

The Idaho Statesman

Boise, ID

December 13, 2007

Article

Craig's land rights amendment to farm bill delights supporters

Senator snags right to amend ag legislation by being at the head of the line.

By Erica Bolstad

WASHINGTON - It may be an unintentional thank you, but U.S. Sen. Larry Craig has offered land rights legislation that has delighted some of his strongest supporters: the group that boycotted the Minneapolis-St. Paul airport after the Republican senator was arrested there in a sex sting.

Craig, along with two other Republican senators, filed an amendment to the latest farm bill that would deter local and state governments from using "eminent domain" to condemn active agriculture land owned by private property owners and turn it into parks, conservation land or open space.

"I had nothing to do with this amendment, but I'm thrilled with it," said Chuck Cushman, president of the American Land Rights Network.

Cushman said the amendment is designed to rein in local government and "not intended to stop the functioning of government. The government has to have the right to put in roads and schools."

It's not clear what chance of success Craig's amendment - or any of the amendments - have. Craig's fellow Idaho Republican, Sen. Mike Crapo, spoke at length Tuesday about how senators should avoid amendments to the farm bill, a carefully crafted compromise. Senators spent all day on amendments, and debate was expected to continue Thursday.

The U.S. Constitution allows governments to take private property for a public purpose, even over the objections of the property owner. The process, known as condemnation, must be for a public use and the owner must be "justly compensated."

Many states enacted new eminent domain laws after the Supreme Court held two years ago that a city in Connecticut could take private property to benefit commercial development. In a similar vein, Idaho voters last year rejected a ballot initiative that would have required governments to pay landowners when land use and zoning laws reduced the value of their property.

Craig said this week on the Senate floor that his proposal does not prevent states and local governments from using eminent domain for "what we have always viewed as a legitimate public purpose: power lines, schools, and similar projects of public value. Rights of ways, when necessary for roads."

"Many of our parks in this country are facing major budgetary shortfalls," Craig said. "To unnecessarily add more parks using eminent domain makes the problem worse. And to take private land simply makes no sense. If a city wants to create a park, go find a willing seller and a willing buyer."

Craig's amendment says that any state or local government that chose to use eminent domain for parks would be cut off from any

federal funding for five years - which many environmentalists say would not pass constitutional muster.

Glenn Sugameli, senior legislative counsel for the environmental group Earthjustice, said conservationists believe parks have a public purpose and that eminent domain may in some cases be the best way to acquire land for them.

"The Craig amendment is draconian, unjustifiable, unconstitutional, incredibly unrealistic, inflexible and unfair, an unbelievable assault on state and local governments, an outrageous limitation on federal government authority, and an arbitrary attempt to deny the ability to create public parks for public uses," he said.

Craig tacked the amendment to the \$288 billion farm bill, which pays for crop subsidies to farmers, food stamps and nutrition programs.

The bill's passage in the Senate has been problematic this year because lawmakers wanted to add hundreds of amendments to it. So Senate Majority Leader Harry Reid, D-Nev., allowed both parties to offer up 20 amendments, for a total of 40.

Republicans took amendments in a first-come-first-served process. Craig nabbed one of the GOP slots simply by being at the head of the line.

Cushman sent out an alert Tuesday on Craig's bill, urging his members to support it. Cushman has long been a friend of Craig's. He called the airport boycott after news broke that Craig was arrested by an undercover police officer investigating complaints of lewd behavior in the men's room.

Craig, who pleaded guilty to misdemeanor disorderly conduct, is trying to withdraw his plea in a Minnesota court.

Cushman said Craig's support of the amendment had no connection to the airport boycott.

"The practical reality is the perception of doing favors is not good," Cushman said. "... Just because of what we did last summer, we don't have any unique access there."

Fourteen environmental groups oppose Craig's proposal. The League of Conservation Voters told senators that it will consider using votes on farm bill amendments in its annual scorecard on environmental legislation. In the last session of Congress, Craig voted with the league just 4 percent of the time.