

## Priced out

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Dick Harwood...



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JEERS ... to Rep. Dick Harwood, R-St.Maries. Bet you expected public officials to look after your rights.

Not so.

Harwood would rather defend multinational oil companies.

Case in point: the megaloads.

There's every reason to question unprecedented large, wide, tall and heavy rolling roadblocks of oil and mining equipment bottling up segments of U.S. Highway 12.

But Harwood would block megaload skeptics from petitioning their government for redress of grievances. He'd do it by pricing them right out of the courtroom.

Introduced Wednesday, Harwood's bill says anyone who sues to block a megaload must post a bond equal to 5 percent of the shipment's value.

If a megaload is worth \$10 million, for example, that's \$500,000. And if the lawsuit fails, the Idaho Transportation Department gets a payday.

Rather a big gamble just to exercise your legal rights, don't you think?

It gets worse.

Lose one of these lawsuits and the court could force you to compensate the shipper for what he says he lost while your challenge delayed his work.

As of Nov. 18, ConocoPhillips claimed putting on ice a shipment of equipment to its Billings, Mont., refinery while an appeal proceeded drove up its bills by \$2.5 million. The loads finally got under way early this month.

For people such as Linwood Laughy, Borg Hendrickson and Friends of the Clearwater to take on ConocoPhillips' four transports or ExxonMobil's plan to move more than 100 megaloads along U.S. Highway 12, the question is whether to risk financial ruin.

As unfair as that would be to them, think what it means to you.

Their lawsuit was not frivolous. Even the Idaho Supreme Court - which ruled against them last fall on procedural grounds - said the claims had merit. Without that case, no administrative review would have followed. That hearing focused greater public scrutiny on ITD and the restrictions it imposed on megaloads.

Why would any public official want to put a kink in the process?

Unless he believes you ought to just simply shut up and do as you're told.

CHEERS ... to Montana Gov. Brian Schweitzer. When Republicans in his state's legislature started aping the nullification line - the idea that states can declare an act of Congress null and void - Schweitzer didn't mince words.

It's OK to challenge federal policy through the political and judicial system, he said. "But a state like Montana saying, 'We will pick and choose which laws we will enforce.' That's not the American way. ... Some of these (bills) are actually passing. ... The nullifying bills are anti-American."

That's strong stuff. But so is the idea that a group of state lawmakers can assert their powers over that of the national government. That runs counter to the U.S. Constitution and almost 150 years of American history. From there, it's not a far leap to secession or anarchy. If that doesn't meet your definition of un-American, nothing will.

Nonetheless, Idaho House members, encouraged by Idaho Gov. C. L. (Butch) Otter, seem determined to proceed. They're promoting an Idaho bill to declare last year's national health care reform null and void.

JEERS ... to the Idaho Board of Education. In siding with Idaho State University President Arthur Vailas, the board suspended the ISU Faculty Senate. What's more,

according to one observer, the state board's unanimous vote took less time than deciding what to do with the Boise State University football stadium.

And it did so after 72.5 percent of Vailas' faculty voted no confidence in his leadership.

Faculty governance is a key part of academic freedom. And when a faculty expresses no confidence in its president, it's a serious step.

All of which is going to be tough on ISU.

Some talented faculty are bound to leave for other institutions of higher learning where the president doesn't get the board to silence his critics.

Others will be reluctant to accept ISU's invitation to work in Idaho.

There's a growing stain on the university's reputation as the story goes national.

Faculty groups at University of Idaho, Lewis-Clark State College and Boise State University see little chance of the contagion spreading to them. But the timing is horrible, given the state is entering another round of higher education spending cuts.

Vailas may be holding the upper hand now. But it could be a Pyrrhic victory.

In the midst of all this commotion, Vailas has to come up with a plan to satisfy the state board's directive to restore faculty governance by June. With more than half his faculty lined up against him, that will be a neat trick.

CHEERS ... to Washington Attorney General Rob McKenna. He's just won the second of two cases shoring up the Evergreen State's public records and campaign finance laws.

With the U.S. Supreme Court declining to hear its appeal, Human Life's attempt to conceal campaign contributors is over. Three years ago, the conservative group fought a physician-assisted suicide ballot measure. The measure ultimately passed. Human Life refused to tell Washington's Public Disclosure Commission who gave it money.

McKenna's office appealed to the federal courts and prevailed at both the U.S. District Court and 9th Circuit Court.

Eight months earlier, McKenna's office triumphed when the U.S. Supreme Court blocked Protect Marriage Washington from withholding the names of people who signed petitions subjecting a 2009 civil union bill to a referendum vote. Later that year, voters upheld the civil union law.

Both legal challenges drew a target on Washington's 1972 sunshine law, which has fostered a culture of transparency in the state's political campaigns.

Without knowing who is behind initiative campaigns, you can't make an informed vote. -  
M.T.