

Either entire Legislature goofed - or Otter did

Gov. C.L. "Butch" Otter characterized a bill meant to curb abuses of Idaho's asset forfeiture laws as "a solution in search of a problem" and vetoed it.

Catchy phrase.

Here's another one: Otter just delivered a veto in search of a legislative override - which likely would have been delivered had lawmakers remained in session.

Let's stipulate asset forfeiture - the process of obtaining the ill-gotten cars, homes and cash of crime lords - is a useful tactic if you're going up against drug kingpins so far up the food chain their hands never get dirty.

Over time, the process has grown exponentially. For federal drug enforcement agents, the total has jumped from \$1 billion for the years 2001 to 2006 to \$4.5 billion in 2014 alone.

It's not just traffickers getting caught up in the gears of this machinery. The Twin Falls Times-News reported how cops suspected an Hispanic couple of selling drugs. Police found only a small quantity of marijuana in the home but it gave them grounds to confiscate about \$12,000 of the couple's money.

This is not criminal court. Even if you're not charged with a crime, the burden of proof is on you. There's no right to counsel; you pay for your own lawyer - which may cost you more than the value of the property that's been taken. All of which explains why the Twin Falls couple settled for \$3,000.

This is only anecdotal evidence but it's enough to have both sides of the political spectrum - from Congressman Raul Labrador, R-Idaho, and Idaho Freedom Foundation President Wayne Hoffman on the right to the American Civil Liberties Union on the left - fighting for reforms.

Such was the case earlier this year when House Republican Steven Harris of Meridian - who gets an A-minus on Hoffman's political report card - and House Democrat Ilana Rubel of Boise - whose Idaho Freedom Foundation score is an F-minus - teamed up to tackle the state's asset forfeiture laws.

Their focus was modest. In fact, you'll get an argument from law enforcement officials who insist Idaho's laws already have adequate protections for ordinary citizens.

Among its provisions:

- Someone charged with mere drug possession could not lose his car.
- Just because property was in mere proximity to illegal drugs would not be sufficient cause to seize it.
- Possession of cash would no longer be grounds for forfeiture.
- The right of "replevin of property" would be established. In other words, a judge could restore some property - such as a car or a computer needed for work - to a defendant pending the outcome of his case.
- To establish a record, the measure would require law enforcement to document how much property is being confiscated across the state.

By the time they got their measure to the House, Harris and Rubel had quelled much of the opposition from law enforcement and prosecutors.

It cleared the lower chamber 58-12.

When they reached the Senate, the sponsors had further tweaked their bill and answered the remaining critics. It passed the Senate unanimously. On its return trip to the House, the amended bill

also won unanimous approval. Among those early critics who voted for it on the return trip was Rep. Patrick McDonald, R-Boise - a retired state trooper and Idaho's U.S. marshal under President George W. Bush.

Weigh all of that and Otter's veto message begins to read like something out of a fun house mirror.

He cites "compelling opposition from law enforcement." Then why did police and prosecutors drop their opposition?

No cops have been accused of "illegally or inappropriately seizing property from alleged drug traffickers." That's right. No one has ever accused law enforcement of mistreating drug traffickers.

"There is no evidence to suggest such a problem is imminent." So let's get some evidence by documenting an objective record.

In a reference to the proposed right of replevin of property, Otter says there would be "potential for evidence to disappear or be tampered with." But no property would be returned without a judicial review - the same standard involved in granting bail.

Who did Otter consult before he brought out a veto stamp?

Obviously not the sponsors, nor supporters such as Hoffman, who recently suggested the veto was proof aliens had abducted the libertarian Otter and replaced him with a big government doppelganger.

When in doubt, vote no. That's good advice for the uninformed voter. But you expect more from a three-term governor. - M.T.