

# Judge sides with Oregon, imposes injunction against Trump rule change

National injunction will prevent abortion-related changes from taking effect May 3

By Aubrey Wieber  
Oregon Capital Bureau

A U.S. District Court judge on Monday sided with Oregon to stop a Trump administration rule change on reproductive health care from going into effect.

The policy shift would have required clinics providing reproductive health care services to low-income people across the country to physically separate any abortion services, including discussions about abortions, from the rest of the clinic.

Judge Michael McShane gave a scathing critique in his written opinion, which imposes a nationwide injunction on the proposed rule change to the Title X program.

The change, proposed by the U.S. Department of Health and Human Services, would essentially result in such clinics having to build a separate building. It would force them to segregate things like electronic records.

“Given the chaos and incompetence at the federal level, it’s really key that states step up to protect our values and our citizens from federal policies that are designed to achieve short-term political gains,” Gov. Kate Brown said at a news conference Monday.

While the change was



Contributed photo/AFBF  
**President Donald Trump addresses the 100th Annual American Farm Bureau Federation Convention in New Orleans on Jan. 14.**

proposed at HHS, it is widely seen as a Trump-era policy shift to try to defund Planned Parenthood and limit abortion access. Planned Parenthood receives 40 percent of Title X funds.

“At best, the Final Rule is a solution in search of a problem,” McShane wrote in his opinion. “At worst, it is a ham-fisted approach to health policy that recklessly disregards the health outcomes of women, families and communities.”

Had McShane not ruled, the change would have gone into effect May 3. His ruling puts the change on pause while Oregon and other states sue over the policy change. The U.S. Department of Justice can appeal the decision.

Oregon sued HHS Director Alex Azar over the proposed change March 4.



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**Oregon Attorney General Ellen Rosenblum got a win April 23 when a federal judge ruled in her favor in a lawsuit over abortion rule changes.**

Washington, D.C., and 19 other states joined the lawsuit. Planned Parenthood and the American Medical Association filed a companion lawsuit and argued with Rosenblum’s team in court last week.

Lisa Gardner, CEO of Planned Parenthood of southwestern Oregon, said during the news conference that the Title X program provides services to 50,000 Oregonians and 4 million people nationwide.

“This decision from Judge McShane recognizes the incredibly harmful prospect of gagging medical providers and limiting their ability to provide full and accurate information to patients,” Gardner said.

Oregon has joined lawsuits against the Trump administration often over the past two years, but this

was the first suit Attorney General Ellen Rosenblum’s team led.

“Doctors and medical providers around the country who work in Title X clinics will not have to censor what they say to patients, or tell patients who ask for information about abortion that they are not able to provide them with that information,” Rosenblum said Monday.

Her attorneys argued for the injunction on April 23 in federal court in Portland. McShane ruled in favor of the injunction but said he was undecided on its scope. It could have been geographically narrowed or narrowed to just the plaintiffs, but in his Monday ruling, McShane said it’s a nationwide injunction.

Washington and California each filed their own law-

suits. Last week, a judge in Washington issued a nationwide injunction, and a judge in California issued a statewide injunction.

In court and in his opinion, McShane took repeated shots at the U.S. Department of Justice lawyers in their attempts to explain the rule change. He praised Rosenblum’s team for providing detailed motions based on data showing the repercussions of such a change. The federal lawyers said they felt it was legal.

“Without revealing what evidence, if any, helped shape its opinions, HHS essentially says, ‘Trust us, this will work out fine,’” McShane wrote.

McShane’s opinion was so biting that Rosenblum quoted him at length during Monday’s press conference.

The Title X program was

implemented in 1970 as a way to limit unwanted pregnancies. It provides funding for contraception, wellness exams, cervical cancer screenings, treatment for sexually transmitted diseases and more. It does not provide funding for abortions, and there is no evidence of the funding being misused in the program’s 50-year history, according to court documents.

“In the guise of ‘program integrity,’ the Gag Rule prevents doctors from behaving like informed professionals,” McShane wrote about the provision barring doctors from discussing abortion with patients. “It prevents counselors from providing comprehensive counseling. It prevents low-income women from making an informed and independent medical decision.”

McShane ruled that the rule change would be incredibly impactful, causing unwanted pregnancies, less cancer detection and fewer sexually transmitted infection screenings. Because services would dry up in some areas, it would also — ironically — lead to more abortions, he said.

“Should the Final Rule go into effect in mere days, the risk of irreparable damage to the health of women and communities is grave,” McShane wrote.

Brown, who was actively involved in the decision to take the lead on the lawsuit, said this kind of work is the reason she asked the legislature to approve \$2 million to fund lawsuits against the Trump administration. Those funds have yet to be approved.

# Committee’s vaccine bill approval provokes backlash

By Aubrey Wieber  
Oregon Capital Bureau

It doesn’t raise taxes, regulate industry or control guns, but in some ways a proposal to remove nonmedical exemptions for vaccines is the most controversial piece of legislation in the 2019 session.

House Bill 3063 has reliably turned up throngs of opposition in a way no others have. The \$100,000 the bill would cost to implement is its least controversial aspect. It’s created tense moments between constituents and lawmakers. In every public hearing since the bill was introduced, mothers opposing the bill have broken into tears.

If passed, HB 3063 would require children in public and private schools to be fully vaccinated. Parents who don’t want to vaccinate their child could homeschool them or enroll them in an online school.

On April 23, the controversial bill pulled between 1,000 and 2,000 people, depending on who you ask, to a rally on the Capitol steps.

“I have not seen that at this Capitol,” said three-term Rep. Cedrick Hayden, R-Roseburg. “I have seen groups that are of one party affiliation, but the melting pot of the peo-

ple there, politically, I haven’t seen.”

The bill is oddly bipartisan. There are bipartisan sponsors, and lawmakers from both parties have testified against it.

Last week, Sen. Chuck Thomsen, R-Hood River, spoke on the Senate floor on consecutive days in support of the legislation. In an interview, Thomsen said his wife and daughter are passionately in favor of HB 3063. He is a sponsor of the bill.

Thomsen said “anti-vaxxers” pay advertising firms thousands of dollars to flood his and others’ email inboxes. Opponents show up at the Capitol demanding to be heard.

He has spoken out on the Senate floor to keep the issue on peoples’ minds and let other lawmakers know there are two sides to this debate.

## ‘Established science’

For decades, Americans put faith in vaccines as they eradicated horrific diseases like polio and smallpox. But a 1998 study in the medical journal *The Lancet* claimed to link childhood vaccinations with a host of maladies, including autism. Even though that study fueled the rise of vaccination skepticism, a January 2011 article in the

British Medical Journal called the 1998 study “an elaborate fraud.” The *Lancet* retracted the article after British medical officials accused the authors of unethical behavior.

In today’s political climate, with government distrust and flush with conspiracy theories, vaccines have become a target of vigorous dissent and grassroots anger. State Sen. Rob Wagner, D-Tualatin, said issues dealing with constitutional interpretation or perceived government overreach are always controversial, but aside from some gun-control legislation, he hasn’t seen an issue stir this much public emotion and fervor this session. He called the debate “exceedingly emotionally charged.”

“It’s established science,” Wagner said. “The medical provider community is solidly behind it, and I do think that I am very proud to be a sponsor of the legislation.”

On April 24, the Joint Ways and Means Subcommittee on Health and Human Services passed HB 3063 out of committee on a party line vote.

The hearing room was packed. Witnesses spilled into the hallways and overflow rooms. They again talked about how important it is to pass or not pass the bill. After

repeatedly being told to not clap or cheer in past hearings, the crowd this time expressed agreement with testifiers by raising and fluttering their hands.

A school district administrator said the bill was “asinine.” A mother told the committee her child isn’t a “guinea pig” for them to inject with “toxic” chemicals.

Doctors testified about the rise in infant patients they care for because they have contracted vaccine-preventable diseases due to the declining rate of vaccinations in Oregon, limiting the effectiveness of herd immunity where enough people are vaccinated that it protects immunocompromised people from vaccine-preventable diseases.

The bill was sent before the full Ways and Means committee, where co-chair Sen. Elizabeth Steiner Hayward is one

of its largest supporters.

## Heated debates

It appears poised to find its way to the House floor.

Witnesses testifying in a handful of hearings during the past couple of months have said they felt this is an example of a tyrannical government and that lawmakers were being bought off by pharmaceutical companies. They have talked about injuries they believe their children have sustained from vaccines, and that the government would “forcibly inject” their children with “toxic chemicals.”

Doctors and public health officials have countered that, though in far lesser numbers, by saying vaccines are rigorously tested and the science behind them is strong.

Hours of debate, the rallies and the uncomfortable confrontations between lawmak-

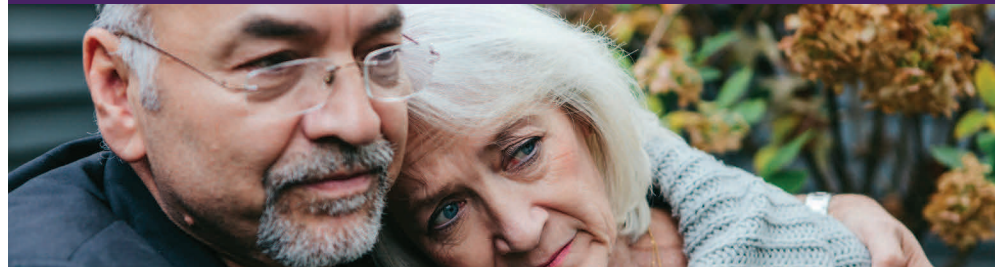
ers and constituents doesn’t appear to have moved the conversation. Before Wednesday’s vote, Sen. Dallas Heard, R-Roseburg, said the legislation was being driven by the most corrupt people in the country — the pharmaceutical industry — and shows the lack of respect government has for its citizens.

“This is probably the toughest bill I’ve had to speak on in terms of keeping my emotions under control,” Heard said before voting against the bill.

After the gavel hit, signaling another hurdle cleared for the controversial bill, people attending the hearing started to lash out. Some sat and cried. Others shouted at committee members. One group circled Heard to tell them how appreciative they were while others taunted lawmakers as they walked out, singing “election year” and “lawsuit.”

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The City of Dayville would like to thank all those who made our 6<sup>th</sup> Annual Bunny Hop 5K Race a great success. We are especially grateful to Emma Winkelman and her team for making this event happen.

Thank you, Emma—you are terrific! We also thank all of the participants for attending our Hop!

We are very appreciative to the businesses who so graciously donated prizes for our Bunny Hop. Thank you,

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We would also like to thank all the kids and their parents/grandparents who attended our Annual Easter Egg Hunt and all those who assisted with it. A very special thank you to McKeely Miller for her help with the pre-hunt work and also to Joe and Debbie Letosky for their generous candy donation.

Also thank you Marina Martin for the wonderful cut out photo-op board!

