

Just do it again and again and again

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Just do it again and again and again Marty Trillhaase The Lewiston Tribune

Say one thing for Idaho's Supreme Court.

It reads the laws.

Funny how nobody else does.

Case in point: the Idaho Redistricting Commission.

After burning through 92 days and consuming more than \$300,000 of your tax money, the commission's three Republicans and three Democrats last week deadlocked. The deadline for realigning Idaho's two congressional districts and 35 legislative districts with population changes came and went Sept. 6 without a plan.

Easily enough remedied, so the theory went. Bring in the Supreme Court. A decade ago, the court rejected redistricting commission plans until the panel got it right. Just do it again. Have the court clarify some of the technical disputes, give the commissioners guidance and send them back to work.

Secretary of State Ben Ysursa filed a lawsuit asking the court to give the panel another 90 days.

Republican commissioners Evan Frasure of Pocatello, Lou Esposito of Eagle and Lorna Finman of Rathdrum went one better - asking the court to give them three days and weigh in on some of the plans they favored.

Then the would-be referee refused. Channeling Donald Trump, the court informed the six commissioners: "You're fired!"

Having failed to produce a plan within the allotted time, the Supreme Court reminded the commission it was out of business. Then it looked up a 2009 Republican-passed statute. Thanks to an unnoticed provision of that law, none of the six commissioners can be reappointed.

Ever.

Who knew?

Not Ysursa, who last month tried to nudge the panel along with his plan to file suit. Imagine the outcome if Ysursa or someone else had pointed out the consequences of failure while the commissioners still had time to act.

"I think it's the law of unintended consequences," he said Monday.

Not Frasure, the guru of Idaho redistricting. As a state senator, he guided the 1992 process when lawmakers still controlled it. In 2002, he was such a common fixture that some wondered if Republican Kristi Sellers of Chubbuck was his surrogate. This time, he co-chaired the commission.

Nor most of the Republican and Democratic leaders responsible for appointing this group, many of whom seemed to welcome a court intervention. Nor the media - editorial writers included - and the academics who tracked the process.

All of whom were relying on their memories and essentially fighting the last war. The strategy went like this: Don't cut a crummy deal. Wear the other side down. Stalemate is your ally.

Wrong. Apparently, the only way to stay in business is for the commission to reach some agreement, if for no other reason than to remain viable in the courts.

Instead, the six members will go down in history as failures. For them, there will be no second chance.

GOP and Democratic leaders will name a replacement commission. For this panel, time and money will be scarce. Its predecessor already depleted most of its budget. The primary election is less than nine months away.

But this new group has two elements working in its favor:

- Awareness that it must bridge partisan differences to avoid a second failure. No court will rescue it.
- A reasonable dose of humility. - M.T.