

EDITORIALS & OPINIONS

The Bulletin
AN INDEPENDENT NEWSPAPERHeidi Wright
Gerry O'Brien
Richard Coe
Publisher
Editor
Editorial Page Editor

Rep. Kropf has a partial fix for Bend's homeless

In November, David Savory died just off of Third Street in Bend. He was homeless. Temperatures plunged into the teens. Good Samaritans couldn't find a hotel that would take him in. Bend's winter warming shelter for the homeless had not opened yet.

The scramble has been on every winter to find a location for a winter warming shelter for the homeless in Bend. It's long past time for a more permanent solution. State Rep. Jason Kropf, D-Bend, proposed Wednesday a path to get there — \$2 million toward a year-round, low-barrier homeless shelter. His hope is it will be enough to buy and renovate a building.

Nonprofits and other organizations have long stepped up to help the homeless in Bend. The recurring problem in the winter: a building for a low-barrier shelter. Low-barrier shelters typically don't have the requirements for entry that some homeless shelters have.

The \$2 million comes indirectly from the federal government and, of course, taxpayers. Every member of the Oregon House gets \$2 million and every member of the Oregon Senate gets \$4 million to allocate from the federal American Rescue Plan Act. That's how legislators agreed to split up the money. Kropf told the Bend City Council Wednesday night his \$2 million would go toward a building for a homeless shelter.

The city does not have the money, yet. The proposals from legislators aren't due until May 10. The plan is to put them all in one big bill, which would then need to pass the Legislature.

Bend already is lined up to get \$2.5 million for a navigation center from the Legislature. That will provide services to homeless people to get their lives back on a better track. The city of Bend is also pursuing leveraging grant money to buy a hotel and convert it into a homeless shelter. It's not clear if the money Kropf is proposing will supplement that purchase or be used for something else.

Kropf, though, has chosen well. Homelessness is a serious problem in Bend. Yes, Bend does have many serious challenges. It's not hard to think of many other deserving causes where \$2 million would be welcome and well spent.

But there are few where there is such a large disparity between the resources available to meet it and the problem's scope. The search for a building for a low-barrier shelter has orbited Bend year after year for far too long.

Should Oregon delay paid family medical leave?

This late in the legislative session, new bills don't pop up that often. A bill backed by the state's Employment Department showed up on Monday.

It would delay the implementation of Oregon's paid family medical leave program. We wondered why.

When the paid family medical leave program was created by the Legislature in 2019, it was a big deal. Families would be able to get paid time off — not only for births and deaths — but to care for others when they need it. Maybe your employer already offers that.

The 2019 bill ensured the benefit would be widespread. At the signing ceremony for the bill, Gov. Kate Brown personally thanked state Sen. Tim Knopp, R-Bend, for his leadership — among others — to get the bill passed.

The plan was that the benefits of the new state program would become available in January 2023. The new bill, House Bill 3398, proposes to move that back to September 2023. The Employment Department told us it had to refocus its agency to confront the pandemic and the flood of unemployment claims. And

as you have likely heard or maybe experienced, the department has had trouble keeping up.

Patty Jo Angelini, a communications officer with the employment department, wrote the extra time "will allow OED to develop policy and administrative rules; build a modernized technology platform; afford time for adequate planning and preparation with partner agencies; and review and process applications using new technology instead of manual processes."

The justification from OED seems understandable. Still, we urge legislators to insist on a detailed explanation.

Remember, just earlier this year the Oregon Health Authority told Oregonians it could no longer provide detailed reports about each person killed by COVID-19. It had become too much work for OHA. Gov. Kate Brown initially backed that move and then reversed and told the OHA to continue doing it.

They are two different departments, and these are different issues. But sometimes, government agencies can achieve things they at first say they cannot.



My Nickel's Worth

McPherson Douglass and LeGrand for Bend schools

As the mom of three children in Bend-La Pine Schools and a local pediatrician, I am writing to urge support for Carrie McPherson Douglass and Marcus LeGrand for the Bend-La Pine School Board election. They deserve your vote and will remain strong advocates for our children's education, health and well-being.

Carrie Douglass has been one of the most prominent community voices for safely resuming in-person instruction at the district schools. This is in line with the guidance of the American Academy of Pediatrics. She lobbied at the state level throughout the pandemic, including advocating for adjusting the metrics to allow kids to come back sooner to the classroom. (Please see letter published on Dec. 2, 2020, in Central Oregon Daily News for details). As soon as the governor allowed schools to reopen, under Carrie's leadership, we were one of the first large districts to reopen. Carrie is also great at listening to parents of differing viewpoints and has been very accessible throughout this stressful time.

Marcus LeGrand is an experienced educator and counselor and has worked in education for over 11 years in many capacities, ranging from academics to advising to college administration.

He has served in the Navy and is the father of 2 children. In 2018 and 2020, LeGrand received the Diversity Achievement Award from Central Oregon Community College for his longstanding commitment to com-

munity service. He will be an excellent addition to the Bend-La Pine School Board.

— Dr. Susan Méndez, Bend

Lawler for Deschutes Public Library Board

I have known and had the pleasure of working with Martha Lawler since we served together on the Deschutes Public Library Budget Committee. We also served together on the library board. Martha has been an active advocate for not only the patrons in Zone 3, but for all of Deschutes County. Her experience in helping the library move forward through recession and major changes to support the needs of the community during the transformation to the digital age has been top-notch. Martha studies the materials in order to keep abreast of new trends and needs. Our county has experienced a population increase at a rapid rate, and the library board has worked hard together to make the best decisions for the patrons. The pandemic presented a new set of challenges that involved difficult decisions.

The library staff has shown flexibility and quick reactions. The library board members have done an excellent job looking to the future, guiding and supporting staff decisions.

Martha has worked as a volunteer in the La Pine Library branch since 2004, before she served on the budget committee, and has led the library board as president. I urge you to vote for Martha Lawler so she can continue the great work she has been involved with while serving as De-

schutes Public Library district director of Zone 3.

— Susan B. Torassa, Redmond

Molon labe does not indicate extremism

On May 4, your front page had an article regarding an officer with the Bend Police Department who had a tag visible that displayed the words "molon labe." The history behind that term as you alluded in your article goes back centuries. The meaning was used in many instances between opposing forces who were telling their adversaries to come and take it — meaning to come and try to take their weapons. This term is very common and used frequently among those who support the Second Amendment. It is not a right-wing nor an extremist saying.

If someone got their feelings hurt (as so many "woke" folks seem to be these days), perhaps they should be thankful that those who are there to protect us are willing to ensure they give no quarter to those who would harm us. It is shameful and demoralizing to our men and women in blue to be so demeaned by the current trend to attack the police in such a way.

Instead of looking for all the reasons to attack police, perhaps you (whomever you are) should go on a ride-along and see for yourself just what is put on the line for you each and every day.

I know I speak for the majority of our citizens when I say thank you for the selfless service police perform every day.

— Owen Herzberg, Sisters

Letters policy

We welcome your letters. Letters should be limited to one issue, contain no more than 250 words and include the writer's signature, 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.

Guest columns

Your submissions should be between 550 and 650 words; they must be signed; and they must include the writer's phone number and address for verification. We edit submissions for brevity, grammar, taste and legal reasons. We reject those submitted elsewhere. Locally submitted columns alternate with national columnists and commentaries. Writers are limited to one letter or guest column every 30 days.

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

Write: My Nickel's Worth/Guest Column
P.O. Box 6020
Bend, OR 97708

Fax: 541-385-5804

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.

COVID eviction ban helped, but a judge was right to strike it down

BY NICHOLAS BAGLEY
Special to The Washington Post

On Tuesday, a Trump-appointed judge in Washington ruled that the Centers for Disease Control and Prevention exceeded its authority in placing a nationwide moratorium on certain residential evictions. It's the fifth time that a federal court has found that the order, set to expire at the end of June, is invalid, but this ruling is the most significant yet because it applies nationwide. The Biden administration has asked the judge to pause her decision while it makes an emergency appeal. But if she rebuffs that request, the CDC may no longer be able to prevent landlords from evicting tenants who fall behind on their rent.

Though the consequences would be harsh for many Americans, this isn't the story of a right-wing judge contorting the law in a politically

motivated effort to thwart a robust COVID-19 response.

Instead, the decision is a measured and sensible interpretation of the law empowering the CDC to act, one that respects the usual allocation of public health authority between the states and the federal government. While it's hard to blame the CDC for pulling out all the stops to mitigate the pain of the epidemic, it's also not a surprise that its efforts have encountered resistance in the courts. And this week's decision leaves the door open for Congress to pass a law that would grant the CDC or another agency the power to protect renters — hardly a sign of rank judicial activism.

The background of the law that the CDC has invoked to justify the moratorium, Section 361 of the Public Health Service Act, helps explain why the judge was skeptical that it gave the agency sweeping power over housing

policy. Originally adopted in 1944, Section 361 delegated power over certain public health measures to the surgeon general. (The CDC hadn't yet been created, though its predecessor, the Office of Malaria Control in War Areas, was hard at work.)

Today, the surgeon general is mainly known as the chief medical officer for the nation, but his military title reflects his historical role as the head of the Marine Hospital Service. Established shortly after the nation's founding, the hospital service started by establishing institutions to care for sick and disabled seamen. After a rash of devastating yellow fever epidemics in 1877, Congress assigned to the service quarantine-related responsibilities that had previously been left to the states, partly because marine hospitals were natural quarantine sites at seaports.

In the subsequent decades, the surgeon general's quarantine authority

grew in the face of communicable-disease threats. As it did, his job transformed into that of the chief public health officer for the federal government — which made him a natural delegate, in 1944, for the authorities under Section 361. The fact that quarantine was at the heart of the surgeon general's responsibilities also explains why Section 361 is found under the heading "Quarantine and Inspection."

Clearly, an eviction moratorium is neither a quarantine nor an inspection measure — a bit of legal awkwardness right out of the gate. Then again, Section 361 is pretty awkwardly worded. It starts big. The law says that the CDC "is authorized to make and enforce such regulations as in (its) judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases" from foreign countries or across state lines.

Taken literally, that's an extraordi-

narily broad mandate. Diseases don't respect state lines, so the best way to prevent "spread" from one state to another is often to stop the disease wherever it is found.

If the Biden administration can't stop the decision from taking effect, the consequences for families facing eviction would be serious. But the implications for Congress's authority over public health would probably be modest. Friedrich's decision still allows Congress to revisit an antiquated statute allocating public health authority between the federal government and the states. If Congress wants to grant the CDC or another federal agency broader powers to cope with the threat of contagious disease — including perhaps the authority to temporarily suspend residential evictions — it remains free to do so.

■ Nicholas Bagley is a professor of law at the University of Michigan.