

# Is a junk law any better than junk science?

Jim Fisher

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Whatever it was that members of the Idaho House voted with Tuesday in approving an anti-wolf outburst masquerading as legislation, it sure wasn't their minds. Supporting Rep. Phil Hart's bill criminalizing the importation of "dangerous or vicious" animals as well as the delivery of false testimony to government boards is the legislative equivalent of flatulence.

It relieves momentary pressure, but produces nothing satisfactory.

Yes, that was pointed out to House members by at least two of the chamber's lawyer members. Hart's bill makes it a felony to give false or misleading testimony "before a governmental commission, whether under oath or not."

"So," Rep. Bill Killen, D-Boise, asked, "your position is this bill would cover unsworn misleading testimony before a local planning and zoning commission?"

"That's correct," responded Hart, R-Athol.

Talk about a full-employment act for lawyers. As states that have tried to outlaw dishonest political campaign advertising have found, identifying untrue claims is like the late Supreme Court Justice Potter Stewart's defining hard-core pornography: "I know it when I see it."

The only trouble is, everyone sees something different. Hart says he included that provision because there was "a lot of junk science that facilitated the introduction of these wolves." But was there?

Most of the phony claims this page has seen about gray wolves have come not from those who supported their reintroduction to Idaho's backcountry, but from Hart's fellow opponents of that reintroduction. Common assertions that the wolves imported from Canada are a different, larger and more vicious species from those formerly found in the state, and that they pose greater danger to humans than many other creatures found in the woods are rejected by biologists.

That doesn't stop many people, and apparently some legislators, from believing them, though. Rep. Lenore Hardy Barrett, R-Challis, urged her colleagues to vote yes despite what she admitted might be "some imperfections."

"I'm not going to pick at this bill," Barrett said. "I think this bill needs to be supported; it needs to go forward ... to protect the safety and health and welfare of our citizens."

Rep. JoAn Wood, R-Rigby, appeared to focus on the bill's provision for civil liability lawsuits against those responsible for bringing dangerous animals into the state, saying, "The people of Idaho would like to have some recourse, some place they could turn to when there was damage."

Hart's bill, however, exempts government agencies - like the U.S. Fish and Wildlife Service that released the wolves - from being such a place.

"The idea behind this bill has not been refined," warned Pocatello Democrat James Ruchti, like Killen a lawyer. "There are going to be some unintended consequences and we should vote no."

Caution aside, however, House members voted yes, 46-24. - J.F.