

HB2038 Testimony in Opposition

Members of the Committee,

My name is Joshua Baker, and I am a resident of Portland with a PhD in political science and extensive experience researching strategic actions taken to shift policy, including analytic politicization - the distortion of analysis through the incorporation of policy preferences, regardless of intent. Such distortion can result in misleading conclusions, flawed interpretations, or even policy failure. With this in mind, I must oppose HB2038 and urge all members of the committee to do so, as well.

The Structural Bias in HB2038

While there are multiple reasons to oppose this bill, my testimony focuses on Section (1)(1)(a), which explicitly instructs the Oregon Department of Energy (ODOE) to study and report on the “*advantages* of nuclear energy”—without a corresponding requirement to evaluate its disadvantages. Having researched the causes and consequences of analytic politicization, I recognize this as a serious structural flaw. Though someone may argue that disadvantages could be considered elsewhere in the bill, the language, as written, structurally biases the analysis toward a pro-nuclear conclusion.

The bill echoes historical efforts to produce policy-driven analysis - including intelligence practices used to justify the Iraq War - which independent experts at the time and after the fact found to be flawed. This kind of preference-driven structural bias is deeply problematic for several reasons. I will outline four reasons below:

1) It skews analytical focus toward a pro-nuclear outcome.

To illustrate, I'll paraphrase a metaphor from former national intelligence officer Dr. Paul Pillar. Imagine the ODOE analysts are in a field filled with rocks, under which nuclear energy's advantages and disadvantages lie. If their goal were to conduct an objective analysis, they would use their expertise to decide where to search, balancing time and resources. However, if they are directly instructed to look for advantages, their search patterns would shift, spending more resources turning over rocks in areas where they expected more advantages to be found, inevitably skewing the analysis towards preferred outcome. Even without direct intent, framing the research question in a biased way alters how information is collected, prioritized, analyzed, and presented.

2) It removes crucial context from the analysis.

Evaluating the advantages of nuclear energy, without equally examining its disadvantages is like assessing a grocery budget without knowing the cost of food, the number of people to be fed, or how much money is available. Even if some of that information is factored in, the missing context still results in the illusion of an informed decision-making process. In reality, it provides just enough information to justify a preferred outcome but fails to equip decision-makers with a complete and accurate understanding of the issue. Instead of enhancing understanding, it might obscure it.

3) **It puts an unfair burden on policymakers and the public.**

A respected agency like ODOE publishing a report under biased constraints places an unreasonable burden on policymakers and the public. Decision-makers would have to recognize and mentally correct for the structural biases, something that may not always be apparent. Decision makers face a real risk of unintentional self-deception, becoming overly optimistic or even deluded if they take at face value analyses that are in any way laundering imbedded policy preferences. Additionally, reports often get summarized and aggregated, including by AI-generated aggregators, which means that any bias could be amplified. It would not take much imagination to devise ways that such a report could be used to distort perceptions of the issue.

4) **It pressures analysts in subtle but real ways.** I have no doubt about the integrity of ODOE analysts. However, when analysts are given explicit instructions to highlight advantages without also being given specific instructions to include disadvantages, it is clear that there is a preferred analytical outcome. Even without direct interference, such structural constraints create implicit pressure that can subtly influence language choices and findings. Such small choices can accumulate to tilt the reader's interpretation of the analysis in unintended directions.

With public confidence in government and media already wavering, Oregon cannot afford to create even the perception that the legislature is steering analysis toward a pre-determined conclusion. For these reasons, I strongly oppose HB2038 and urge all committee members to do so as well.