

LEE

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this moment and not to any actions in the past.

"It's about whether or not he is able to communicate and engage with his attorney to mount a defense," she said. "We're talking about how he presents in court today."



Gushwa



McDaniel

Lee's defense attorney, Dean Gushwa of Pendleton, said the two strokes Lee suffered since his arrest in 2019 have created significant hurdles to the vital communication he needs to have with a client.

Without that, he said, a client can't help in their own defense.

McDaniel and Gushwa in separate interviews said aid and assist matters often come up with someone suffering mental illness, for example.

In those cases, treatment, including psychiatric drugs and education about how the criminal court system functions, can help someone regain the ability to work

with their lawyer. Powers in his ruling stated he found "there is a substantial probability that the defendant will gain or regain the capacity to stand trial."

Gushwa said Lee's case is not a matter of overcoming a mental health problem. Rather, Lee may have suffered permanent brain damage from the strokes. The attorney questioned whether Lee would be able to regain the faculties to help in his own defense.

Per the judge's order, the superintendent of the Oregon State Hospital has to provide the court a progress report on Lee within 90 days, and then every 180 days after that, for up to three years. Gushwa explained after that, the state can go through a civil commitment process to determine if Lee is a threat to himself or others and keep him in custody for the length of the sentence of the original offense — in this case, at least 25 years, the length of a sentence for murder. Gushwa said where someone in that situation does the time is up to the Oregon Psychiatric Security Review Board.

Powers also ordered the state hospital has to notify the court if Lee regains the

ability to stand trial.

The state has accused Lee and codefendant Steve Edward Hamilton, 67, of La Grande, of killing Loretta Williams in November 2018 at her home in Cove. At the time, Lee and Williams were divorcing.

Hamilton remains in custody at the Union County Correctional Facility, La Grande. Like Lee, he faces charges of murder and conspiracy to commit murder. Hamilton's prosecution is in a "holding pattern," McDaniel said, but she was not able to get into a public discussion about that.

While the cases of Lee and Hamilton are on pause, McDaniel has another homicide case on her desk.

The state has accused Gary Mason, 54, of Elgin, of killing Candy Williams, 56, of Elgin, on Dec. 29, 2020, along with her granddaughter, Mary-Jane Elizabeth Faria, 14, of Pendleton. He faces two counts of first-degree murder. Mason has a hearing March 11 to enter a plea.

McDaniel has been in office since 2010. Handling two homicide cases at the same time, one involving two defendants and the other involving two victims, she said is a first during her tenure.



Alex Wittwer/The Observer

Oregon State Police Honor Guardsman Marcus Burt of Pendleton rests while waiting for the changing of the guard at the honor watch for former Oregon State Police Superintendent Reginald Madsen on Thursday, Feb. 11, 2021, at Loveland Funeral Chapel, La Grande.

MADSEN

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would be better than he was."

Howland said he himself benefited from Madsen's guidance.

"He was instrumental in getting me to realize my capacity," said Howland, who was with the OSP for 33 years.

Madsen, who served in

the U.S. Navy from 1958-64, began his law enforcement career in 1966 as an officer with the Vancouver Police Department in Washington, a position he held through 1968. After retiring from the state police, he served as a United States marshal for the District of Oregon until 2001.

A service for Madsen, who had lived in Island City for several years with his wife, Pauline, will be

conducted in Washougal, Washington, this spring.

Madsen's sons, Reg W. and Rick, followed in his footsteps and became Oregon State Police troopers. Reg W. Madsen, who also lived in La Grande, was a trooper from 1988 to 2007. He died in La Grande in 2010 at age 44 of natural causes. Rick Madsen is continuing to serve as a trooper in Western Oregon.

BENEFITS

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interruptions in benefit payments. States pay benefits but the U.S. Department of Labor oversees them.

The latest extensions, which Congress approved at the end of December, are scheduled to end March 13.

Oregon pays:

- Federal benefits for self-employed and gig workers under a program known as Pandemic Unemployment Assistance. These workers did not qualify for any benefits until they were included for the first time in the CARES Act last spring.

- Federal benefits, on top of 26 weeks of regular benefits from the state unemployment trust fund, under a program known as Pandemic Emergency Unemployment Compensation.

- Weekly federal supplemental benefits of \$300. They had been \$600 for four months in 2020, and a diversion from the Federal Emergency Management Agency kept payments going for five more weeks through Sept. 5.

- A balance from federal funds, instead of the state trust fund, under Work Share programs for employees whose hours have been cut 20% or 40%.

"From the summaries I've seen of what is being discussed right now, I didn't see brand-new programs being created, which is cer-

tainly a more challenging issue than just extending the time frame of some of the programs," Gerstenfeld told reporters Wednesday, Feb. 10, on a weekly conference call.

"Of the vastly more complicated options that have been discussed in the past, it does not look like those proposals are actively being talked about now. So that is promising."

Some proposals would have capped benefits at a share of an employee's former wage.

Gerstenfeld also said he hopes Congress will act before the March 13 cutoff. Congress let the supplemental benefits in the CARES Act expire July 25, and all benefits expired one day before then-President Donald Trump signed the current extension on Dec. 27.

The Employment Department was able to continue many benefit payments uninterrupted, but some people are having to wait for benefits because federal law imposed some new identity requirements for claims.

"Certainly, the more lead time we have, the easier it will be," Gerstenfeld said.

"One of the problems we face is the timing of knowing what the program is and being able to get guidance from the Department of Labor before the benefits are supposed to be paid. We will have to wait and see what ulti-

mately is passed to see what we need to do in our systems to implement the new programs."

D.C. disagreement

Biden has proposed extending all these programs for about six more months, to the end of the federal budget year on Sept. 30. He also proposes to increase the weekly supplemental benefit from \$300, which is at the federal minimum wage, to \$400. The money is part of his \$1.9 trillion plan for pandemic recovery.

Oregon Sen. Ron Wyden, the Democrat who now leads the Senate Finance Committee, has said he would like a \$600 supplemental benefit, the same amount he secured in the CARES Act for four months last year. But he said he supports the rest of what Biden wants.

Wyden reacted Feb. 10 after Federal Reserve Chairman Jerome Powell spoke in New York about the U.S. economic outlook, which Powell paints as bleaker because 5 million people have left the U.S. workforce and the jobless rate is closer to 10%, not the official 6.3%.

"Even more troubling, Chair Powell emphasized that while the situation has improved for upper-income workers, there has been no progress for workers of more modest means. That bears repeating — there's been no progress for

those workers who are the least financially secure," Wyden said. "Chair Powell's assessment reiterates the need for the strongest possible benefits package in our COVID relief bill, which is why I'm going to continue to push for at least a \$400 weekly boost and six months of enhanced benefits."

The Senate Finance Committee and the House Ways and Means Committee have authority over tax legislation. Unemployment benefits come largely from payroll taxes.

The House committee plans to take up initial legislation proposing an Aug. 29 cutoff for all the extensions.

Chad Stone, chief economist for the liberal-leaning Center on Budget and Policy Priorities, argued for the Sept. 30 deadline.

"Unemployment, particularly among workers of color and workers without college degrees, will likely remain elevated in the fall," Stone writes.

"In addition, extending benefits an additional month better aligns their expiration with a time when Congress will be in session and focused on budget matters (with the fiscal year ending on Sept. 30) and, thus, well positioned to further extend benefits."

Congress typically takes an August recess that runs through Labor Day.

Drivers urged to exercise caution

By DICK MASION
The Observer

LA GRANDE — The Oregon Department of Transportation has warned drivers to exercise extreme caution or stay at home due to the storm hitting Northeast Oregon this weekend.

The storm began late Thursday afternoon, Feb. 11, and may run through late afternoon Saturday.

"Motorists are advised to postpone travel if possible," said Tom Strandberg, spokesperson for the ODOT in Northeast Oregon. ODOT did not report any serious crashes during the initial day of the first storm. Strandberg attributed this to the visibility of snow.

"When drivers see the white stuff on the road they slow down," Strandberg said. "They are more cautious than when there is black ice or spots of ice."

The National Weather Service issued a winter storm warning for back-to-back storms moving over the area.

The moderate to heavy snowfall continued Friday morning, according to the warning message, before a lull in intensity during the day. But snowfall would increase again Friday night through Saturday.

The NWS also said to

expect cold temperatures and single-digit wind chills through Saturday.

Strandberg said he is encouraging motorists to consult ODOT's Trip Check site at TripCheck.com to find out about road conditions before traveling. The site has cameras to provide images of road conditions. He said it is now easier to monitor conditions between La Grande and Pendleton on Trip Check because of 10 additional ODOT cameras installed over the past year. This has boosted the number of Interstate 84 cameras between La Grande and Pendleton to about two dozen.

Additional tips Strandberg and ODOT provided include:

- Be ready to use your chains. Be patient. Go slow.
- Expect a long commute that could last hours. You never know when weather or traffic will cause the road to be closed for extended periods.
- Turn off cruise control. Never use cruise control in wet, icy, snowy or slippery conditions.
- Expect visibility to be limited.
- Make sure your wipers, headlights, turn signals, heater, etc. are in good working order.

STUDENTS

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for instruction and curriculum to each district in coordination with a district's own program options. This model allows the district to continue to support its students in all wraparound services, and students are able to remain eligible for activities such as athletics and other district-based opportunities.

"We're just helping to be a conduit for their education with virtual teachers and virtual instruction," Lair said.

The ESD also tracks students taking classes through the Virtual Learning Academy, including which school districts students are in, and provides that data to the districts. That way, Lair said, the students learning online count in a school district's average daily enrollment, which matters for purposes of funding from the Oregon Department of Education.

"There are many nuances behind taking aggregate numbers like this," Lair said. "For example, these numbers include both students taking

some classes through the VLA setting and some classes in their local districts. Others, the majority, would have full schedules within the virtual setting."

Actual enrollment at La Grande School District, according to the district's director of education, Scott Carpenter, is 2,190 students, or 158 fewer than were enrolled in 2019. That's a drop of about 6.7%.

La Grande is not the only school district in the county to partner with IMESD, and similarly, it is not alone in seeing its enrollment numbers take a downturn in the state's report.

Union School District, for example, according to the state's data, had 326 students enrolled as of Oct. 1, 2020, down from 373 the year before. However, according to the IMESD, 46 students in the Union School District were taking courses through the Virtual Learning Academy. That puts enrollment at Union roughly flat. Union Superintendent Carter Wells said the district's students who are learning virtually are real-life Union students.

"The IMESD, because of coronavirus, has given

these kids an opportunity to do 100% online without leaving the community," Wells said.

Some students, Wells continued, need the opportunity to forgo in-person instruction for reasons such as living with elderly or immunocompromised people in their household, which makes potential exposure to COVID-19 too dangerous to risk.

The Department of Education's report showed declined enrollment of 11 fewer students at Imbler School District, 39 fewer students at Cove School District and 22 fewer students at North Powder School District from fall 2019 to fall 2020.

But 15 students in the Imbler School District are taking Virtual Learning Academy classes, along with 46 from Cove school and 15 in the North Powder School District.

Only Elgin School District showed increased enrollment, gaining five students. And four of Elgin's students are using the InterMountain ESD online program.

— The Observer editor
Phil Wright contributed to this article.

Medications for Addiction Treatment

Offering hope and healing to Union County



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Psychiatric-Mental Health Nurse Practitioner

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