

# Cheers & Jeers: Speak up, David

**Marty Trillhaase/Lewiston Tribune**

JEERS ... to Taxpayers Against Unfair Taxation President David Estes. For five years, he's been obstructing a new high school for Lewiston on the basis of slogans.

Such as remodeling the current campus would be cheaper than building new.

His own architect said otherwise in 2013.

So did a study commissioned by the Lewiston School Board.

Now Estes has another one.

Speaking at the school board's forum Monday, Estes said the district's estimated \$94.6 million renovation price tag is inflated. The work could be done for a fraction of that cost by using the district's maintenance staff and "red shirts" from the state prison, he says.

How does Estes know?

Has he looked into how much work involved in transforming a nearly 90-year-old building into a center of 21st-century instruction requires specialty trades rather than the unskilled labor the state prison system could offer?

Would the on-the-job training required for state prison inmates slow down the renovation's schedule?

Is the Idaho Department of Correction even interested in this kind of arrangement? And if so, does it have enough people capable of meeting the high school construction's demand for workers?

What happens if a state inmate is injured on the job? Who's liable for that?

Has Estes considered the fact that using the school district's maintenance workers could distract them for much of the three-year construction cycle? So what projects get put on hold? Roof repairs? Leaky pipes? Worn carpets and floors? Malfunctioning heating and ventilation systems?

It's not enough for Estes to get "pissed off" at a public meeting and declare: "You're not going to get the new high school. ... That's the bottom line to it."

If he's got the answers, where are they?

JEERS ... to U.S. Sens. Mike Crapo and Jim Risch, both R-Idaho. Did the process they used to nominate 6th District Judge David Nye to the federal bench serve your interests?

You'll have to take their word on that. Their methods had all the trappings of a smoke-filled room - without the smoke.

Nineteen months ago, U.S. District Judge Edward Lodge announced his intention to retire.

Had Crapo and Risch followed the example set by their predecessors - then-U.S. Sens. Larry Craig and Dirk Kempthorne - in 1995, they would have established a vetting commission and sought applications. After reviewing 38 applicants, that open process yielded three well-regarded finalists - then-U.S. Magistrate Larry Boyle, former Attorney General Larry EchoHawk and then 6th District Court Judge B. Lynn Winmill.

Winmill, the vetting commission's unanimous choice, got the appointment.

Instead, Crapo and Risch - both attorneys - worked behind closed doors.

Early on, questions were raised about qualified women - notably U.S. Magistrate Candy Dale and U.S. Attorney Wendy Olson - not getting an interview. Idaho is the only state in the 9th Circuit and one of only two states where a woman has never served as a U.S. District Court judge.

Then it turns out that none of the people - men or women - who actually applied were considered. Nye never sought the post. Crapo and Risch approached him in January.

President Barack Obama formally nominated Nye last week. The product of this search may prove to be better than the process - but the message from Idaho's U.S. senators is unmistakable: Don't call us. We'll call you.

CHEERS ... to senior 7th District Judge Richard St. Clair. Last week, he put a stop to a dangerous idea - that people exercising their constitutional rights could be compelled to answer hostile questions in a court-ordered deposition.

Bonneville County Republican Party Chairman Doyle Beck and GOP Regional Chairman Bryan Smith have accused seven political activists - including state GOP Chairman Steve Yates of Idaho Falls - of being part of a "secret society" that is out to get them.

The evidence is thin. But even if the allegation is true, so what?

The First Amendment guarantees people the right to freely associate, speak their minds and engage in political activity.

Beck and Smith - along with their attorney Christ Troupis - wanted St. Clair to force Yates and the others to answer their questions under oath. That's transforming a law meant to preserve the testimony of people who are deathly ill into a political machete.

St. Clair said no. Good for him.

JEERS ... to Whitman County Auditor Eunice Coker. Another week. Another fouled-up election.

This time, Coker's office reversed a ballot question in Rosalia. The ballot asked 291 voters if they would approve Rosalia annexing the Whitman County Fire Protection District No. 7. It was supposed to ask whether the fire district should annex Rosalia.

In October, Coker's office omitted from 4,000 ballots a race for the Colfax Hospital District. Pullman also received 700 flawed ballots.

Then during a February election, ballots meant for Tekoa voters wound up in Oakesdale.

Secretary of State Kim Wyman's office found the Whitman County elections department drew 20 red flags - including tabulating results nine hours prematurely and not properly securing the ballot boxes.

At this point, you have to wonder: What's next?

JEERS ... to Idaho Senate Health and Welfare Committee Chairman Sen. Lee Heider, R-Twin Falls. It's bad enough he went back on his pledge to give state Rep. John Gannon, D-Boise, a hearing on a bill to reform Idaho's faith-healing loophole. Under the law in Idaho - and five other states - parents who deny their children medical care on religious grounds cannot be prosecuted.

He keeps changing his story.

When The Guardian's Jason Wilson asked him about it, Heider said Gannon never lodged a bill. Not so.

Next he said the Idaho attorney general and Canyon County prosecutor told him the laws needed no changing. Wilson reported both offices denied that.

Then Heider took refuge in the U.S. Constitution: "I don't think that states have a right to interfere in religion."

When Wilson pressed about children who are dying, Heider said this: "Are we going to stop Methodists from reading the New Testament? Are we going to stop Catholics (from) receiving the sacraments? ..."

Huh? - M.T.

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Thursday's editorial was in error. Sen. Dan Johnson, R-Lewiston, faces no opponent for re-election this year.