

John Ashcroft's intolerance (contd)  
In defence of elderly hippies

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**The Justice Department doesn't seem to know when to stop**

Brett Bursey will be back in court again, fighting the forces of reaction, on June 24<sup>th</sup>. The veteran protester was arrested last October for trespassing at the Columbia Metropolitan Airport as he held a sign ("No War for Oil") while waiting for George Bush to arrive.

This was not a new experience for him. Thirty-three years earlier, at almost the same spot, Mr. Bursey was tossed in the paddy wagon for holding a sign that criticized another war (Vietnam) while waiting for another Republican president (Richard Nixon) to show up.

The 1969 case against Mr. Bursey was dropped when the South Carolina Supreme Court ruled that anti-war demonstrators could not be charged with trespassing if they were on public property. Shortly after his most recent arrest, the trespassing charge against Mr. Bursey was also dropped. But in March, the local U.S. attorney, Strom Thurmond junior, suddenly brought federal charges against Mr. Bursey under a little-known law that allows the Secret Service to restrict access to areas the president is visiting.

Mr. Bursey's trial will take place in the new courthouse in Columbia, named after the now 100-year-old Strom Thurmond senior (who, as it happens, helped his son get his current job.) If convicted, Mr. Bursey, who is 54, faces six months in jail and a \$5,000 fine. Yet a growing number of liberal sorts seem to think that the real issue is the intolerance of John Ashcroft's Justice Department – and, in particular, its intention to start using the rare Secret Service law to get rid of protesters.

Last month, 11 members of Congress, including one Republican and several members of the House Judiciary and Homeland Security committees, sent a letter to Mr. Ashcroft urging him to drop charges against Mr. Bursey. They insisted "no plausible argument can be made that Mr. Bursey was threatening the president by holding a sign which the president found politically offensive."

Indeed, it is extremely hard to see why Mr. Thurmond has picked on Mr. Bursey out of all the people in the Secret Service zone. None of the other protesters with him was arrested. Neither were any of the several hundred supporters of the president who were holding equally dangerous (but pro-Bush) signs as they stood near the hangar where the president was to speak.

The prosecutors say that Mr. Bursey was not in a special "free-speech zone" that was set up for protesters half a mile from the hangar. The pro-Bush people did not need to be there because they were not protesting. Mr. Bursey told the cops, defiantly, that he was under the impression that the whole of America was a free-speech zone.

Bill Nettles, Mr. Bursey's lawyer, claims that the case is being driven not by the young Mr. Thurmond but by higher-ups in Washington, who want a new way to stifle dissent. "This is the type

of small-brained decision that could only have been made by bureaucrats inside the Beltway,” says the lanky Mr. Nettles. Mr. Thurmond’s office declines to discuss the case. A spokesman says the office is aware of the letter from the 11 congressmen, but “unless we get a directive from Attorney-General Ashcroft’s office telling us to drop or settle the case, we shall proceed.”

Mr. Bursey’s supporters note that Mr. Ashcroft’s men have decided to test their anti-protester law in a conservative stronghold, where the armed forces tend to be viewed more generously than elderly hippies and where the case will be heard by a judge without a jury. It is easy to see how Mr. Ashcroft might not warm to Mr. Bursey, who heads a “progressive network” of liberal organizations, used to edit an alternative newspaper against, among other things, American war policy, nuclear power, racism and the Confederate flag.

In his various causes, both noble and foolish, Mr. Bursey has been arrested dozens of times. Three decades ago he spent nearly two years in prison for spraying anti-war slogans on government property during the Vietnam War. Whether he deserves to go to prison next week for waving a sign is another matter entirely.