reporter for Portland television station KGW and his station car was stopped in King City with his photographer at the wheel. "He suddenly saw the barrel of a gun right across his face, pointed at me," Frederick said. (The mayor of King City since 2016 is Ken Gibson, who is black.)

Brown said in the aftermath of Floyd's death — caused when a Minneapolis police officer put his knee on Floyd's neck for almost nine minutes — that Oregon's elected leaders must do more to address these issues.

"To everyone who is hurting right now, I want to say I see you. I hear you. I stand with you. And I add my voice to yours," she said. "Years and years of failure to reform police practices. Years of failure to hold police officers accountable. Years of failure to bring real reforms to our criminal justice system, which incarcerates Black Americans at five times the rate of white Americans.

"I count myself as one of the many white politicians whose good intentions haven't done enough to tackle the scourge of systemic racism."

Reporter Jim Redden contributed to this article.

## Oregon Supreme Court sides with governor, orders Judge Matt Shirtcliff to vacate preliminary injunction

EO Media Group

SALEM — The Oregon Supreme Court has decided Baker County Circuit Court Judge Matt Shirtcliff erred in his ruling last month that Gov. Kate Brown exceeded her legal authority in issuing executive orders related to the coronavirus pandemic.

The state's highest court on Friday issued a ruling ordering Shirtcliff to vacate his May 18 decision granting a preliminary injunction to a group of plaintiffs, including Elkhorn Baptist Church in Baker City, who sued the governor May 6.

The Oregon Supreme Court issued a temporary stay on Shirtcliff's ruling later on the day he made that decision, so the governor's executive orders, which limit business activity and the size of public gatherings,

among other things, have remained in effect over the past few weeks pending the Supreme Court's ruling.

The lawsuit remains in effect, as the Supreme Court's ruling was limited to Shirtcliff's granting of a preliminary injunction.

Shirtcliff agreed with the plaintiffs' contention that because Brown, in issuing several executive orders since March, invoked the state's public health emergency law, chapter 433 of the Oregon Revised Statutes, those orders were constrained by the 28-day limit prescribed in that law.

The governor's lawyers argued the executive orders were not subject to the 28-day limit because Brown, in her initial March 8 declaration of an emergency related to the coronavirus, cited a different law, Oregon Revised Statute

chapter 401, which has no time limit.

Oregon Supreme Court Justice Christopher L. Garrett filed an opinion, which Justice Thomas A. Balmer joined, concurring with the governor's lawyers' argu-

ment that Brown's executive orders are not limited to 28 days.

That wasn't the only reason Garrett cited in determining that Shirtcliff must vacate his May 18 decision.

Garrett also wrote in his opinion that Shirtcliff exceeded his range of discretion by failing to properly consider the governor's authority during emergencies to determine what is in the public's interest.

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