

When facts get contrary, buy some new ones

Marty Trillhaase/Lewiston Tribune

Idaho's federal lands task force has gone rogue.

What was your first clue?

When it ignored the costs of acquiring U.S. Forest Service, Bureau of Land Management and other federal holdings within the Gem State? At Congressman Mike Simpson's request, the impartial Congressional Research Service looked into the issue and concluded the state would spend anywhere from \$392 million to \$500 million managing those lands and putting out fires.

When this group of legislative fact-finders disregarded the opposition of Idaho's Indian tribal leaders, whose treaties with the federal government could easily block any transfer?

Was it when the panel plugged its ears at the advice of timber business leaders, who said the solution to their problems was on Capitol Hill, not the courts?

Not necessarily.

The first sign came nearly a year ago when Deputy Attorney General Steve Strack told the panel there was virtually no chance a lawsuit would compel the federal government to surrender its holdings to the state.

It hadn't happened in 19 decades and wasn't about to because the U.S. Constitution stood in the way.

For that matter, so did the Idaho Constitution. Strack's boss, Lawrence Wasden, noted some pesky language in Idaho's charter about how the people "do agree and declare that we forever disclaim all right and title" to the federal lands.

In other words, if Idaho truly intends to obtain the vast federal tracts within its borders, it must get Congress to go along - a daunting prospect.

But the task force was in no mood to wait. Instead, the panel got itself a lawyer - one who presumably will tell its members what they want to hear.

It hired Boise attorney William Myers III, who served as chief legal officer at the Department of Interior during the George W. Bush administration. At one point, Myers was headed toward the 9th U.S. Circuit Court of Appeals until Senate Democrats filibustered the nomination, arguing he was anti-environment.

Myers' fee is not coming from the \$10,000 yearly account set up to support the task force. Instead, lawmakers allocated \$200,000 for a Legislative Legal Defense Fund - to be allocated at

the discretion of House Speaker Scott Bedke, R-Oakley, and Senate President Pro Tem Brent Hill, R-Rexburg. Lawmakers approved that fund in 2012, a year after they rejected Rep. Vito Barbieri's plan to set up a legislative counsel office to deliver the kind of lawmaker-friendly opinions Wasden's shop would not.

But the first time many people heard about this was when the task force's co-chairman, Sen. Chuck Winder, R-Boise, testified before the Montana Environmental Quality Council at Helena:

"We've hired legal counsel from outside of state government primarily because we didn't feel as the Legislature that we were getting the help that we needed from the attorney general's office, once they determined the legal prospects of the case against the federal government on this didn't have much merit," Winder told the Montana audience earlier this month. "They didn't give us a whole lot of imagination or creativity on what the political solutions might be. So we've gone to an expert attorney, Bill Myers with Holland and Hart in Boise, to use his background and expertise to help us with this process."

Makes you wonder what this crew might come up with next, doesn't it?

If Winder - and his co-chairman, Rep. Lawrence (Boss) Denney, R-Midvale - don't like the CRS report, do they shell out a bunch of bucks hiring their own economists?

If they don't like what Idaho Indian tribal leaders have to say, do they hire alternative voices from other tribes elsewhere - if they can find them?

How about business leaders? Presumably they will find some who prefer toiling in the courts.

None of this is going to harvest one tree or create one job in the forests. But the lawyers, lobbyists and expert witnesses will make a buck or two. - M.T.