



C. L. "BUTCH" OTTER
GOVERNOR

May 22, 2009

Ryan Davidson
121 E. 36th Street
Garden City, ID 83714

VIA U.S. MAIL & EMAIL

RE: Petition for Redress of Grievances

Dear Ryan,

I have reviewed the petition and appreciate the opportunity to respond.

I believe in and support all the rights guaranteed under the U.S. Constitution, Bill of Rights and Idaho Constitution. I have championed these rights throughout my political career, standing against government intrusion and abuse. I understand the importance of freedom and the value every Idahoan places on liberty. I knew this in Congress when I voted against the USA PATRIOT Act, and I know it today as your Governor.

I have thought about Chris and his situation. I understand his frustration. One of the most frustrating aspects of being Governor is not being able to help a constituent resolve their problem. However, it never is due to a lack of effort.

I have met with Chris numerous times. My staff has met with him on many occasions, and unfortunately the answer is still the same—there is nothing I can do to help him resolve his issues with Boise State University. While the Constitution guarantees the right of the people to petition their government for the redress of grievances, it does not guarantee you will always get the answer you want.

That being said, I have considered the judge's sentence in the case and determined Chris is welcome to contact or visit the Office of the Governor just as any other individual. As for other state agencies and the Legislature, he will have to resolve any issues with them individually.

I understand your concern over the application of Idaho's trespass law to public property; however, Courts in Idaho, including the Idaho Supreme Court are responsible for interpreting the law and have not distinguished between private and public property. These interpretations are controlling until such time as the judiciary reverses these decisions or the Legislature addresses the issue.

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We are a nation of laws. As such, I believe the Legislature is the proper forum to address your concerns with the trespass statute. The legislative process is the only way to ensure the changes you are proposing last, since an executive order cannot "interpret the law" and is only effective for four years.

To that end, any effort to amend Idaho Code 18-7008 should take into account the diversity of public property and the safety of those working or visiting these areas. While I am entrusted with upholding the laws of Idaho, I also am responsible for the safety and welfare of 25,274 state employees and numerous visitors. I believe balance is possible.

I'm sure you understand that, under the law, I cannot pardon Chris because he received a withheld judgment and was not actually convicted of a crime. I have the power to issue pardons, pursuant to the Idaho Constitution and state law, in all cases of *convictions* for offenses against the state. I understand if Chris successfully completes his 30-day probationary period he will have no criminal record associated with the citation for trespassing.

Despite your request, I will not implement a policy requiring government officials to record all interactions between themselves and the public. It is unclear who would pay for recording the numerous interactions that a public official may have with the public on any given day. It is unrealistic to believe that a public official would record every encounter with the public, including casual conversations on the street with a constituent. Such a policy would increase the costs of government and hinder individuals from accessing public officials.

I am committed, however, to promulgating a formal policy for the Office of the Governor to outline when it is appropriate to remove an individual from the office and the future actions associated with such removal. This policy will be consistent with the Idaho Constitution and U.S. Constitution to ensure the rights of everyone involved are protected. I will work with the Idaho State Police to develop and implement this policy before July 1, 2009. I also will encourage state agencies, constitutional officers and other branches of government to develop similar policies if they have not already.

As Always – Idaho, "Esto Perpetua"



C.L. "Butch" Otter
Governor of Idaho