

Finding that ‘words have consequences,’ judge throws out Sen. Brian Boquist’s lawsuit

The lawsuit related to the walkout of GOP Senators last session alleged that Senate President Peter Courtney and others violated Boquist’s rights



Oregon Capital Bureau file photo

A federal judge has dismissed a lawsuit brought by state Sen. Brian Boquist, R-Dallas, that accused Senate President Peter Courtney and others of abuse of power and attempting to silence him.

By Jake Thomas
Oregon Capital Bureau

A federal judge compared state Sen. Brian Boquist to the actor Clint Eastwood and a playground bully Jan. 7 in dismissing the Dallas Republican’s claims that Senate President Peter Courtney and others attempted to silence him and otherwise abused their power.

Boquist, representing himself, sued in July after last year’s contentious legislative session. He acted after the bipartisan Senate Special Committee on Conduct unanimously decided that the senator would have to give 12-hour notice to

Oregon State Police before entering the Capitol building over comments he made that were perceived to be threatening.

During the legislative session, Boquist was one of 11 Republican state senators who walked out of the Senate to deny majority Democrats a quorum needed to pass a controversial carbon bill. Gov. Kate Brown said she would use her constitutional authority to send state police to bring the Republicans back.

In response, Boquist addressed Courtney during a Senate session: “If you send the state police to get me, hell’s coming to visit you personally.”

Later that day, he told a KGW reporter that if police come to get him they’d better “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.”

Boquist’s comments drew national attention, and a private attorney hired by legislative leaders recommended he not be allowed back in the Capitol because he was perceived by employees as a threat.

Boquist claimed in his federal complaint that his First Amendment rights were violated and that his

remarks regarding “hell” were religious.

However, U.S. District Court Judge Michael McShane found otherwise.

“These statements, apart and together, resonate more as threats than the expression of theological ideas,” McShane wrote in his Jan. 7 order.

In withering terms, McShane wrote that Boquist’s words were “those of a bully on the playground” and that the senator had been disciplined for perceived threats, not political viewpoints. The judge said Boquist “seems to overlook the fact that he sounds more like a character out of a Clint Eastwood movie than he does Mother Teresa.”

McShane added, “Words, it turns out, sometimes have consequences.”

Besides Courtney, Boquist sued state Sens. James Manning and Floyd Prozanski, Democratic members of the Senate conduct committee, legislative staffers and the private attor-

ney hired to investigate his conduct.

Boquist claimed in his complaint that the defendants conspired to block his access to the Capitol and denied his access to “ongoing secret political investigations.” He also likened the call to arrest fleeing Republican legislators to fascist Germany and the Soviet Union.

His lawsuit asked the judge to acknowledge that his rights had been violated and for unfettered access to the Capitol, recognition of senators’ rights to free speech and due process. He also asked for court fees and costs.

McShane dismissed the claims against legislative employees and the outside attorney, writing that they were “only tangentially involved.”

The judge found that Boquist failed to make the case that a secret investigation violated his rights. The judge also disagreed that Boquist had been denied due process noting that the senator hadn’t been arrested and the fine was returned. Finally, McShane wrote that Boquist cited a federal law concerning Native American tribes for his claims of abuse of office, which didn’t apply.

McShane dismissed the case “with prejudice,” meaning it can’t be refilled.

Courtney’s office declined to comment.

Boquist has a separate case pending in Marion County Circuit Court over a dispute over state records he said he has been denied.

Boquist said that he was reviewing the judge’s order and was considering submitting his claims as a tort against the state.

“We will wait and see,” he said.

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