

What's the case for closing more Idaho doors?

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Chipping away at transparency and access to public records often begins with seemingly small word changes meant to secure public safety against deadly threats. The Patriot Act is a large-scale version of this: something perceived as an effective measure - at the time - to prevent another terrorist attack.

We are concerned that such could be the case with proposed changes coming out of the Idaho Legislature that would restrict public records about "critical infrastructure."

The House last week passed HB 447, which would make it more difficult, if not impossible, for news organizations and the public to access certain information about, for example, public utilities. Some revised wording in the bill, proponents say, could be used to thwart a terrorist attack - the bad guys couldn't get the kind of details they might want to carry out a plot against a utility or a power system.

We're all for thwarting terrorist attacks, but what's the cost of giving up our public access? As Wayne Hoffman of the Idaho Freedom Foundation points out, what if the managers of the Flint, Mich., water works used such an exemption to deny information? How long would it have taken us to wrest away the dirty secrets about lead in the water?

In her blog Thursday, Betsy Russell of The Spokesman-Review wrote that the legislation "expands a current exemption from the Idaho Public Records Act" for a variety of public agency records - buildings, facilities, infrastructure and systems - but only if the disclosure of such information jeopardizes public safety. She wrote that the current exemption (created after 9/11) includes "emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes."

Russell, who also is president of the Idaho Press Club, noted the key changes in HB 447: "would jeopardize the safety" becomes "could be used to jeopardize the safety"; adding "property" to "persons or the public safety"; and adding a lengthy definition of "critical infrastructure."

A lot of things "could" happen. The alterations might seem minor to some, but they "could" become roadblocks to acquiring information when, for example, a gas explosion happens like one in San Bruno, Calif., that killed eight and destroyed an entire neighborhood in 2010. Because there was public scrutiny and access to records of failed pipelines within Pacific Gas and Electric Co., the public eventually learned the cause centered around faulty pipe seams. An anonymous source tipped off the San Francisco Chronicle that PG&E should have known about the issue. That valuable information uncovered sooner might have saved lives.

Rather than simply take the word of HB 447 proponents that the press and the public don't need certain information, and that these are just wording tweaks, we would like to know what is wrong with the current wording that supposedly warrants the change.

When a "fix" diminishes transparency and restricts public access, it is our duty to challenge it. When the Idaho Senate takes up HB 447 this week, we hope there are better reasons than the speculative specter of "terrorist attacks" to make changes. We hope senators think twice about the public access we could soon surrender.