

KEIZERTIMES PUBLIC SQUARE

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CDC should stay in its own lane

By DEBRA J. SAUNDERS

Justice Brett Kavanaugh was trying to be a nice guy. In an act of judicial gallantry, he chose to give the losing side a break.

The Alabama Association of Realtors had sued to halt the Centers for Disease Control and Prevention's eviction moratorium on the grounds that bureaucracies don't have the authority to write laws.

Four Supreme Court justices—Clarence Thomas, Samuel Alito, Neil Gorsuch and Amy Coney Barrett—sided with the realtors.

For his part, Kavanaugh wrote on June 29, he agreed that the CDC had exceeded its authority in issuing a national eviction moratorium, but since the moratorium was scheduled to end on July 31, he decided to let the situation ride.

"Because the CDC plans to end the moratorium in only a few weeks, on July 31, and because those few weeks will allow for additional and more orderly distribution of the congressionally appropriated rental assistance funds," Kavanaugh explained, he voted to allow the program to continue through July 31, for what was supposed to be the final extension.

Let's just say Kavanaugh is unlikely to make the same mistake again.

On Aug. 3, CDC Director Rochelle Walensky signed an order extending the moratorium until Oct. 3.

There are good reasons to extend the eviction moratorium. With the delta variant leading to a rapid acceleration of community transmission, authorities have an interest in keeping people in their homes. And who wants to see mass evictions during the hot COVID-19 summer?

There also are good reasons not to extend it. The federal government outrageously has shifted the burden to landlords without compensating them. While supporters maintain that renters still will be liable for skipped rent, they're not fooling anyone.

In March 2020, Congress passed the Coronavirus Aid, Relief and Economic Security Act, which included a 120-day moratorium on evictions from rental properties. That is, Congress approved and the president signed a law against most evictions.

Later, Congress passed a bill that extended the moratorium until Jan. 31 of this year. Again, your elected officials did their jobs, and voters will be free to elect others to Congress and the White House if they don't like what happened.

Later, the CDC extended the hold on evictions until March 31, then June 30, then July 31 and now Oct. 3 -- and that is problematic because the CDC does not have the authority to write laws.

"Congress knows how to pass a moratorium if they want," attorney Luke Wake of the nonprofit Pacific Legal Foundation told me. PLF filed a lawsuit for the Apartment Association of Louisiana



and other landlords that argued the CDC lacks the authority to impose the moratorium.

"If we thought it was important to keep these tenants in place, why didn't we appropriate funds for that?" Wake added, noting that the CDC shifted the weight onto landlords.

Observers can argue that the question is unsettled.

It's not just the Supreme Court that thinks the CDC doesn't have the authority to write laws. Biden and members of his administration said as much.

On Aug. 2, as prominent Democrats were pushing for the administration to do what Congress wasn't doing, Biden's senior COVID-19 adviser, Gene Sperling, told reporters the Supreme Court declared the CDC could not grant an extension "without clear and specific congressional authorization."

That was the day before Walensky signed the moratorium order.

And on the day the moratorium order was signed, Biden admitted, "The bulk of the constitutional scholarship says that it's not likely to pass constitutional muster."

Rather than press Congress to pass legislation, the Biden White House preferred to toss the hot potato to the Supreme Court.

As Judge John K. Bush of the U.S. Court of Appeals for the 6th Circuit warned in a ruling for a similar case, granting new authority to the CDC would give its "director near-dictatorial power for the duration of the pandemic, with authority to shut down entire industries as freely as she could ban evictions."

What could go wrong?
(Creators Syndicate)

Uncertainty

To the Editor:

Human civilizations almost always have had something in common. That something has been a willingness of the governed to be governed. In other words, the people consent to be under a ruler where he or she came to power usually by strength of force, appointment, or election. The U.S. Constitution was accepted by American colonists after the British were defeated by force of arms and then represented centuries of trial and error in efforts to improve human lives through self-government.

A count of those nations now and in the past that have established and maintained a democracy are few in the world today compared to the number of autocracies. People get impatient with democracies because they do not satisfy a real or imagined need for action *now* or fail to fulfil their campaign promises. With dictatorships, the power is concentrated in the hands of one person and a few trusted advisors who make all decisions great and small while the citizens of such arrangements cooperate or face uncertain futures by punishments meted out to those who criticize it or commit infractions.

The United States is in the midst of uncertainty: whether to retain our system of law and order made by elected officials or turn to a dictatorial form of government. What we have at present here is an elected governor who, in the latest "contest" of who's in charge, has decided by a pandemic to mandate the wearing of mask almost everywhere. Subsequently, several Oregon county sheriffs have taken to demanding their constitutional freedom, "God-given rights," refusing to cooperate with Gov. Kate Brown.

This kind of obstructive behavior has been demonstrated multiple times by the most recent president. Rationalizations to justify resistance-to-comply provide permission for some to decide for themselves whether to obey laws, mandates or government orders. It also begs anarchy: an absence of authority or control leading to disorder followed often by pandemonium. Is this what a majority of Oregonians want? If so, we should get ready for anything goes because it's highly likely from history that freedom-seeking sheriffs will ultimately be swept aside by marauding gangs.

Gene H. McIntyre
Keizer

Letters

Cancer event goes local

To the Editor:

Every American has faced uncertain and challenging times through the pandemic. For Oregonians diagnosed with cancer this year, the stakes have been even higher.

Cancer patients, their families and their caregivers need to know we're still here for them—that the American Cancer Society Cancer Action Network and its volunteers haven't stopped advocating for critical research funds and access to health care. I am proud to have had a visible way to raise awareness for cancer, as a volunteer for the past 24 years, and to bring hope as we continue to emerge from the pandemic.

ACS CAN's annual Lights of Hope ceremony is usually held in Washington, D.C., where thousands of lit bags line the Lincoln Memorial, decorated with the names of cancer survivors and those lost to the disease.

Because of the pandemic, we won't be traveling to D.C. Instead, we'll display Lights of Hope bags on our front porches, kitchen tables and front lawns as we bring hope home to communities around the nation. I look forward to displaying Lights of Hope bags honoring survivors and remembering those lost to cancer in Salem. To view the display featured on Facebook live on www.facebook.com/ACSCANOregon on Saturday, Sept. 18 starting at 7 p.m.

**Teresa Warnock, Dist. Lead Ambassador
American Cancer Society/
Cancer Action Network**

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