

With his lawyers, Otter has money to burn

Marty Trillaasae/Lewiston Tribune

Throughout his four-decade public career, Idaho Gov. C.L. "Butch" Otter has cornered the rhetorical market about being frugal with the taxpayer's money.

In his 2009 State of the State presentation, he touted a "state government that understands its intended role in people's lives and - first and foremost - a government that understands how to live within the people's means."

Two years later, his second inaugural address included this phrase: "Frugality in the public sector should not be seen as cruel or careless but rather as necessary to maintaining our economic and personal liberties."

And earlier this year, Otter opened the legislative session with this observation: "We learned the value of being more frugal and accountable with taxpayer resources during the Great Recession."

When Otter preaches frugality, he's telling public employees to accept less. Teachers and school pupils will have to stretch budgets just a little thinner. And college students simply will have to take on more debt to pay rising tuition costs.

How about when it comes to himself?

Not so much.

Otter was the first governor in the country to challenge Interior Secretary Sally Jewell's sage grouse recovery plan. Never mind Jewell's bipartisan compromise avoided a much more burdensome Endangered Species Act listing. Jewell had imposed more restrictions than Otter had proposed.

At least Otter could have called in Attorney General Lawrence Wasden's office. There, he could have drawn upon some of the state's most experienced natural resource lawyers.

Among them is Natural Resources Division Chief Clive Strong, who has spent 30 years in this field. Last year, the American Bar Association named Strong its Environment, Energy and Resources Government Attorney of the Year.

Working in the natural resources division is an attorney with the right skill set - Section Chief Steve Strack, whose 26 years of experience includes litigating endangered species issues. For instance, he successfully argued for delisting wolves.

But Otter turned to Boise lawyer Tom Perry instead.

Before he walked through the revolving door into private practice, Perry spent a decade in state government, including a stint with the Office of Species Conservation and Otter's office.

When he worked for the governor, Perry's yearly salary was \$100,755.

As the Spokesman-Review's Betsy Russell reports, Perry's private law firm has billed the state \$142,000 for two months of work on Otter's sage grouse lawsuit.

And where is the governor getting the money?

Not from his own office budget. Paying those legal bills would mean making sacrifices Otter obviously is unwilling to make.

Neither is he drawing on the Constitutional Defense Fund. After losing a series of cases involving flawed abortion laws, anti-same sex marriage measures and attempts to thwart the free-speech rights of citizens, that fund is \$2.1 million poorer.

Besides, Wasden has one of four votes on whether the Constitutional Defense Fund can be employed.

So Otter turned to the Legislative Legal Defense Fund to pay Perry's bills.

That's the same account that paid Boise attorney and former U.S. Interior Solicitor William Myers about \$94,000 to advise the Legislature's Public Lands Task Force what Strack told that group for free - the idea of suing the federal government into relinquishing millions of acres to the state was doomed to fail.

All Otter needed to tap that account was the acquiescence of Senate President Pro Tem Brent Hill, R-Rexburg, and House Speaker Scott Bedke, R-Oakley. Backing Otter's play is good politics for lawmakers who want to remain on good terms with Idaho's livestock industry.

Where this ends up is anyone's guess. If the governor wins his lawsuit, is it possible that the feds will resort to an even more onerous ESA listing for the sage grouse?

So here we go one more time.

Idaho's chief executive is engaged in yet another political escapade against the federal government.

He's wasting more money on more private lawyers in yet another lawsuit.

And he's steering tax dollars to yet another political ally.

Next month, when he has to outline budgets for public schools, public employee salaries and higher education programs, will Otter once again demand frugality?

What do you think? - M.T.