

Federal Judge Rejects Request From Oregon Senators

U.S. District Court Judge Ann Aiken issued the decision

(AP) -A federal judge has rejected a request from Oregon Republican state senators who boycotted the Legislature to be allowed on the ballot after their terms end.

U.S. District Court Judge Ann Aiken issued the decision last Wednesday. State Sens. Dennis Linthicum, Brian Boquist and Cedric Hayden were among the plaintiffs who filed the federal lawsuit to challenge their disqualification from running for reelection under Measure 113. The voter-approved constitutional amendment, which passed by a wide margin last year, bars legislators from seeking reelection after 10 or more unexcused absences. Each of the three senators racked up more than 10 absences during a record six-week walkout that paralyzed the 2023 legislative session.

The boycott stemmed from bills on abortion, transgender health care and guns. The lawmakers sought, among other things, a preliminary injunction to prevent the secretary of state's office from enforcing their disqualification from the ballot. The office in September disqualified Linthicum



Senator Tim Knopp, R-Bend, speaks with Attorney Dustin Buehler, with the Oregon Department of Justice. (Abigail Dollins/Statesman-Journal via AP, pool)

and Boquist from the 2024 ballot, court filings show. Hayden's term ends in January 2027. The senators argued that walkouts are a form of political protest protected by the First Amendment of the U.S. Constitution.

"The Senators were punished solely for exercising their First Amendment rights," their attorneys said in court filings. Aiken disagreed with their claims in her opinion. "However, these walkouts were not simply protests

— they were an exercise of the Senator Plaintiffs' official power and were meant to deprive the legislature of the power to conduct business," she wrote. "Their subsequent disqualification is the effect of Measure 113 working as intended by the voters of Oregon," she added.

The Oregon Senate and House of Representatives must have two-thirds of their members present in order to have a quorum and conduct business. In recent

years, Republicans have protested against Democratic policies by walking out of the Legislature and denying a quorum in a bid to stall bills.

The federal suit named Secretary of State LaVonne Griffin-Valade and Democratic Senate President Rob Wagner as defendants. The senators claimed, among other things, that Wagner violated their First Amendment right to freedom of expression and their Fourteenth Amendment right to

due process by marking their absences as unexcused.

Attorneys from Oregon's justice department representing Griffin-Valade and Wagner argued the First Amendment does not protect legislators' refusal to attend legislative floor sessions. "Under Oregon law, a senator's absence has an important legal effect: without the attendance of the two-thirds of senators needed to achieve a quorum, the Senate cannot legislate," they wrote in court filings.

The federal court decision was issued one day before the Oregon Supreme Court heard a separate challenge to the measure. In oral arguments before the state's high court in Salem Thursday, a lawyer for a different group of Republican state senators argued that confusion over the wording of the constitutional amendment means that legislators whose terms end in January can run in 2024.

Griffin-Valade, the secretary of state, is also a defendant in that lawsuit. Earlier this year, she said the boycotting senators were disqualified from seeking reelection in 2024. She directed her office's elections division to implement an administrative rule to clarify the stance. She said the rule reflected the intent of voters when they approved the measure last year. All parties in the suit are seeking clarity on the issue before the March 2024 filing deadline for candidates who want to run in next year's election.

Pacific Northwest Fentanyl Crisis Surges

Officials grapple with how to curb it

(AP) — The fight against fentanyl is increasingly being waged in schools, jails and on city streets in the Pacific Northwest, where state officials in Oregon and Washington have named it a top issue as overdose deaths rise. Washington's Democratic Gov. Jay Inslee plans to ask lawmakers for about \$64 million more to treat and prevent opioid use. In Oregon, Democratic Gov. Tina Kotek has proposed declaring a fentanyl emergency in Portland, and lawmakers have created a committee on addiction to get a jump on the issue before the Legislature reconvenes in February.

"One pill can now take your life. Fentanyl is the nuclear weapon of drugs and we've got to up our game against this scourge," Inslee said during a press conference on Wednesday. A surge in



A person smokes fentanyl on Wednesday, April 12, 2023 in downtown Portland. (Beth Nakamura/The Oregonian via AP, file)

fentanyl deaths, including among children, has marked the latest iteration of the years-long opioid crisis. The most recent provisional figures from the federal Centers for Disease Control and Prevention estimate that more than 78,000 people died from overdoses involving synthetic opioids in the 12 months ending

June 2023, accounting for 92% of all opioid overdose deaths during that period. One way Oregon and Washington want to reduce fatalities is by more widely distributing opioid overdose reversal medications such as naloxone. Naloxone is most commonly administered as a nasal spray or an injection and helps restore breathing.

Inslee's office said part of his proposed supplemental budget would go toward equipping first responders with naloxone, and setting up 20 "smart" machines that dispense naloxone and other health supplies in areas of the state with high rates of opioid overdoses.

Oregon's state health department said it plans to offer free opioid overdose reversal kits to middle and high schools. A bill that has been filed ahead of Washington's short legislative session, which starts in January, would require all school districts to make such medication available in its high schools. Current law only requires districts with at least 2,000 students to do so. The U.S. Food and Drug Administration has approved three drugs for treating opioid dependence: buprenorphine, methadone and naltrexone.

Authorities also want to curb public drug use, which has become more visible in major cities such as Portland and Seattle due to growing homelessness.

Kotek, Oregon's governor, this

week released a proposal that calls for the state, Multnomah County and the city of Portland each to declare a 90-day fentanyl emergency and establish a command center to improve coordination between law enforcement, outreach workers and service providers. She has also urged providers to expand their hours.

When the Legislature convenes for its short session in February, Kotek also wants lawmakers to consider outlawing public drug use. Banning public use has been a major talking point among Portland officials and lawmakers in recent months. Portland City Council approved such a ban in September, but it's contingent on state law changing.

Law enforcement officials have advocated for such a measure, saying a 2020 ballot initiative that decriminalized possession of small drug amounts has made it difficult to stop public use.

"Confronting our most pressing challenges requires the hope and fortitude of an entire community," Kotek said.