

While GOP snoozed, Senate Democrats snored

Marty Trillhaase/Lewiston Tribune

For more than a year, Idaho Democrats have been griping about how Republican Gov. C.L. (Butch) Otter's administration botched an investigation into how Corrections Corporation of America bilked the state for unmanned guard shifts while it operated the Idaho Correctional Center outside Boise.

About a year ago when it became clear Col. Ralph Powell, Otter's appointee to run the Idaho State Police, quashed the inquiry, Democratic lawmakers - including Lewiston Rep. John Rusche - called on the FBI to take over the matter. Within a matter of days, the FBI and U.S. Attorney Wendy Olson did precisely that.

And throughout the fall campaign, Democratic gubernatorial hopeful A.J. Balukoff zeroed in on the case as an example of Otter's poor stewardship. During their final televised debate on Oct. 30, an apparently rattled Otter insisted the federal investigation was preoccupied with CCA, not state government.

That's how political checks and balances are supposed to work.

If Otter is stonewalling and his fellow Republicans are unwilling to rock the boat, Democrats should focus on the issue and hold them accountable.

But something went haywire Monday.

After delaying Powell's reappointment for weeks, Otter sent the nomination to the Senate Judiciary and Rules Committee. Bad enough Senate Republicans practically slept through the 40-minute hearing. But how do you explain the committee's two Democrats - Grant Burgoyne and Maryanne Jordan, both of Boise - snoozing along with them?

In all, Powell faced three questions. Two of them were about CCA. Nobody asked a follow-up.

So when Powell said he deemed the issue of falsified time cards to be a civil matter, nobody asked him how he could disregard the Department of Correction's forensic audit, conducted by the KPMG, which unearthed 26,000 hours of unmanned shifts.

Doesn't that sound less like a civil dispute and more like a criminal conspiracy?

When Powell said he acted after consulting with his top administrators and legal advisers, nobody asked why he did not meet with the professional investigators who should have had a crack at the evidence. Or why some of those professionals later approached the FBI and Olson - because any probe would involve their own administration?

Nobody asked Powell to explain why he waited a year to announce his decision not to pursue the criminal investigation everyone from Correction Director Brent Reinke to U.S. District Court Judge David Carter assumed was underway.

Why didn't someone want to ask Powell about what Reinke told the Board of Correction in 2013?

"We need some outside assistance on what we think we've found," Reinke said. At the time, the Associated Press said Reinke had already met with Powell three times and written a formal letter requesting the ISP to launch "an independent party to investigate and audit these records and determine the extent of the problem and any potential violation of state law."

And you'd think the panel would ask Powell to react to what Ada County Deputy Prosecuting Attorney Roger Bourne told the AP in 2014. Essentially contradicting Powell's account, Bourne said he couldn't determine whether a criminal violation occurred without seeing an ISP investigation.

About that same time, Attorney General Lawrence Wasden strenuously urged Otter to step in and re-launch an inquiry following Powell's disclosure. So don't you think someone would have asked Powell how he could cite the advice of the attorney general in the first place?

Then there's the governor's role. Former Idaho Statesman reporter Dan Popkey established Otter intervened in one ISP investigation involving Donna Denney, the wife of then state Rep. - and now Secretary of State - Lawrence (Boss) Denney. Why wouldn't Democrats at least ask Powell whether he was following Otter's orders this time or acting entirely on his own? And if he was acting unilaterally, did he surprise his boss along with everyone else?

Monday's hearing foreshadowed the Senate confirming Powell Friday unanimously with no debate.

What's the point of having competitive politics if members of the party out of power do not hold members of the party in charge to account? - M.T.