

OPINION



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CAPITAL CHATTER

Boquist decision leaves all unsatisfied

One of the strangest episodes in Oregon legislative history continues to unfold, now that Sen. Brian Boquist, R-Dallas, must give 12 hours notice before entering the Oregon Capitol so security can be beefed up.

The increased Oregon State Police presence is to reassure those lawmakers and staff who believe Boquist threatened violence against state police and legislators in remarks June 19 on the Senate floor and later to reporters.



DICK HUGHES

Those remarks, which I'll detail in a moment, were controversial, confrontational and — in the words of Senate Republican Leader Herman

Baertschiger Jr. — “not helpful” as tempers flared on both sides of the aisle.

But were Boquist's words threatening and dangerous?

Furthermore, should politicians make that determination? Democratic legislators, the news media and the Legislature's outside lawyer all referred to the remarks as “threats,” as if that were an accepted fact. However, on party-line votes, the Senate Special Committee on Conduct last week formally refused to categorize the comments as “threats.”

The committee did impose the 12-hour notification requirement on Boquist while the investigation continues.

A bit of background: Boquist, whose family has a small farm in Polk County, is a businessman and retired Army Special Forces officer. To say he speaks his mind would be an understatement. He doesn't always hew to the veneer of false congeniality expected of legislators during floor debates and committee meetings.

His colleagues find him difficult to categorize. A constitutional Republican, he has tussled with his own political party as well as with Democrats. He works across the aisle on major legislation, yet he has sued the Legislature before and is doing so again.

He might best be described as bright, outspoken, tenacious — and possessing a long memory.

This is not a clear-cut situation, and it illustrates legislators' struggles as they strive to meld standard business practices with a highly charged, partisan environment. In trying to make sense of what has happened, here are three questions to consider.

1. Did Boquist threaten Sen. Peter Courtney and Oregon State Police?

As one of the few folks who witnessed both incidents on June 19, I believe the answer necessitates a deeper look at the events.

Boquist's comments to Senate President Peter Courtney, D-Salem, occurred during the morning floor debate about Senate Bill 761, which limits the use of electronic signature gathering for ballot initiatives and referendums. The bill ultimately passed both the Senate and the House on almost party-line votes as a few Democrats joined the Republicans in opposition.

Democrats, who hold a supermajority in each chamber, claimed the bill would prevent signature fraud. Republicans countered that the real aim was to obstruct signature gathering for a referendum on the new business activities tax. Secretary of State Bev Clarno, a Republican, oversees elections and did not support the bill.

Last week, opponents of the business activities tax cited SB 761 among their reasons for dropping their referendum efforts.

Boquist has been aggressive in calling out Courtney, Senate Democrats and legislative management for actions he considers egregious and for his perceived failure to get questions answered. His public record requests have included



Claire Withycombe/Oregon Capital Bureau

State Sen. Brian Boquist, R-Dallas, on the Senate floor.

seeking specifics on how the Legislature paid the sexual harassment settlement that Courtney and House Speaker Tina Kotek, D-Portland, made through the state Bureau of Labor and Industries.

During the 2019 Legislature, Boquist was a prolific distributor of “floor letters” to his fellow senators. The morning of June 19, one floor letter was about the BOLI settlement funding, another was on pay equity in bonuses to legislative staff, and a third was on SB 761.

What happened that morning: Senate Majority Leader Ginny Burdick, D-Portland, introduced the Democratic version of SB 761. Boquist moved to substitute a Republican version. On a party-line vote, his motion failed and the Senate kept the Democratic version.

Then came the debate on the bill. “Once again, colleagues, let's cut the B.S.,” Boquist said, contending that SB 761 was an example of Democrats' changing the rules to achieve their aims.

He went on to say: “We are effectively in the midst of a political coup. Let me say that again. We're effectively in the midst of a political coup. And yes, I understand the threats from members of the majority that you want to arrest me, you want to put me in jail with the state police, and all that sort of stuff. You don't think we haven't heard it directly from you?”

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“And media and the press, happy to meet with you after noon and give the quotes. Happy to show you in the rules [if] one after the next have been violated.

“Let's not waste any time here. We're at the 11th hour. If you don't think these boots are for walking,” Boquist said, showing his booted foot, “you're flat wrong, Mr. President. And [if] you send the state police to get me, hell's coming to visit you personally.”

The Senate was utterly quiet for 10 seconds before Courtney somberly responded from the dais: “I understand that people are very upset right now about a lot of things. I would like the word ‘decorum’ to be thought about often. I think individuals can express their opinions in the strongest possible terms but in a way that recognizes the decorum of the Senate and also the individuals that we are all here together — we are all here together to do the same

thing — to do the best thing we can for the people of the state of Oregon.

“I ask that you please remember that when we're talking.”

“Senator Boquist, do you want to comment, because I'll recognize you.”

Boquist: “Yes, Mr. President, I apologize. To you personally. Thank you.”

Courtney: “Thank you, Your Honor.”

Boquist then turned to the rest of the Senate: “If any of you are offended, that's fine. I am fine with that. If any of you would like to hear the threats that have been personally made to me by your members, I'd be happy to explain that too. Thank you, Mr. President, we may continue.”

Courtney then asked senators to remember what he had said about decorum. Debate on the bill resumed.

The first reference to Boquist's comments constituting a threat came a few minutes later from Sen. Lew Frederick, D-Portland: “I am upset, outraged to hear an extraordinary comment in public — a threat against members of this chamber, against a member of this body and the body itself. ... What I heard just earlier was a threat, and the apology is not enough. That is the kind of thing that we simply cannot allow on the floor, in my view.”

Given the tense atmosphere that morning, Courtney called a two-hour recess

after the Senate passed SB 761. (The next day, Republican senators would begin their second boycott this year, depriving the Senate of the quorum needed to conduct business.)

The infamous TV interview: Good to his word, Boquist talked with reporters that afternoon. Interviewed by Pat Dooris on KGW-TV, Boquist said his comments were in response to Gov. Brown's “threats” — if Republican senators walked — that she would call a special legislative session to finish the state's business or use the state police to retrieve the senators.

He told Dooris: “Well, I'm quotable, so here's the quote. This is what I told the (state police) superintendent: Send bachelors and come heavily armed. I'm not going to be a political prisoner in the state of Oregon. It's just that simple.”

When I overheard that discussion, I had just finished interviewing Boquist at length in his office. He, like many of his

Democratic colleagues, understood the state police lacked the legal authority to pursue legislators without a court order first being issued. Rightly or wrongly, I interpreted his comment to KGW as hyperbole, a response to a hypothetical event he knew would never happen.

No one, including rank-and-file Democrats, would want the optics of police in America being used to round up opposition politicians. Thus, Brown and Courtney's desire to dispatch state police remains baffling.

2. Were some legislative staff members and lawmakers justified in being concerned?

Yes, if they thought so.

This is one of the inherent contradictions in this case. Regardless of what Boquist said, regardless of the context and regardless of his intentions, what matters is how individuals perceived his comments.

If people feel endangered, it is the Legislature's legal duty — indeed its ethical responsibility, which is an even higher duty — to act appropriately instead of brushing aside the concerns.

The speaker's intent is irrelevant. “This is about the effect on the recipients,” lawyer Brenda Baumgart of Stoel Rives told the Senate Conduct Committee.

Legislative leadership has a broad range of potential responses in such situations. Again, it would be irresponsible to simply tell people here was nothing to worry about — even if, as I believe, that were true in an objective sense. The comments might have triggered or reawakened traumatic responses for some individuals, and we outsiders have no right to judge them.

In a June 25 memo to legislative management about the incidents, Baumgart wrote: “Senator Boquist's statements are public and irrefutable. On their face, they constitute credible threats of violence directed at the Senate President and the Oregon State Police. These threats of violence directly have caused Members and Branch employees to report concerns, including for the safety and well-being of themselves and others and that they have been subjected to an intimidating and/or hostile work environment. Reports are that people are fearful and scared to come to work. These reports are credible.”

Hence the subsequent requirement that Boquist provide advance notice of being in the Capitol, as he has done.

Baumgart did not interview Boquist. She said she based her conclusions on viewing the June 19 statements, adding that there had been other concerns about his behavior.

As someone who is not an expert on threat assessment or on employment law and procedures, I was left wondering whether context matters, and how similarly — or dissimilarly — the political and private workplaces should operate.

Inappropriate behavior is enabled by an imbalance in power between individuals. That is the billion-dollar question in the Oregon Capitol as legislators strive to create a respectful workplace and end inappropriate behavior. In politics, those in power want to keep it, which puts others in a potentially subservient situation — politically and personally. Actually changing the Capitol culture will require undoing that power dynamic, and I don't have a sense that legislators are willing to do so.

3. Was Boquist's quasi-banishment from the Oregon Capitol appropriate?

Good question, but I don't have the answer.

All I can say is that it might have been the best resolution under the circumstances — a Solomonic decision that leaves all sides unsatisfied.

Dick Hughes, who writes the Capital Chatter column, has been covering the Oregon political scene since 1976.

LETTERS TO THE EDITOR

Praiseworthy decision

The Clatsop County Commission's decision to ask the Astoria district forester to reevaluate the plan to clearcut Norriston Heights, 70 acres near the Hug Point State Park, is praiseworthy. Not only is there danger of erosion and landslides on portions of the parcel, it is adjacent to a grove containing the state's largest cedar tree, and is the watershed for local communities whose wells are fed by runoff from the proposed clearcut.

Commissioner Mark Kujala opposed the decision, saying “I think you can have forest management and ... healthy watersheds” (“County commission weighs in on timber sale,” The Astorian, July 19). The

statement is meaningless in light of the current Oregon Forest Practices Act, which allowed years of Oregon coastal stream pollution, caused by logging, that ultimately cost Oregon over \$1 million in federal grants.

Apparently Oregon Department of Forestry chief forester, Peter Daugherty, didn't get the memo about the lost grant money, or the community uprising over water pollution in Rockaway Beach, which had 90 percent of its watershed clearcut in the past decade. In legislative committee earlier this year, Daugherty stated that the Oregon Forest Practices Act provided adequate water protection.

Think twice about Commissioner Kujala's other comment that the ODF “has had

their process,” implying the process guarantees the environmental impact of the Norriston Heights clearcut has been fully vetted. Remember, ODF relies on selling timber rights on our public lands for a significant portion of their funding. Until that situation is changed, how can they objectively evaluate the impact of their timber sales?

ROGER DORBAND
Astoria

Need senior housing

I salute Walt Postlewait for taking a lead in attempting to help solve the housing crisis in our beautiful area (“Apartment proj-

ect near Astoria Riverwalk lands design approval,” The Astorian, July 11). The working families certainly need a decent and affordable place to live.

Since he is planning the NorthPost apartment complex of buildings in East Astoria, would he seriously consider creating at least one building for age 55-plus residents?

Senior citizens do not always require assisted living. They just need a safe, quiet and reasonably priced apartment — a one or two bedroom, one or two bath, step-in shower and an elevator. Currently senior living areas are very scarce.

Often there is a two- to three-year wait to be accepted. Time is precious at our age.

BERNADINE THOMAS
Warrenton