

THE CARLSON CHRONICLE

An “October Surprise”

Governor C.L. “Butch” Otter conveys an image of serenity and certainty as he goes from political events like the “God and Country” rally held in Nampa to the 4th of July parade in Idaho Falls where he and wife Lori, dressed in matching outfits, display their horsemanship skills.

Beneath that façade of confidence that Idahoans will still reward his lackluster record by electing him to a third term there has to be a heart full of anxiety that the chickens will come home to roost regarding his disastrous venture into the private management of a state prison facility. A worst case scenario that some Democrats pine for is if not Butch, several people close to him may be charged with obstruction of justice before the November election.

In political parlance it is called an “October surprise”----an event that breaks into the news just before the voters cast ballots. Overnight it can change the electoral dynamic. Often campaigns will try to inoculate themselves against such events with pre-emptive statements to the media that their desperate opponent may launch a baseless “October surprise” charge that the media should disregard.

It is a completely different matter, though, if it is the Federal government through a U.S. Attorneys’ office, that brings charges before an election and that is what Governor Otter may be sweating. Much as the Governor wants folks to think he is on cruise control to re-election, there are many folks deeply troubled by how badly the Governor’s signature trademark venture into private management of a traditional public function, the management of state prisons, has been bungled.

What the public does know is damning enough. Start with the fact that on July 1st the state took back over management of the prison outside of Boise constructed and managed by Corrections Corporation of America. Throw into the mix that credible evidence came out that CCA was billing the State for work never performed but no one knows just how much because the Governor announced a million dollar settlement with CCA that closed the books.

Some believe this was a thinly disguised effort to stymie any further release of other embarrassing information indicating further negligence by the state to conduct any responsible oversight.

Add to the mix that a member of the Idaho State Police and one who reports directly to the governor, led the media, whether willfully or unintentionally is not clear, to believe that the ISP was conducting a state investigation into CCA and its handling of the state contract (Worth reportedly about \$30 million annually). A year later when a reporter asked for the report or its status the official revealed no investigation had ever been conducted.

Throw into the mix also that Governor Otter is reportedly the single largest recipient of campaign donations to any state governor in states where CCA conducts its business, and then add that the chief lobbyist for CCA is a former Otter chief of staff. One has the ingredients for a real stew.

Of course, asking the FBI or even U.S. Attorney Wendy Olson to look into what has been up to now a state contractual dispute may reflect the Democrats' frustration. But who knows if the feds can establish jurisdiction in this case? They'd have to look first.

The federal government could have a compelling interest here. Of every dollar CCA earns, 43 cents comes from the U.S. Bureau of Prisons, the U.S. Marshals Service and U.S. Immigration and Customs Enforcement. Wouldn't the feds want to know if CCA's behavior in Idaho was part of a pattern that extends to the company's facilities that house federal inmates? Besides, it doesn't appear to be a complicated case. All the FBI need do is pick up a copy of the KPMG audit, review the public record and then assemble CCA's employees in one room.

Ask each one of them a simple question: Would you prefer to be a witness - or a defendant?

More than one U.S. attorney has made his or her reputation by bringing down a holder of high public office. Investigations are never announced and seldom confirmed until and unless charges are actually brought.

If there is an investigation of the Governor or his office another key question is "what did he know and when did he know it" and then "what did he do with the knowledge." It is entirely possible an astute but overly protective

member of the governor's staff could easily have kept the governor in the dark which would allow so-called "plausible deniability."

Nonetheless, even if charges are brought which cannot establish a direct tie to the governor, it still will all have transpired on Otter's watch and he can expect the voters to hold him accountable.

A final key question is would Idaho's U.S. Attorney, Wendy Olson, bring the charges before the election or wait until after? To bring charges before would invite a charge by the governor's supporters that the Department of Justice, run by a key confidant of President Obama, was meddling in Idaho's politics.

It would, however, be a disservice to the voters of Idaho if Justice were to sit on any kind of indictment, if one is indeed in the offing, until after the election. And if no charges are ever brought we will never know.

One suspects though that until the November election day has come and gone, Butch Otter will not be riding either easy or tall in his saddle. We shall see whether there is or is not an October surprise---that is for sure.