

Lobbyists play on fears, emotions to sell their agendas

William L. Spence/Lewiston Tribune

BOISE - Former state senator Gary Schroeder of Moscow may have been the first to share with me the old saying about laws and sausages.

I can't quote it exactly, but it's something about "two things you never want to watch being made are laws and sausages" - the point being that the process of crafting bills can sometimes be messy and unappetizing.

I've heard other legislators make similar remarks over the years, but I'm not sure it captures the true flavor of this place. Rather than a sausage factory, the Statehouse is more like a dealer's showroom: It's less a place where things are made than a place where things are sold.

And like any good salesman, lobbyists know how to play on their customers' psychological vulnerabilities.

The Idaho Farm Bureau Federation, for example, has done an outstanding job selling its initiative bill as a "rural fairness" issue.

Currently, signatures from 6 percent of registered voters statewide are needed to qualify an initiative or referendum for the ballot. That has proven to be a very high bar, as only 35 measures have qualified in the past 77 years; in the past 15 years, the success rate has been about one-in-seven.

Nevertheless, by dangling fears of an urban-liberal ballot hijacking, the Farm Bureau may well succeed in imposing a new geographic hurdle, one that requires the 6 percent threshold to be met in 18 of Idaho's 35 legislative districts.

"It would take just over 21 percent of registered voters in Ada County to get to 6 percent statewide," noted Farm Bureau lobbyist Russ Hendricks. "If you add in Canyon County, just over 15 percent of voters in the two counties would be able to qualify a ballot measure."

This skillful, if misleading, sales pitch proved quite potent. Even the opponents bought into it - they spent their time arguing whether the bill would hurt rural or urban voters the most, rather than focusing on the real issue, which is that it makes it harder for all Idahoans to use the initiative process.

Tapping into the Legislature's rural inferiority complex helped steer the debate down irrelevant byways and allowed the Farm Bureau to avoid the fundamental question: Why? Why do we need higher hurdles for citizen participation? Why should everyone in the state face tighter ballot restrictions if, as it appears, this bill is merely one special interest group's attempt to forestall animal rights activism?

Whatever one thinks of the Farm Bureau's tactics, its sales campaign has been spectacularly effective. Despite near-unanimous opposition in public hearings, the bill is one step away from the governor's desk.

Another great way to sell a bill is to pitch it as a state-versus-federal issue.

That's what happened with the public lands transfer resolutions Tuesday, when the House State Affairs Committee seemed incredulous that anyone might find federal practices superior to the state's.

"Are you saying you have absolutely no faith in Idaho being able to take care of these public lands?" the committee chairman, Rep. Tom Loertscher, R-Iona, asked of one speaker.

The benefits of state ownership is certainly a worthy topic, but it diverts attention from a more fundamental issue: What if this effort opens the door to public lands being sold to the highest bidder?

That question didn't come up Tuesday, but in February the resolution sponsor, Rep. Lawrence Denney, R-Midvale, acknowledged it was a possibility.

Both resolutions are based on the idea that the federal government has "duty to dispose," a contractual obligation to divest itself of its public lands, rather than hold them in perpetuity.

"The duty to dispose doesn't say (these lands) have to be transferred to the state," Denney said. "The original charge was to dispose of them for the common good."

Although he and others say there is a legal argument for transferring the lands to the state, rather than simply selling them, that isn't a primary focus of the legislation.

The main resolution, for example, calls on the government to hand over title to the state. It includes 60 "whereas" clauses that lay out the case for the transfer. Of those, 31 deal with the government's duty to dispose, citing the U.S. and Idaho constitutions, the Idaho Admissions Act, five Supreme Court cases, two congressional resolutions, the 1787 Northwest Ordinance, the 1934 Taylor Grazing Act and an 1833 pocket veto message from President Andrew Jackson.

Only three clauses, by contrast, speak directly to why title should be transferred to the state, and they don't cite any judicial or legislative authority.

Sausage-making can be a messy process to behold, but watching the way things get done around here, a wiser precaution might be "caveat emptor" - let the buyer beware.

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