

# **Would Jesus evict protesters? Eagle businessman asks legislators to consider the message proposed law sends**

By William L. Spence of the Tribune

BOISE - What would Jesus do?

That was Eagle businessman Russell Buschert's question during a Senate State Affairs Committee hearing Wednesday on a bill to prohibit camping on the Capitol Mall.

The legislation was prompted by the Occupy Boise encampment, which has been located across from the Statehouse since November.

"Do you really think if Jesus was in your chairs right now, he'd vote to evict these people?" Buschert asked. "Freedom of speech and the right to peacefully protest are incredibly precious rights. These people aren't holding riots. They're a shining beacon to people around the world. If you summarily kick them out, what message will you be sending?"

The anti-camping measure was approved in the House last week on a 54-16 vote. It includes an emergency clause, meaning it would take effect upon the governor's signature. It also authorizes state employees to "remove any unauthorized personal property" and dispose of it.

The Senate committee members balked at both provisions, citing constitutional concerns about unauthorized seizure of private property and testimony questioning the emergency nature of this issue.

Instead, they sent the bill to the amending order - a procedural move that gives lawmakers an opportunity to propose amendments that remove or modify any objectionable provisions.

Sen. Michelle Stennett, D-Ketchum, voted against that motion, saying she couldn't support the bill in any form. She noted the example of Maj. Gen. Smedley Butler, a two-time Medal of Honor winner and one of the most highly decorated Marines in U.S. history.

"He camped across from the U.S. Capitol to get veterans' grievances addressed after World War I," Stennett said. "If these were veterans across the way, airing grievances about benefits, or jobs, would this bill be before us today? Would you feel comfortable removing veterans?"

Sen. Jim Hammond, R-Coeur d'Alene, who sponsored the bill in the Senate, said he would.

"In my view, this bill doesn't silence anyone's voice," he said. "The voices of our citizens were heard today, they're heard regularly on the Capitol steps throughout the year, and they'll continue to be heard.

"But Occupy Boise isn't the issue. It doesn't matter what the group or cause is, no one should be able to seize public property for their own use. That's not the same as free speech. This bill seeks to close a loophole that allows the seizure of some public property."

Other than Hammond, only one person spoke in favor of the bill. Most speakers suggested the encampment was a symbol of hope.

"I want to let you know what that (encampment) is you're looking at," said Bob Blurton. "That's the office space of citizens who can't afford a shiny tower That's the beacon of freedom in a country that holds freedom as the ideal That's a constant reminder that all is not well in our society That's a place where the downtrodden find support and love and regain the strength to rise again That's the physical manifestation of liberty, freedom, justice and democracy."

Katie Fite said Idaho has a chance to show the rest of the world what true democratic and libertarian values look like.

"The Occupy Boise vigil represent people's right of free speech and assembly," she said. "Idaho should be proud of this, instead of trying to extinguish it Sadly, this bill tries to shoot the messenger."

Mike Despot, the former state facilities manager responsible for taking care of the Capitol Mall, noted nothing in state code prohibits the Occupy encampment.

"Since we aren't breaking the law, I ask that you not turn us into lawbreakers," he said. "Instead, work with us to explore a middle ground that might accommodate your needs as well as ours Idaho has never needed this (camping prohibition) in its 122-year history. Does the presence of a few tents require the full force of an immediate law?"

Former Boise Councilwoman Anne Hausrath said the emergency lawmakers should be addressing has nothing to do with Occupy Boise.

"There's a grave social emergency," she said. "Somehow we've allowed ourselves to become so polarized we see people with different views as the enemy. At Occupy Boise, we're attempting to address this. Our method is exactly what was envisioned by the framers of Idaho's Constitution: We've assembled in a peaceable manner, we consult for the common good, we're seeking to instruct our representatives."

Steve Walker said when he served as Idaho's state archivist, it was his responsibility to protect historical documents - including the Constitution of Idaho.

"I've been fortunate to handle each and every page," he said. "I've seen how carefully it was crafted. Where the U.S. Constitution had to be amended with the Bill of Rights, the Idaho Constitution puts the declaration of rights as Article 1. As you consider this bill, please be deliberative. Please consider the care that was put into the Idaho Constitution and consider all the consequences."

If the Senate amends the bill, it will return to the House. Lawmakers can either accept the amended bill or let it die.

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