

For openness, Statehouse lockdown worse in the longrun than Occupy Boise

By Wayne Hoffman

Tents don't have constitutional rights. It's funny to listen to the whine of the people who make up the Occupy Boise movement, who face eviction from the grounds of the old Ada County Courthouse. Let's be clear about what the Occupy people are doing and what they're not doing: They are defending the right of their tents to stay on the lawn of the old Ada County Courthouse as their symbol of protest.

But contrary to what they'd have you believe, the Occupiers are not engaged in a perpetual, constitutionally-protected assembly. Most days, the encampment is nothing more a collection of empty tents, vacated by the people who erected them. I won't speculate on where the Occupiers are when they abandon their campground. But most of the people who created the encampment are not there.

As such, nothing about House Bill 404 violates Occupy Boise's constitutional rights. But I will say this in defense of Occupy Boise: The group started its ramshackle encampment in compliance with the law. It followed the rules as they existed last fall. Idaho lawmakers shouldn't play the part of Darth Vader ("I am altering the deal; pray I don't alter it any further") with heavy-handed edicts.

An easier—and I'd say better—way to extract Occupy Boise is to make the group financially liable for their electricity usage and the damage that's being done to the lawn. And turn the sprinklers on come spring.

Some of the Legislature's activities this year, however, are harmful to our constitutional protections and to the highly-prized legislative process we have in our state.

Under our constitution, Idahoans have an unqualified right "to instruct their representatives, and to petition the Legislature for the redress of grievances." The recent decision by legislative leaders to lock the doors leading to House member office space is troubling and contrary to the vision of openness embodied by our state's founders and by the designers of the Capitol as it existed in 1919. Legislators used to roam and mingle with the citizenry. They had to. By architectural design, the only exit from the House and Senate chambers, prior the renovation and expansion, was through the Rotunda. Now, legislators can remain tucked away behind closed doors all day every day, never having to interact with the public. They can take the back stairs or elevator to their offices in the basement level and re-emerge in a committee hearing room without ever using the common areas where the real people hang out.

When the Statehouse reopened in 2010, I praised the new design. I was captivated by the many spacious hearing rooms, the auditorium for really large gatherings, the availability of Internet as well as audio and video feeds from all meetings. Those features remain a vast improvement over the old hearing rooms that overflowed with people. Not an improvement: individual offices for every legislator, the virtual

abandonment of the fourth floor of the Statehouse most days of the session and security measures designed to keep people out and away from the people they hired to represent them.

This legislative session, we're getting a taste of some of the security features of the new Statehouse. We're finding out that in this Capitol, it is painfully easy to activate door locks and restrict the public's access to senators and representatives. Once such features are activated, it's very difficult and often impossible to undo the trappings of security. Indeed, the tendency is to impose more of it.

Occupy Boise's long-term impact on state government will be almost nothing compared to the decision by legislators this year to use technology as a means to keep citizens away.