

Twist of fate spared Otter from Pence's nightmare

Marty Trillhaase/Lewiston Tribune

For the sake of argument, imagine the governor defending his state's attempt to permit discrimination against gays, lesbians, bisexuals and transgender people wasn't Indiana's Mike Pence.

What if the governor who unsuccessfully evaded a half-dozen of "This Week" host George Stephanopoulos' questions about the law was Idaho's C.L. (Butch) Otter?

Rather than 10 national conventions threatening to withdraw from Indianapolis in protest over the law, suppose they were canceling conclaves in Boise, Idaho Falls, Coeur d'Alene and Lewiston?

How about the CEOs of Apple and Nike expressing dismay about the Gem State?

Or instead of Indiana-based firms such as Eli Lilly, Angie's List and Cummins clamoring to get Pence and the Legislature to repair the damage, Idaho's corporate hierarchy - Micron, Simplot, Clearwater Paper, CenturyLink and Idaho Power - were putting the screws to Otter and the GOP?

It's not that hard to imagine.

In fact, it almost happened.

A year ago, Rep. Lynn Luker, R-Boise, sponsored a religious freedom restoration act bill similar to what Pence signed. Unlike the 20-year-old law now on Idaho's books - which merely puts the burden of proof on government whenever it interferes with an individual's religious liberties - this one applied to people doing business in the public square.

As long as they acted on a sincerely held religious conviction, the law would give them cover.

The target could not have been more obvious. Neither federal civil rights laws nor Idaho's Human Rights Act prohibit discrimination on the job, in housing or in public accommodations on the basis of sexual orientation or gender identity. But 10 Idaho cities - including Lewiston, Moscow, Coeur d'Alene, Boise, Idaho Falls and Pocatello - have passed anti-discrimination ordinances.

It didn't say that, of course. Because Luker's language was more vague, his bill invited even more mischief. Asserting a religious belief might just as easily justify mistreating someone on the basis of his skin color, age, gender, national origin or disability - thereby repealing Idaho's human rights law.

Idaho's socially conservative GOP lawmakers should have been drawn to Luker's handiwork like a moth to the flame. It's in their political DNA. This is the same crowd that wants to give parents

a veto over school curriculum. Encouraging Congress to impeach any federal judge who recognizes a same-sex couple's constitutional right to marry is just fine with them. As is the idea of subjecting Idaho high school students to a test meant for newly minted citizens.

But a funny thing happened on the way to passing Luker's bill.

The day Luker's bill appeared before the House State Affairs Committee, hundreds of civil rights advocates were already in the Capitol. Among them were people who had protested in vain in favor of "adding the words" sexual orientation and gender identity to Idaho's civil rights law.

Luker was confronted with 500 people who argued right back at him. By the time they were done, Luker's bill had more holes punched in it than a Swiss cheese.

The panel agreed to amend his bill on the House floor. All that did was invite a stack of proposed amendments a quarter-inch high. Among them were snarky ideas, such as former Rep. Shirley Ringo's proposal to require businesses to post signs designating which groups would be excluded.

House Speaker Scott Bedke, R-Oakley, called for a "thoughtful pause." Luker's bill got pulled back to committee. It hasn't been seen since.

What would you call that?

Divine intervention? - M.T.