

# Find ways to improve Bend's downtown

**B**end's downtown hits a sweet spot. Restaurants. Shops. Energy.

It has weathered the pandemic about as well as can be expected. There were losses, and some businesses suffered mightily. Five businesses are gone. Seven new ones are up and running, at least by the count of the Downtown Bend Business Association.

When a downtown has what Bend's downtown has, it should not be taken for granted. It's like a fire. It needs to be poked and prodded. It needs to be fed, or it fades.

Want to keep it special? We need to look at it and not be satisfied with how good it is. It could be better.

Would shutting off Brooks Street near Franklin Avenue to most traffic be an improvement? We think so. Cars don't need to use it. You are really not supposed to drive through there now. A delivery schedule could be set. Accommodations could be made for emergency vehicles. It should be reinforced as a dedicated walkable space.

Then there's Minnesota Avenue between Bond and Wall. Some want to turn that into a pedestrian mall. The Downtown Bend Business Association has been meeting with businesses and property owners about it and made a presentation to the Bend City Council. It's a tantalizing vision. It's a long way off. And from the polite reception it got from councilors, we aren't really sure if they will make it much

of a priority. Shouldn't Bend at least invest in finding more out?

Then there's the more mundane. Why aren't there any public bathrooms downtown?

Yes, there are. Sort of. You could wander over to City Hall, the county building, Visit Bend or the bathrooms in Drake Park. Maybe soon the bathrooms in the parking garage will be reopened. They have been open before only to be closed again. We'd bet most people rely on businesses or make a point of going before they go downtown.

Public restrooms are basically missing in an area that Bend wants the public to be. Let's fix that.

The money to build them might happen through a new program through Visit Bend — a sustainability fund. Tourist dollars will be put to work to create long-term facilities that will be tourism-related. It would fill an important need. Ben Hemson, the city of Bend's business advocate, said he is going to work on an application. Building them is good. They would need to be kept not just clean, but gleaming.

Bend's downtown is doing fine. And the city has many pressing needs. We can't imagine the public is going to hound councilors to further improve downtown. It takes leadership and vision to not be satisfied with good and keep pushing for great. Who on the council is going to step up?

# Historical editorial: Show off diverse crop

*Editor's note: The following historical editorial originally appeared in what was then called The Bend Bulletin on July 27, 1906.*

There are few things of more value to a new country in an educational way than a permanent exhibit of the grains, grasses, fruits and vegetables that can be grown in that land. The Deschutes Country today occupies the position of a country just being opened to settlement. There has been considerable speculation as to what crops could be grown here and it has frequently been a surprise to those visiting this country to examine its resources, to find such an excellent showing in grains, grasses and vegetables. This year the land is proving it can grow fruit as well. As the trees, vines and bushes mature, a large amount of fruit can be

grown. Thus we have the means from which to make a permanent and valuable exhibit of what the Bend country can produce.

Such an exhibit should be collected and placed in some room of easy access to strangers passing through town, and in charge of some competent person. Samples of crops raised should be solicited from the farmers in the vicinity, they should be properly tagged, with the date of sowing and the yield per acres noted, together with any other information of interest.

Bend has a commercial club, whose business it is to see the development of this community. Should not this club take up this matter? The harvest time is here, the samples can be easily procured. Let us have a permanent exhibit.

Editorials reflect the views of The Bulletin's editorial board, Publisher Heidi Wright, Editor Gerry O'Brien and Editorial Page Editor Richard Coe. They are written by Richard Coe.



# My Nickel's Worth

## Avoid bias in the media

Why do some writers, including some writing for publications like The Economist, worry the press has a left-wing bias?

Consider this: A front-page headline in the Bulletin's June 11 edition read "Poll: White extremist views strong in Oregon." This headline was based on a poll, cited on Page A6, in which 40% of respondents answered they at least somewhat agreed with the statement "America must protect and preserve its White European heritage."

Suppose the polling statement had been "America must protect and preserve its Black African heritage," to which 40% agreed. Would the headline: "Poll: Black extremist views strong in Oregon," be journalistically justifiable? Of course not; an unbiased, accurate headline for either would be, "Poll: Oregon values ethnic heritage."

All polling is unreliable at best and often mischievous. No doubt someone might argue that the article may have omitted other more tendentious statements in the poll. Notwithstanding, based on what the paper actually printed, whoever wrote that headline either conceded their subliminal bias, or needs a refresher course in editorial objectivity.

— Terrence R. Van Oss, *Sunriver*

## Open up Bend City Council meetings

It is far past time for the Bend City Council to open the council chamber doors to allow for public observation and comment. While it was important to hold council meetings during the COVID-19 pandemic via Zoom, the time has come to allow in-person true public comment. Continuing to hold Zoom meetings is not consistent with Oregon laws for public meetings once the health emergency has been met with widespread vaccinations.

## Letters policy

We welcome your letters. Letters should be limited to one issue, contain no more than 250 words and include the writer's phone number and address for verification. We edit letters for brevity, grammar, taste and legal reasons. We reject poetry, personal attacks, form letters, letters submitted elsewhere and those appropriate for other sections of The Bulletin. Writers are limited to one letter or guest column every 30 days.

Very few citizens follow the Zoom meetings. The Zoom meetings are very difficult to follow. Any attempt to follow comments and provide public comment is extremely difficult.

Please return our public process to the public. Hold public meetings and hearings in person.

— Patricia Stell, *Bend*

## Pandemic is not over

The fact that the U.S. just recorded its 600,000 COVID-19 deaths on Tuesday is splash of cold water on the faces of anyone who thinks we are done with this pandemic. While we should celebrate the progress, we have made in such a short amount of time, we should not forget that the virus is still killing Americans at a rate roughly five times higher than the average daily number of people killed in car crashes. The virus also is mutating, and new strains can be more contagious and lead to more serious health complications. So, not to be a wet blanket on the hot wax summer, but we must continue to take this virus seriously. The safe and effective vaccines are marvel of modern biopharmaceutical research. We need more people to take them, and we need our federal government to avoid any temptations to pass policies, like price setting, that would impede continued research and medical innovation. Even if you had COVID-19, the vaccine can still increase your protection against variants and the severity of reinfection.

I have days of tremendous opportunism and pride in how far we have come. But I still face that my son cannot yet get vaccinated and that the virus is spreading among the unvaccinated faster than ever. We should feel good about how far we have come but should not let this level of continued death and suffering stand as the finish line. Let's keep working together to re-

ally put this pandemic behind us.

— Kim Gammond, *Bend*

## Switch Oregon to more clean energy

As we move into the summer months, the drought we are experiencing here in the West is impossible to ignore. As a sixth generation Oregonian who grew up on farmland, I know the terrain of Central Oregon well, and I can see the drought effects in full swing. I can see the way-too-early parched grasses and the abundance of dry dust that I don't remember from my childhood.

We are in for what could be another catastrophic wildfire season — threatening our land, communities and health. The reckoning of climate change is here — it should be acknowledged with bipartisan enthusiasm to create solutions and fast.

I encourage Oregonians to participate in the Oregon Clean Energy Opportunity, which includes the passing of three important bills designed to lessen the climate crisis and better the lives of our residents. Luckily, House Bill 2475, The Energy Affordability Act, has just been passed with bipartisan support! Only two more to go!

HB 2842, Healthy Homes: Support home upgrades to help improve the health of families across Oregon.

HB 2021 100%, Clean Energy for All: Create good, well-paying, local jobs in the renewable energy sector that incentivize local clean energy projects that are good for communities and reduce pollution by achieving 100% renewable energy by 2040.

Make a difference by contacting your legislator and telling them to vote "yes" on HB 2842 and HB 2021. Oregon is worth it.

For more information please visit [www.oregoncleaneconomy.org](http://www.oregoncleaneconomy.org).

— Tara Redfield, *Sisters*

## How to submit

Please address your submission to either My Nickel's Worth or Guest Column and mail, fax or email it to The Bulletin. Email submissions are preferred.

Email: [letters@bendbulletin.com](mailto:letters@bendbulletin.com)

Write: My Nickel's Worth/Guest Column  
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# Even conservative justices found 'Obamacare' challenge feeble

BY ILYA SOMIN

Special to The Washington Post

On Thursday, the Supreme Court rejected, in *California v. Texas*, a challenge to the Affordable Care Act brought by a coalition of Republican-controlled state governments. The 7-2 decision is a notable setback for "Obamacare" opponents, and another indication that several of the Supreme Court's conservative justices are willing to rule against conservative Republican causes.

It also highlights some key weaknesses of this particular lawsuit — weaknesses that led many people who supported previous legal challenges to "Obamacare" to oppose this one. I fall into that category myself, having supported the original 2012 lawsuits against the constitutionality of several parts of the ACA, but largely rejecting the arguments in this one.

The case was complicated, but hinged on the infamous mandate requiring most Americans to buy government-approved health insurance. Originally, the ACA included a financial penalty if people failed to buy such insurance. In its 2012 ruling in *NFIB v. Sebelius*, the Supreme Court narrowly rejected a challenge to the constitutionality of the mandate. In that case, the government had argued that it could impose the mandate — and the related penalty — under the powers given it by the Commerce Clause of the Constitution, which grants Congress the power to regulate "commerce ... among the several states." But Chief Justice John Roberts Jr.'s controlling opinion in *NFIB* rejected this argument; instead, he argued, the mandate could be interpreted as a tax, thereby saving it from being ruled unconstitutional.

Then, in December 2017, the then-

GOP-controlled Congress passed a tax-reform law that eliminated the financial penalty. The states challenging the ACA in *California v. Texas* argued that a mandate that no longer raises any money cannot be considered a tax, and is therefore unconstitutional. Much more controversially, the states also contended the rest of "Obamacare" must fall along with the mandate, because the mandate is such an important part of the statute that it cannot be "severed."

This is where even many people like myself — those who thought the mandate should have been ruled unconstitutional in 2012 — believed the new argument ran off the rails. I agree that what's left of the mandate is unconstitutional. But it makes no sense to argue that a now-toothless requirement is so essential to the structure of the ACA that the rest of the act must fall with it. It especially makes no

sense when you consider Congress' intent, as the court usually does in severability cases. If Congress believed that the mandate was an essential part of the ACA — to the point that eliminating it would make the law unworkable — they would not have zeroed out the penalty while leaving the rest of the law untouched.

Somewhat surprisingly, Thursday's ruling did not directly address the merits of the case. Instead, it dismissed the states' lawsuit because the plaintiffs don't have "standing" — namely, they didn't suffer a concrete injury caused by the action they claim is illegal.

The states argued that the mandate imposes expenses on them by incentivizing some citizens to enroll in state-run health care programs. But those burdens weren't caused by the individual mandate, Justice Stephen Breyer argued for the majority. As

Breyer points out, "the States have not demonstrated that an unenforceable mandate will cause their residents to enroll in valuable benefits programs that they would otherwise forgo."

There's a strong argument that Congress lacks the power to penalize people for failing to buy health insurance, and that even a penalty-less mandate is unconstitutional. But the plaintiffs in this case greatly overreached in arguing this tiny tail wags the giant dog of "Obamacare."

Four conservatives voted with the three liberals, including newly appointed Justice Amy Coney Barrett. It's yet more evidence — along with rulings such as the 2020 election case and Trump-era litigation over sanctuary cities — that conservative judges are not simply Republican politicians in robes.

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