

Dog whistle

Marty Trillhaase/Lewiston Tribune

JEERS ... to state Sen. Curt McKenzie, R-Nampa. He's on his way to becoming the most ethically challenged candidate for Idaho's Supreme Court since Daniel Eismann plowed this ground 16 years ago. What good is a judge if he's already blown on the dog whistle of partisanship and favoritism? Tilting toward special interests and single-issue constituencies erases any hope he can be impartial while on the bench.

Like Eismann before him, McKenzie campaigned at GOP events, reminding everyone of his Republican credentials. It worked. McKenzie and Rupert attorney Robyn Brody survived a four-way contest in the May primary election and are squaring off in the Nov. 8 runoff.

Now McKenzie is none-too-subtly telegraphing where he stands on such questions as reproductive rights, the Second Amendment and the prerogatives of big business.

In an op-ed published in the Idaho Statesman, McKenzie touted his endorsements from the Idaho Farm Bureau, the Idaho Association of Commerce and Industry, the National Rifle Association, Idaho Chooses Life, the Association of General Contractors, the Idaho Association of Realtors and the Professional Firefighters of Idaho.

It's more than just words.

So far, Idaho Chooses Life spent \$6,000 for an independent campaign on McKenzie's behalf.

Realtors contributed \$5,000 toward electing McKenzie. The NRA has provided \$500 to put its man on the Supreme Court.

How does any of that comply with the Idaho Code of Judicial Conduct? It bars judicial candidates from:

- Attending "political gatherings if by such attendance and actions the judge is endorsing or seeking the endorsement of a political organization."
- Identifying himself "as a candidate of a political organization."
- Making "pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office."

Whether McKenzie has walked right up to the ethical line and crossed it, he clearly cares little for the spirit behind those canons.

Judge him accordingly.

JEERS ... to University of Idaho President Chuck Staben. Idaho's public records law says "all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute."

It does not say "except for people who have neither fat wallets nor enormous patience."

So why is Staben's administration so enamored with that kind of elitism?

Take, for instance, the UI's response to Tribune sportswriter Theo Lawson's request to see email communications between Staben and his athletic director, Rob Spear. Lawson filed that request on May 1, after Staben announced the UI football program was downshifting from the Football Bowl Subdivision to the lower-tier Football Championship Subdivision.

Lawson waited until Aug. 29 - 120 days - to see those records - and only after the Tribune acceded to the UI's demands: Fork over \$911.14 to cover the 18.9 hours of time the university's Office of General Counsel planned to spend on it.

Staben's administration took the same tone with the Moscow-Pullman Daily News. After discovering the UI was killing feral cats on campus, the Daily News made a public records request on Aug. 25. The university was more punctual - the requested emails arrived in three batches between Sept. 20 and Tuesday.

But the administration insisted on \$350.91 up front to cover:

- One hour of Campus Veterinarian Peter Autenried's time, billed at \$89.82.
- One hour of work from the UI's Information Technology Services, billed at \$40.97.
- Four hours from a junior associate at the office of general counsel, billed at \$32.58 an hour.

After all these legalistic reviews, less than 1 percent of the documents required redacting. Even if it required more, so what? That legal review is solely for the UI's benefit. Why is the university extorting the public's money for that purpose?

You know why.

Time and money are not on the side of any ordinary citizen seeking to exercise her rights to see how people running a public institution and spending her tax dollars are doing their jobs.

She doesn't have a spare \$911 or even \$350. Nor does she have four months to wait. More likely than not, she's going to give up.

This is a recipe for secrecy, opacity and impunity. From Staben, you hoped for better.

CHEERS ... to the American Civil Liberties Union of Idaho and Attorney General Lawrence Wasden.

If you spend any time in the Gem State, you know it has any number of stupid laws. Here's one more:

An adult can attend a burlesque show.

He can also purchase an alcoholic beverage.

But he can't do both in the same place.

So in March, undercover Idaho State Police officers filed a complaint against the Visual Arts Collective in Garden City.

The ACLU took up the cause, contending the law violated freedom of expression.

And in a welcomed break with Idaho's tradition of spending scarce tax dollars defending unwinnable cases, Wasden struck a deal.

The provision was put on hold. Businesses will be reimbursed for the fines they paid. Lawmakers - who earlier this year stripped clean an equally dumb measure that fined a movie house for serving alcohol while showing "Fifty Shades of Grey" - will get a chance to repeal this measure when they convene in January.

JEERS ... to Lance Earl of Rockland. It was one thing when the southeastern Idaho blogger exposed an alleged tryst between state Sen. Jim Guthrie, R-Inkom, and state Rep. Christy Perry, R-Nampa.

But Earl has waded into the deep end of the pool.

Writing in the Idaho State Journal, Earl refers extensively to Mormon scripture and doctrine to accuse Guthrie - and some of his supporters, including Earl's former political opponent, Rep. Kelley Packer, R-McCammon - of being insufficiently pure.

"I wonder whether they are Mormons because of faith or because of votes in a largely LDS community," Earl wrote.

How can a member of a religious community that suffered at the hands of bigotry and discrimination now proclaim a religious test for public office?

May we suggest, Mr. Earl, another reading from the scriptures:

"Judge not, that ye be not judged." Matthew 7:1-3 - M.T.