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*THE NEGATIVE: CASEBOOKS ON
SUBSTANTIALLY INCREASING U.S. TRANSPORTATION
INFRASTRUCTURE INVESTMENT*

Volume I

**STUDIES ON THE HARMS OF
SUBSTANTIALLY INCREASING U.S.
TRANSPORTATION INFRASTRUCTURE
INVESTMENT**

RICH EDWARDS

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I. INTRODUCTION

Harm arguments on the transportation infrastructure topic are likely to range over a very wide area. Affirmative cases may discuss the harms from traffic accidents, congestion, excessive reliance on the automobile, global warming, peak oil, obesity, terrorism, and international competitiveness. You will find answers to each of these arguments in this *Harm Case Book*.

Some negative teams will make the mistake of ignoring the harm claims made in the affirmative case, intending to outweigh the affirmative harms with the negative disadvantages. Such an argumentative choice is unfortunate, for several reasons: (1) The negative team fails to directly clash with the affirmative case. Much of the value of debate training is lost when debaters abandon the task of line-by-line responding to arguments. (2) The judge is asked to weigh affirmative harms that are conceded against negative disadvantage harms that are contested. Many second affirmative rebuttalists wax eloquent with the appeal that the case harms are a sure thing, whereas the affirmative team is at least debating the links and impacts to the disadvantages. (3) Negative teams never learn to integrate their arguments into a sensible policy. Many judges approach a debate from a policy perspective; they wish to compare the worth of the affirmative policy and the worth of the negative policy. This is problematic for the negative team if it points out disadvantages to the affirmative policy while never articulating a policy of its own. A much better negative strategy is to argue that some non-resolutional mechanisms are addressing the harms without causing the negative disadvantages. (4) The first negative speech time is allowed to become a wasteland. The traditional function of the first negative speaker was to deny the claims of the affirmative case, while the second negative speaker would present disadvantages to the affirmative plan. Trying to win a debate with disadvantages alone is like debating with one hand tied behind the back. A threatening negative attack should offer a variety of ways to win the round.

Several strategic considerations should guide the choice of harm reduction arguments on the transportation infrastructure topic:

- A. Contest affirmative decision rules.** Many affirmative teams will “hide” in their first speech decision rules such as “the prevention of global warming is more important than any other issue facing civilization.” Such an affirmative argument is attempting to weigh the importance of affirmative case harm versus the negative disadvantage claims. If the negative fails to contest such decision rules, the debate is effectively over. Even if the negative team establishes that the construction of high-speed passenger rail systems would be ruinously expensive, the affirmative team would simply point out that the negative team has granted that taking every possible step to prevent global warming outweighs all of the negative disadvantages.
- B. Reduce the harm claim even if it cannot be totally denied.** Negative debaters often make the mistake of thinking that it would be useless to contest harms since some harm will inevitably be won by the affirmative. This view assumes that harm denial is useless unless it can be the sole reason for a negative decision. Most debates come down to a weighing process; the negative disadvantages (as minimized by link denials, uniqueness questions, and impact denials) are weighed against case claims.
- C. Shift the focus of the case by denying causal links.** Some affirmative teams will try to link the harms of improper transportation infrastructure investment to world-ending impacts. Consider one example: (1) The current transportation infrastructure system relies on the automobile; (2) Reliance on the automobile locks the U.S. into dependence on the Middle East for the supply of oil; (3) Dependence on the Middle East for oil supply causes unending wars over oil; (4) Wars in the Middle East will eventually trigger a war between Israel and Iran, escalating to worldwide nuclear war. Each of the causal links in such claims can be easily broken. First, reliance on the automobile does not necessarily mean dependence on the Middle East; the U.S. now buys increasing amounts of oil from Canada. Second, even if the U.S. is dependent on the Middle East for oil, there is no cause for war – war may actually threaten the continued supply of oil more than abstaining from war. Third, tension

between Israel and Iran has little to do with U.S. presence in the Middle East; in fact, U.S. engagement in the Middle East may make Israel more likely to avoid engaging Iran directly. Finally, given Iran's lack of significant nuclear capability, there is little reason to believe that a war between Israel and Iran would escalate to full-scale nuclear war.

D. Map strategies before the debate begins. Sloppy negative teams just throw out dozens of arguments and hope that something sticks. More often than not, such negative teams end up in a mass of contradiction and uncertainty. Debaters who win consistently, however, select arguments from an arsenal of internally-consistent strategies. Negative debaters should headline their strategies with an organizing disadvantage or group of disadvantages, then make harm reduction and inherency arguments that are consistent with those disadvantages. Given the case possibilities on the transportation infrastructure topic, the following strategies should be considered:

The U.S. cannot afford new spending on transportation infrastructure programs. Many affirmative cases will propose that spending just a few tens or hundreds of billions of dollars now will pay off later – usually about a decade later. The problem is that limiting federal spending in the short-term is an absolute necessity.

State action is superior to federal government action. A considerable body of evidence establishes the superiority of state management of infrastructure projects. Federal policy imposes a “one-size-fits-all” approach to infrastructure problems, ignoring the differences that exist from one region to another. Affirmative teams will likely claim that state action, while desirable, is impossible because the states have no money and are unable to deficit spend. Yet every state government imposes its own tax on the sale of gasoline and diesel fuel – taxes that are, in most cases, higher than the federal gas tax. States have the same power that the federal government has to increase taxes or to shift infrastructure investments from one area to another. States are increasingly turning to innovative financing solutions such as congestion fees, state infrastructure banks and private investment.

Private investment is superior to federal investment. This negative position will argue that the inability of governments to spend money on infrastructure is a key factor fueling a shift to private investment. Why is private investment superior to a substantial increase in federal infrastructure investment? First, it avoids adding to the deficit and the political repercussions of a new federal government program. Private investment also offers superior efficiency in the management of the infrastructure project.

Promotion of a car culture devastates the environment. Many cases on the transportation topic will propose increased investment in traditional highway construction or repair projects. Such cases seek to reduce traffic congestion by building more highway infrastructure. Negative teams can argue that highway investments naturally trade-off with non-vehicle alternatives. Highway congestion is the prime factor causing urban dwellers to consider alternatives such as moving back into the center city where they can walk or cycle to work.

Plug-in hybrid vehicles offer the superior alternative. Numerous affirmative cases on the transportation topic will propose to solve the twin problems of global warming and oil depletion by promoting expensive alternatives such as high-speed rail, urban mass transit or hydrogen-fueled vehicles. Negative teams can argue that a superior alternative is already being pursued in the present system – one that will not require any new infrastructure investment.

CO₂ good: higher carbon dioxide levels save the world. This is a high risk strategy that should be used only by those debaters who are convinced that the traditional global warming thesis is wrong. The alternative theory proposed here is that the addition of carbon dioxide to the atmosphere plays only a minor role in global warming, but a major role in plant fertilization, allowing farmers here and abroad to feed the world.

The political effects of substantially increase federal investment in transportation infrastructure will be undesirable in the short-term. Most affirmative cases will produce only long-term advantages. Often more than a decade of preparation would be required to construct transportation infrastructure systems. Yet the adoption of the plan would generate nearly immediate political effects that could be highly disadvantageous.

II. INFRASTRUCTURE SPENDING IS SUFFICIENT AT PRESENT

1. FEDERAL INFRASTRUCTURE SPENDING IS INCREASING.

Nathan Musick, (Economist, Congressional Budget Office), PUBLIC SPENDING ON TRANSPORTATION AND WATER INFRASTRUCTURE, 2010, 5.

As a result of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (enacted as P.L. 109-59), which authorized funding for federal highway and mass transit programs after 2003, the average amount of budgetary resources available from the Highway Trust Fund for highway and mass transit infrastructure projects was almost 60 percent higher between 2005 and 2009 than it was between 1998 and 2003.

Nathan Musick, (Economist, Congressional Budget Office), PUBLIC SPENDING ON TRANSPORTATION AND WATER INFRASTRUCTURE, 2010, 5.

In 2009, the federal government spent \$87 billion on transportation and water infrastructure, an increase of \$6 billion over the amount spent in 2007. Adjusted for inflation, that spending represented the first annual increase in federal outlays for such infrastructure since 2002. Of those expenditures, about \$4 billion was from appropriations contained in the American Recovery and Reinvestment Act of 2009.

JayEtta Hecker, (Dir., Physical Infrastructure Issues, Government Accountability Office), SURFACE TRANSPORTATION: INFRASTRUCTURE, ENVIRONMENTAL ISSUES AND SAFETY, 2010, 27.

Federal funding for transportation has increased significantly in recent years, but because spending is not explicitly linked to performance, it is difficult to assess the impact of these increases on the achievement of key goals. During this period of funding increases, the physical condition of the highway system has improved, but the system's overall performance has decreased, according to available measures of congestion.

2. U.S. INFRASTRUCTURE SPENDING KEEPS PACE WITH INTERNATIONAL COMPETITORS.

Chris Edwards, (Dir., Tax Policy, Cato Institute), FEDERAL INFRASTRUCTURE INVESTMENT, Nov. 21, 2011. Retrieved Feb. 19, 2012 from http://www.cato.org/pub_display.php?pub_id=13871.

Interest groups complain that governments in the United States aren't spending enough on infrastructure, and we often hear that U.S. roads and other assets are crumbling. However, Figure 2 shows that while federal, state, and local infrastructure spending in the United States has dipped a little in recent decades, U.S. spending has closely tracked trends in other high-income nations. The figure shows gross fixed investment as a share of gross domestic product in the United States compared to the average of countries in the Organization for Economic Cooperation and Development. In 2010, U.S. infrastructure spending by governments was 3.5 percent of GDP, which was a little higher than the OECD average of 3.3 percent.

3. STATE AND LOCAL INFRASTRUCTURE SPENDING IS INCREASING.

Burt Solomon, (Staff, National Journal), U.S. INFRASTRUCTURE, 2011, 9.

Not to worry. Even as the nation's enthusiasm for long-term investments has flagged, the total amount of money spent on its infrastructure has continued to grow. As the federal share has shrunk (from 32 percent in 1982 to less than 24 percent in 2004, according to the Congressional Budget Office), state and local governments have picked up the slack. Counting all levels of government, public entities spent \$312 billion on the nation's transportation and water infrastructure in 2004, three times as much—after taking inflation into account—as in 1956, when Eisenhower's heyday began.

4. THE TRANSPORTATION SECTOR RECEIVES FUNDING FROM MANY SOURCES.

Randal O'Toole, (Sr. Fellow, CATO Institute), GRIDLOCK: WHY WE'RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT, 2009, 203.

In 2007, the Department of Transportation spent about \$66 billion. Slightly more than half, or \$38 billion, went for highways, most of which was passed through to states and metropolitan areas. In addition, several other federal agencies, such as the Department of the Interior (which includes the Forest Service), have their own budgets for roads on their lands. The Federal Emergency Management Agency also spends money repairing roads following natural disasters. The next-biggest chunk of transportation spending, slightly less than \$15 billion, went to the Federal Aviation Administration. Most of this was spent on air traffic control, but about \$3.5 billion in 2007 was used for airport improvement grants. The third-largest item in the Department of Transportation's budget is about \$10 billion per year for transit. As with highway money, most of this is passed through the Federal Transit Administration to local transit agencies in the form of grants or following Congress's apportionment formulas. Amtrak, which is not in the Department of Transportation, also typically receives about \$1.5 billion in federal money each year. The Federal Railroad Administration is the next-largest agency in the department, with a budget of about \$1.5 billion per year.

III. PROBLEMS WITH TRANSPORTATION INFRASTRUCTURE ARE EXAGGERATED

1. THERE IS NO INFRASTRUCTURE CRISIS.

Burt Solomon, (Staff, National Journal), U.S. INFRASTRUCTURE, 2011, 7.

Fixing the nation's infrastructure is "a matter of fine-tuning the economic production system," said Kenneth A. Small, an economist who specializes in transportation at the University of California (Irvine), "not a matter of moral outrage." Rudolph G. Penner, a senior fellow at the Urban Institute, said, "I'd call it a problem, not a crisis." Even the lobbyists who urge more spending on the nation's infrastructure acknowledge that the assertions of impending doom are an exaggeration.

2. SPECIAL INTEREST GROUPS EXAGGERATE THE PROBLEM IN ORDER TO RECEIVE FUNDING.

Cato Institute, ENGINEERS FOR BIG GOVERNMENT. Retrieved Feb. 22, 2012 from <http://www.downsizinggovernment.org/engineers-big-government>.

[Cato analyst, Chris] Edwards questions the claim that trillions of dollars must be spent on transportation infrastructure to correct deficiencies: "The American Society of Civil Engineers does a flashy study every year called 'America's Infrastructure Report Card.' The wrench-turners give a grade of 'D' to the mainly-government infrastructure they examine. Based on the low grade, they ask for taxpayers to cough up another \$2.2 trillion so the engineers can fix the supposed mess. There are two big problems with the ASCE report. The first is that it is devoid of economic thinking. Every infrastructure asset that is old and less than perfect is apparently a disgrace to the engineers. But economists would point out that to maximize our standard of living we generally want to wear out fixed assets pretty thoroughly before we buy new stuff."

Burt Solomon, (Staff, National Journal), U.S. INFRASTRUCTURE, 2011, 7-8.

Janet F. Kavinoky, the director of transportation infrastructure at the U.S. Chamber of Commerce, is the executive director of Americans for Transportation Mobility, an alliance of construction companies and labor unions. "If you don't say it's a crisis," she explained, "nobody shows up at your press conference."

3. INFRASTRUCTURE QUALITY HAS ACTUALLY IMPROVED IN RECENT YEARS.

Burt Solomon, (Staff, National Journal), U.S. INFRASTRUCTURE, 2011, 7.

In the transportation system, "the physical condition has not noticeably deteriorated in the past two decades," said Katherine A. Siggerud, the managing director of physical infrastructure issues at the determinedly nonpolitical Government Accountability Office. "The condition of the most-traveled roads and bridges in the United States, the interstates and the national highways, [has] improved in quality."

JayEtta Hecker, (Dir., Physical Infrastructure Issues, Government Accountability Office), SURFACE TRANSPORTATION: INFRASTRUCTURE, ENVIRONMENTAL ISSUES AND SAFETY, 2010, 11.

Increases over the past 10 years in transportation spending at all levels of government have improved the physical condition of highways and transit facilities to some extent, but congestion has worsened and safety gains have leveled off. According to the most recent DOT data, between 1997 and 2004 total highway spending per year by federal, state, and local governments grew by 22.7 percent in constant dollars. During this time, DOT reported some overall improvements in physical condition for road systems and bridges. For example, the percentage of vehicle miles traveled per year on "good" pavement conditions increased from 39.4 percent to 44.2 percent and the percentage of deficient bridges fell from 29.6 percent in 1998 to 26.7 percent per year in 2004.

4. INFRASTRUCTURE ISSUES DO NOT THREATEN U.S. ECONOMIC COMPETITIVENESS.

Burt Solomon, (Staff, National Journal), U.S. INFRASTRUCTURE, 2011, 11-12.

The threat to U.S. competitiveness shouldn't be exaggerated, for other countries face similar problems with congestion. Gaining permission to build a new road or runway is even harder in cramped, environmentally conscious Europe. China and India are spending 9 percent and 5 percent, respectively, of their gross domestic product on infrastructure. The U.S., however, has an overwhelming advantage: Its elaborate infrastructure -- 4 million miles of roads, 600,000 bridges, 26,000 miles of commercially navigable waterways, 11,000 miles of transit lines, 500 train stations, 300 ports, 19,000 airports, 55,000 community drinking water systems, and 30,000 wastewater plants—is already built.

IV. TRAFFIC CONGESTION IS NOT SIGNIFICANTLY HARMFUL

1. CONGESTION IS DECREASING NOW.

Larry Copeland, (Staff), USA TODAY, May 22, 2012, 1A.

Traffic congestion dropped 30% last year from 2010 in the USA's 100 largest metropolitan areas, driven largely by higher gas prices and a spotty economic recovery, according to a new study by a Washington-state firm that tracks traffic flows. That was the largest drop since the nation plunged into recession in December 2007. Of the 100 most populous metro areas, 70 saw declines in traffic congestion while just 30 had increases, says Jim Bak, co-author of the 2011 U.S. Traffic Scorecard for Kirkland, Wash.-based INRIX. That was a reversal of what happened in 2010, when 70 had increases in congestion and 30 had declines. Tampa had the biggest increase in congestion, and Minneapolis the biggest drop. "We're experiencing a stop-and-go economy right now," Bak says. "The data indicate the country may be experiencing the jobless recovery economists warned of during the recession." INRIX collects traffic information from more than 4 million vehicles equipped with GPS devices and from other sources for its annual scorecard. Bak says the data show that the reduction in gridlock on the nation's roads stems from rising fuel prices, lackluster gains in employment and modest increases in highway capacity because of construction projects completed under the federal stimulus program.

2. MOTORISTS HAVE THE MEANS TO AVOID CONGESTION.

Todd Litman, (Research Associate, Victoria Transport Policy Institute), SMART CONGESTION REDUCTIONS, Feb. 2, 2010, 5.

Indicators such as the Travel Time Index (TTI, the ratio of actual vehicle travel times over freeflow travel times) measure roadway congestion intensity but ignore exposure. They do not consider the degree to which travelers can avoid roadway congestion by shifting to alternative modes (such as grade-separated High Occupancy Vehicles and public transit, or telecommuting), nor the effects of land use patterns on trip distances.

3. PREDICTIONS THAT CONGESTION WILL KEEP INCREASING ARE WRONG.

Todd Litman, (Research Associate, Victoria Transport Policy Institute), SMART CONGESTION REDUCTIONS, Feb. 2, 2010, 6.

Highway expansion advocates often extrapolate past trends to predict huge future growth in vehicle travel and traffic congestion, although demographic (aging population), economic (rising fuel prices), market (increase consumer preferences for alternative modes), transportation (declining per capita vehicle travel) and management (increased application of transportation systems management) trends are likely to reduce future traffic growth rates. They often use older traffic models that exaggerate future congestion problems by ignoring the tendency of congestion to be self-limiting: congestion tends to limit peak-period traffic growth, as consumers respond by shifting travel time, route, mode and destination. Predictions that roads will reach "gridlock" are generally wrong.

4. TRAFFIC CONGESTION IS SELF-LIMITING.

Todd Litman, (Research Associate, Victoria Transport Policy Institute), SMART CONGESTION REDUCTIONS, Feb. 2, 2010, 7.

As mentioned earlier, traffic congestion tends to maintain self-limiting equilibrium: it grows to the point that congestion delays constrain further peak-period vehicle trips, causing travelers to shift to alternative times, routes and mode, and forego lower-value trips. For example, when roads are congested you might choose a closer destination or defer a trip until later, but if congestion is reduced you make those peak-period trips.

5. TRAFFIC ACCIDENTS ARE DECREASING.

Scott Hensley, (Staff), SHOTS: NPR HEALTH BLOG, Aug. 1, 2011. Retrieved May 13, 2012 from <http://www.npr.org/blogs/health/2011/04/01/135035669/death-takes-a-holiday-fatalities-from-traffic-accidents-fall>.

Americans are driving more than ever, yet deaths from traffic accidents have fallen to levels not seen since 1949. Last year 32,788 died in accidents, a 3 percent drop from 2009, the National Highway Traffic Safety Administration estimates. Cars are a lot safer than they used to be -- all those air bags make a difference. And roads are getting a little safer too. "Rumble strips and improved pavement marking make a big difference at a low cost," Barbara Harsha, executive director of the Governors Highway Safety Association told the Washington Post. Overall the death rate per 100 million miles traveled dropped to 1.09 in 2010, down 25 percent from 2005.

V. HIGHWAY SAFETY HAS IMPROVED

1. A PLAN IS ALREADY IN PLACE TO REDUCE HIGHWAY FATALITIES; THE NUMBER IS DROPPING STEADILY EACH YEAR.

Vernon Betkey, (Chair, Governor's Highway Safety Association), IMPROVING AND REFORMING THE NATION'S SURFACE TRANSPORTATION PROGRAMS, Hrg., Mar. 29, 2011, 51-52.

The Association is working cooperatively with the American Association of State Highway and Transportation (AASHTO) and five other national organizations representing state-level safety-related agencies to develop a National Strategic Highway Safety Plan. The Plan will support the long-term goal of zero deaths and has been called the "Toward Zero Deaths (TZD) plan. As the GHSA Chairman, I serve as the vice-chairman of the TZD Committee. GHSA also supports an interim goal of halving fatalities by 2030. To accomplish this goal, it requires annual reductions of 1,000 fatalities per year. In 2007, 2008, and 2009, the country achieved reductions of at least 1,000 annually, demonstrating that yearly reductions of this magnitude are, indeed, possible.

2. MOST ACCIDENTS ARE BECAUSE OF ALCOHOL USE, NOT INFRASTRUCTURE ISSUES.

BISMARCK TRIBUNE, Nov. 21, 2011, A6.

More than half the deaths this year were from accidents involving alcohol. There are a lot of factors that go into accidents and traffic fatalities. But there are a couple of consistent major causes - use of alcohol and no seat belts - despite laws that limit drinking and driving and require seat belts to be fastened.

3. TRAFFIC DEATHS ARE NOW AT A 60-YEAR LOW.

David Shepardson, (Staff), THE DETROIT NEWS, Sept. 10, 2010, A1.

The number of people killed on American highways dropped to a 60-year low in 2009, thanks in large part to safer cars, safer roads, better-trained young drivers and a limping economy. Statistics released by the U.S. Department of Transportation Thursday put the highway death toll at 33,808, a drop of nearly 10 percent from 2008.

MASSACHUSETTS TELEGRAM & GAZETTE, Sept. 18, 2010, A11.

The National Highway Traffic Safety Administration reported last week that fatalities from motor vehicle crashes in the U.S. declined sharply in 2009. The fatality rate -- just 1.13 deaths for every 100 million vehicle miles traveled -- has never been lower. And even the total number of deaths is now nearly as low as it was in 1950, a time of much lower population, much less traffic, and far shorter average commutes.

4. TRAFFIC DEATHS ARE DOWN, EVEN THOUGH THE NUMBER OF MILES DRIVEN HAS DRAMATICALLY INCREASED.

David Shepardson, (Staff), THE DETROIT NEWS, Sept. 10, 2010, A1.

The national decline is dramatic in light of the massive growth in vehicles, drivers and miles traveled during the last 60 years. In 1950, 33,186 people died on U.S. roads with 50 million vehicles and 62 million drivers. Today, there are more than 210 million drivers and 250 million cars on American roads. Last year's statistics represent the lowest fatality and injury rates recorded: 1.13 deaths per 100 million vehicle miles traveled in 2009, compared with 1.26 deaths for 2008. By contrast, the rate in the 1950s was around 6 deaths per 100 million miles traveled.

David Shepardson, (Staff), THE DETROIT NEWS, Sept. 10, 2010, A1.

U.S. Transportation Secretary Ray LaHood touted the big reduction -- nearly 4,000 fewer deaths nationwide last year - and noted that Americans drove slightly more miles in 2009 than in 2008.

5. TRAFFIC INJURIES ARE DECLINING AS WELL AS DEATHS.

David Shepardson, (Staff), THE DETROIT NEWS, Sept. 10, 2010, A1.

Like fatalities, the number of traffic-related injuries is declining. Nearly 900,000 fewer people were injured in car crashes last year than 20 years ago. The number of people injured in crashes in 2009 dropped 5.5 percent to 2.2 million from the previous year. Pedestrian deaths fell 7.3 percent to 4,092, and pedestrian injuries dropped 14 percent, to 59,000.

VI. BRIDGE SAFETY IS NOT A SERIOUS PROBLEM

1. THE SMALL PERCENT OF BRIDGES RATED AS “DEFICIENT” POSE NO RISK TO MOTORISTS.

Randal O’Toole, (Sr. Fellow, CATO Institute), *GRIDLOCK: WHY WE’RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT*, 2009, 28.

What about the "one-third of the bridges in the United States" being risky to drive upon? That was based on Department of Transportation reports that 12.1 percent of roadway bridges are structurally deficient and 13.3 percent are functionally obsolete. Note that CBS News generously rounded up the total—25.4 percent—to "almost 30 percent," which it immediately inflated to "one third" (which, of course, is 33.3 percent). At most, however, the real number was 12.1 percent (meaning CBS News was merely 175 percent too high). The 13.3 percent of bridges that are "functionally obsolete" are not in any danger of falling; they merely have narrow lanes, inadequate overhead clearances, overly sharp on- and off-ramps, or other outdated design features. These bridges pose no risk to auto drivers unless the drivers themselves behave recklessly.

2. THE FAILURE OF THE I-35 BRIDGE WAS NOT A MAINTENANCE ISSUE – A DESIGN FLAW RATHER THAN POOR MAINTENANCE WAS THE PROBLEM.

Scott Huler, (Journalist), *ON THE GRID*, 2010, 114.

Bridges make the big news in roads. After the 1967 collapse of a bridge over the Ohio River at Point Pleasant, Ohio, that killed 46 people, the Federal Highway Administration (FHWA) in 1971 created national bridge-inspection standards. The 1983 collapse of 100 feet of the I-95 bridge over the Mianus River in Connecticut helped intensify the early 1980s spasm of interest in our crumbling infrastructure much as the 2007 collapse of the I-35W bridge in Minneapolis did in recent years. Yet as it happens, none of those collapsing bridges was a standard highway bridge, and investigations into each failure identified specific design flaws. So even though bridge failures make us reflexively look at our local highway bridges and worry about maintenance, lack of maintenance didn't cause the catastrophic bridge failures that have seized our attention.

3. BRIDGE FAILURES ARE RESPONSIBLE FOR ONLY A VERY SMALL PERCENTAGE OF HIGHWAY DEATHS.

Burt Solomon, (Staff, National Journal), *U.S. INFRASTRUCTURE*, 2011, 10.

As for a fear of falling bridges, "I don't really think we're in a crisis," said economist Small. He also mentioned the "pretty strong" system of bridge inspections and placed the 13 deaths in Minnesota into the context of all U.S. traffic fatalities, which average 120 a day. "If you plot the statistics," he noted, "you might not notice the bump."

4. THE NUMBER OF DEFICIENT BRIDGES IS ON THE DECLINE.

Phillip Herr, (Dir., Physical Infrastructure Issues, U.S. Government Accountability Office), *OVERSIGHT OF THE HIGHWAY BRIDGE PROGRAM AND THE NATIONAL BRIDGE INSPECTION PROGRAM*, Hrg., July 21, 2010, 95.

There are over 600,000 bridges on the nation's roadways, of which one in four is deficient in some sense. Data indicate that the total number of deficient bridges has decreased over the past 12 years, even as the total number of bridges has increased, because of a reduction in the number of structurally deficient bridges.

Staff Report of the House Committee on Transportation and Infrastructure, *OVERSIGHT OF THE HIGHWAY BRIDGE PROGRAM AND THE NATIONAL BRIDGE INSPECTION PROGRAM*, Hrg., July 21, 2010, vii.

According to GAO, the reduction of deficient bridges was "most notable in bridges owned by local agencies and on rural routes, which may be attributed, in part, to the Federal bridge program requirement that states spend a minimum amount of their apportionment on non-Federal-aid highway bridges.

5. POOR MAINTENANCE IS RESPONSIBLE FOR A TINY NUMBER OF BRIDGE FAILURES.

Randal O’Toole, (Sr. Fellow, CATO Institute), *GRIDLOCK: WHY WE’RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT*, 2009, 29.

Bridge collapses due to poor maintenance are rare, and none have taken place in the United States in the last 20 years. Of 20 notable bridge collapses in the last 50 years, nearly half were caused by collisions with ships or barges, motor vehicles that caught fire, or—in one case—an airplane. Three resulted from earthquakes or a tornado, two—including the Minneapolis bridge—resulted from design or construction flaws, and one was overloaded when someone drove a 90-ton vehicle on a bridge rated to hold 17.5 tons.

VII. AIR POLLUTION IS NOT SIGNIFICANTLY HARMFUL

1. AIR POLLUTION LEVELS HAVE DRAMATICALLY DECREASED.

LOS ANGELES DAILY NEWS, Apr. 25, 2012. Retrieved May 5, 2012 from Nexis.

The 13th annual "State of the Air" report released by the nonprofit association Wednesday, and a study from the California Air Pollution Control Officers released Tuesday, both show a dramatic decrease in all kinds of lung-damaging pollution, including ozone and particle pollution.

Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 39.

Average national ambient carbon monoxide levels have fallen by 79 percent since 1980, and 83 percent since 1970, as shown in Figure 5. Figure 5 also displays the trend for the 90th percentile—locations with the highest levels of CO—which has shown a similar decline. The EPA's target level for CO is 9 parts per million (ppm). Now at an average national level of less than 2 ppm, ambient CO levels have fallen within the EPA's target "good" range for the entire nation since 1993. It is noteworthy that these reductions occurred despite an 80 percent increase in vehicle miles traveled (VMT) and that they occurred at sites across all monitoring environments—urban, suburban, and rural.

2. AMERICANS ARE LIVING LONGER BECAUSE OF IMPROVEMENTS IN AIR QUALITY.

Judy Fahys, (Staff), SALT LAKE TRIBUNE, Jan. 22, 2009. Retrieved May 5, 2012 from Nexis.

Research led by Brigham Young University's C. Arden Pope and published in today's edition of the New England Journal of Medicine showed that Americans lived about five months longer on average thanks to 20 years of improvements in air quality. Pope called the correlation "remarkable." "It's a good-news kind of study," he said. "At least what we've done [to improve air quality] seems to be having a real return on investment."

3. AIR QUALITY STANDARDS HAVE BEEN MET THROUGHOUT THE U.S.

Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 32.

Virtually the entire nation has achieved clean air standards for four of the six main pollutants regulated under the Clean Air Act (carbon monoxide, sulfur dioxide, nitrogen oxides, and lead).

4. AREAS OF HIGHEST CONGESTION LEVELS NOW MEET AIR QUALITY STANDARDS.

Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 32.

In the cases of ozone and particulates, the areas of the nation with the highest pollution levels have shown the greatest magnitude of improvement. The declines in average ambient levels of pollution on the national scale understate the magnitude of improvement in the worst areas.

Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 43.

Ambient national average ozone levels have declined 25 percent since 1980, as shown in Figure 8, which displays the average level and the level at the 90th percentile. The national average figure understates the magnitude of improvement, however, as ozone levels in the worst locations, such as Los Angeles, have fallen much more than the national average. The eight-hour peak ambient ozone level in Los Angeles has fallen 61 percent since 1980.

5. GIVEN CURRENT TRENDS, AIR QUALITY WILL CONTINUE TO IMPROVE.

Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 32.

The long-term trend of improving air quality is certain to continue. Government air quality models project significant decreases in emissions over the next 20 years as technology improvement and equipment turnover continue.

6. AIR QUALITY HAS IMPROVED FOR ALL TYPES OF POLLUTANTS.

Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 35.

For the 88 metro areas that calculate the AQI [Air Quality Index], the EPA notes significant declines in the number of days each year on which the 100 threshold has been reached over the last 18 years. The AQI trend comes in three versions—for all air pollutants, for ozone only, and for PM25 (because of the switch in measuring particle pollution from P1\410 to PM25, starting in 1999).

VIII. CURRENT RELIANCE ON AUTOMOBILES IS BENEFICIAL RATHER THAN HARMFUL

1. PUBLIC TRANSPORTATION IS MORE ENERGY INTENSIVE THAN THE PERSONAL AUTOMOBILE.

Randal O'Toole, (Sr. Fellow, Cato Institute), PUBLIC TRANSPORTATION: A CORE CLIMATE SOLUTION, Hrg., July 7, 2009, 44.

Today, we know what worked and what did not. Automotive air pollution has declined by at least two-thirds since 1970. This entire decline was due to technological changes in automobiles. Far from responding to transit investments by reducing driving and taking transit more, Americans today drive far more than they did in 1970. As the late University of California (Irvine) economist Charles Lave demonstrated in the October, 1979 Atlantic Monthly, investing in transit fails to save energy or reduce air pollution for two reasons: First, spending more money on transit does not significantly reduce driving. Second, transit uses just about as much energy as cars, so even if we could persuade people to take transit it would not save energy.

2. AUTOMOBILES SAFETY HAS DRAMATICALLY IMPROVED.

Randal O'Toole, (Sr. Fellow, CATO Institute), GRIDLOCK: WHY WE'RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT, 2009, 109.

When America's urban skies were darkened with pollution in the late 1960s, up to 55,000 people died on America's highways each year. This represented more than 50 deaths for every billion miles of driving. By 2007, when driving had increased by more than 175 percent, highway fatalities had fallen to 41,000, for a rate of less than 14 deaths per billion miles of driving. Driving today is more than 70 percent safer than it was before 1970, and the safest roads of all are urban interstates, where only about 5 people die per billion miles driven. Reduced fatalities resulted from improvements in both highway and auto safety, not from people driving less.

3. AUTOMOBILES PROVIDE PERSONAL AUTONOMY, AN ESSENTIAL ELEMENT OF DEMOCRATIC INSTITUTIONS.

Anthony Perl, (Prof., Urban Studies, Simon Fraser U.), TRANSPORT REVOLUTIONS: MOVING PEOPLE AND FREIGHT WITHOUT OIL, 2010, 65.

The growth of personal road transport—chiefly cars—has been closely associated with two of the major phenomena of the 20th century: growth in material well-being and expansion of democratic institutions. Ownership of a car—usually the most expensive of consumer purchases—has assumed in rich countries the status of a democratic right. As a token of passage into adulthood, qualifying to drive a car can be more important than qualifying to vote. In central and Eastern European countries, relaxation of prohibitions on car ownership often preceded enfranchisement, and may have contributed to it.

4. IMPROVEMENTS IN THE AUTOMOBILE HAVE CAUSED GAS CONSUMPTION TO PLUMMET.

David Strahan, (Staff), NEW SCIENTIST, May 19, 2012. Retrieved May 23, 2012 from Nexis.

Recent legislation means average fuel economy must double to 54.5 mpg by 2025. The standard has been rising since 1978, and by 2020 the targets become so demanding, says Galves, that car manufacturers will not be able to meet them without selling a significant number of electric vehicles. Galves expects them to make up a fifth of US car sales in 2020. The impact will be dramatic. Every day, US vehicles guzzle about 9 million barrels of oil -; the biggest single element in our daily global consumption of almost 90 million barrels. Deutsche Bank oil analysts expect US petrol consumption to plummet, almost halving by 2030.

Joseph Szczesny, (Staff, The Detroit Bureau), AVERAGE AUTO'S FUEL ECONOMY RISING FAST, Feb. 7, 2012. Retrieved May 25, 2012 from <http://www.thedetroitbureau.com/2012/02/average-autos-fuel-economy-rising-fast/>.

After years of little growth, the fuel economy of the typical new car sold in the U.S. is now rising rapidly, according to a new study that found that new vehicles are getting an average 14% better mileage than just four years ago. For all 2012 light-duty vehicles, including cars, pickup trucks, minivans, vans and SUVs, the average miles per gallon is 21.5, compared to 18.9 mpg for model year 2008 vehicles, according to a new study by the University of Michigan.

5. THE AUTOMOTIVE INDUSTRY IS ESSENTIAL TO THE U.S. ECONOMY.

Ken Zino, (Staff, The Detroit Bureau), U.S. AUTOMOBILE INDUSTRY MAKES \$500 BILLION CONTRIBUTION TO THE U.S. ECONOMY, Apr. 22, 2010. Retrieved May 25, 2012 from <http://www.thedetroitbureau.com/2010/04/u-s-automobile-industry-makes-500-billion-dollar-contribution-to-the-economy/>.

The U.S. auto industry provides a substantial contribution to U.S. economic health, according to the latest study released this morning by the Sustainable Transportation and Communities group at the Center for Automotive Research (CAR). The non-profit research organization looked at the economic and employment impact of automakers, parts suppliers, and dealerships in contributing to the economies of all 50 states. The automotive industry spends \$16 to \$18 billion dollars a year on research and product development, half a trillion dollars on employee compensation, and is the major leader of the overall manufacturing contribution to the gross domestic product.

6. THE SHIFT TO HYBRIDS AND ELECTRIC VEHICLES IS SOLVING FOR GREENHOUSE GAS EMISSIONS.

David Strahan, (Staff), NEW SCIENTIST, May 19, 2012. Retrieved May 23, 2012 from Nexis.

One reason for the result could be that electrification is now widely seen as the best way to make major reductions in transport emissions, even taking into account the emissions from generating the electricity in the first place. That is because electric vehicles are far more efficient than petrol cars. Take the Nissan Leaf. It is responsible for just 99 grams of CO₂ per kilometre, even when charged on electricity generated by the average mix of coal, natural gas, nuclear and renewables.

John M. DeCicco, (Prof., Natural Resources and Environment, U. Michigan), A FUEL EFFICIENCY HORIZON FOR AMERICAN AUTOMOBILES, Sept. 2010, iii.

Recently, rises in oil prices and concerns about climate disruption have led to stricter fuel economy and automotive GHG emissions standards. The single national program finalized in April 2010 targets a 38% increase in fuel economy, for a projected new fleet average of 34 miles per gallon (lab-test mpg) by 2016 or a 27% decrease in energy intensity (energy use per distance driven) and tailpipe carbon dioxide (CO₂) emissions compared to 2005.

John M. DeCicco, (Prof., Natural Resources and Environment, U. Michigan), A FUEL EFFICIENCY HORIZON FOR AMERICAN AUTOMOBILES, Sept. 2010, 19.

Well optimized, fully capable hybrid systems can cut energy intensity by as much as 50% when controlling for performance.

7. IMPROVED AUTOMOTIVE FUEL EFFICIENCY OFFERS THE BEST WAY TO REDUCE OIL CONSUMPTION.

Union of Concerned Scientists, CLEAN VEHICLES, May 3, 2012. Retrieved May 25, 2012 from http://www.ucsusa.org/clean_vehicles/.

If we burn less gas, we need less oil. Increasing vehicle fuel efficiency offers the single greatest opportunity for reducing our oil consumption.

Union of Concerned Scientists, CLEAN VEHICLES, May 3, 2012. Retrieved May 25, 2012 from http://www.ucsusa.org/clean_vehicles/.

Clean vehicle and fuel technologies provide the foundation for a practical, realistic national oil savings plan that would dramatically reduce oil use by boosting vehicle fuel efficiency, increasing the use of clean biofuels, and creating the next generation of advanced vehicles that no longer rely exclusively on oil. The technology is already here.

8. THE AUTOMOTIVE INDUSTRY IS COMMITTED TO CONTINUED IMPROVEMENT IN FUEL EFFICIENCY.

Chuck Squatriglia, (Staff, Autopia), WE CAN DOUBLE AUTOMOTIVE FUEL EFFICIENCY, Nov. 20, 2007. Retrieved May 25, 2012 from <http://www.wired.com/autopia/2007/11/we-can-double-a/>.

But there is reason to be optimistic the industry might be serious about improving fuel economy after years of declines brought on by the boom in SUVs. Most of the major automakers at the L.A. Auto Show were showing off hybrids and gas-free vehicles and promising to improve efficiency. Ford was among the most strident in making that point, with CEO Alan Mulally telling reporters, "We are going to keep improving the fuel efficiency of all our vehicles from this day forward, forever," he proclaimed. "It's important to start this discussion and keep it going. We need to do this right now."

IX. UNEMPLOYMENT IS BEING ADDRESSED IN THE PRESENT SYSTEM

1. AN ECONOMIC RECOVERY IS UNDERWAY.

CHATTANOOGA TIMES FREE PRESS, Oct. 29, 2011, B6.

There has been little economic news of late to cheer about, so Thursday's report from the Commerce Department that the economy in the July-to-September quarter grew at an annual rate of 2.5 percent is especially good news. It indicates the nation's economic recovery has not flat-lined or edged closer to a double-dip recession, as so many Republicans want the public to believe, but is still moving forward -- and at the fastest rate in a year. In fact, the third quarter growth rate was nearly double the 1.3 percent rate of the second quarter. Coupled with progress this week by the European Union toward resolution of its sovereign debt crisis and banking woes, the broad injection of good news spurred a surge in the Dow Jones industrial average, to above 12,200, where it remained perched Friday afternoon. At the moment, the Dow is on track to its biggest monthly percentage gain in a quarter of a century.

2. JOBS ARE BEING CREATED IN THE PRESENT SYSTEM.

Christopher Rugaber, (Staff, Associated Press), THE VIRGINIAN-PILOT, Mar. 10, 2012, A11.

The Labor Department, in its monthly jobs report, said Friday that December and January, already two of the best months for jobs since the recession, were even stronger than first estimated. January job growth was revised higher by 41,000 to 284,000. December job growth was raised by 20,000 to 223,000. The overall job growth for February of 227,000 beat economists' estimate of 210,000. "It's a very strong report," said Bob Baur, chief global economist at Principal Global Investors, an asset management company. "I could hardly find anything not to like in it." Since the beginning of December, the country has added 734,000 jobs. The only three-month stretch that was better since the recession ended was March through May 2010, when the government was hiring tens of thousands of temporary workers for the census.

3. EMPLOYMENT GAINS HAVE BEEN STEADY SINCE THE 2008 RECESSION.

Christopher Rugaber, (Staff), ASSOCIATED PRESS, Nov. 4, 2011. Retrieved Apr. 11, 2012 from Nexis.

The American job market improved modestly in October, and economists looking deeper into the numbers found reasons for optimism or at least what counts for optimism in this agonizingly slow economic recovery. The nation added 80,000 jobs. That was fewer than the 100,000 that economists expected, but it was the 13th consecutive month of job gains. Fears of a new recession that loomed over the economy this summer have receded. The unemployment rate nudged down, to 9 percent from 9.1 in September. "Those are pretty good signs," said Michael Hanson, senior economist at Bank of America Merrill Lynch. "We're hanging in there."

Paul Wiseman, (Staff, Associated Press), BRATTLEBORO REFORMER, Jan. 7, 2012. Retrieved Apr. 11, 2012 from Nexis.

Indeed, the economy added 1.6 million jobs for all of 2011. That is better than the 940,000 added during 2010. In 2009, the most bruising year of the Great Recession, the nation lost more than 5 million.

4. MORE THAN HALF OF THE JOBS LOST DURING THE 2008 RECESSION HAVE RETURNED.

Jeremy Owens, (Executive Director of the National Employment Law Project), CONTRA COSTA TIMES, Jan. 6, 2012. Retrieved Apr. 11, 2012 from Nexis.

With all signs pointing to an improving economy, Friday's jobs report didn't disappoint those hoping for another boost to the job market: The Labor Department reported another fall in the national unemployment rate for December, from 8.6 percent to 8.5 percent, its lowest point in nearly three years. Behind that simple percentage, however, is a wealth of facts that help show the true nature of the American job market as 2012 begins. With the addition of 200,000 jobs in December, the U.S. job market gained more than 1.6 million jobs in 2011, the most in a single year since 2006. Economists predict the U.S. will add even more jobs this year, with 2.1 million new jobs the average estimate. If the U.S. manages to match that forecast, it will have gained back in three years more than half the jobs it lost as a result of the Great Recession, which robbed the economy of nearly 8.7 million jobs in 2008-09.

5. THE ECONOMIC RECOVERY WILL BE STEADY.

Paul Wiseman, (Staff, Associated Press), BRATTLEBORO REFORMER, Jan. 7, 2012. Retrieved Apr. 11, 2012 from Nexis.

Four painful years after the Great Recession struck and wiped out 8.7 million jobs, the United States may finally be in an elusive pattern known as a virtuous cycle an escalating loop of hiring and spending. The nation added 200,000 jobs in December in a burst of hiring that drove the unemployment rate down two notches to 8.5 percent, its lowest in almost three years, and led economists to conclude that the improvement in the job market might just last. "There is more horsepower to this economy than most believe," said Sung Won Sohn, an economics professor at California State University, Channel Islands. "The stars are aligned right for a meaningful economic recovery." It was the sixth month in a row that the economy added at least 100,000 jobs, the longest streak since 2006. The economy added jobs every month last year, the first time that has happened since 2005. And the unemployment rate, which peaked at 10 percent in October 2009 and stood at 9.1 percent in August, has fallen four months straight. It was 8.7 percent in November.

6. CURRENT JOB GROWTH OFFERS PERMANENT JOBS – NOT JUST TEMPORARY CONSTRUCTION JOB PROJECTS.

Thomas Black, (Staff, Bloomberg News), THE HOUSTON CHRONICLE, Jan. 16, 2012, B6.

Companies from General Electric to yogurt producer Chobani are adding U.S. workers, accelerating a rebound in hiring, as chief executive officers prepare for greater demand in a strengthening economic recovery. Boeing is bringing in more than 100 union machinists a week for a 60 percent boost in output by 2014. Nissan will expand in Tennessee with 1,000 people making lithium-ion batteries. And a GE executive was at a Kentucky appliance plant before dawn one day this month to greet some of its 500 new employees. "The next few years are going to be a different picture than what we saw in the last few," said Hamdi Ulukaya, CEO and founder of South Edmeston, N.Y.-based Chobani, which is building a 300-worker plant in Twin Falls, Idaho. "To get ready for this, we need to have our manufacturing capacity in place."

Paul Wiseman, (Staff, Associated Press), BRATTLEBORO REFORMER, Jan. 7, 2012. Retrieved Apr. 11, 2012 from Nexis.

Telecommunications and finance companies are restoring the jobs they eliminated at the depths of the Great Recession. And human resources employees, among the first jobs slashed when the economy collapsed, are in demand.

Thomas Black, (Staff, Bloomberg News), THE HOUSTON CHRONICLE, Jan. 16, 2012, B6.

Boeing, responding to airlines clamoring for more fuel-efficient jets, added 10,000 jobs last year as hiring in the Chicago-based plane maker's commercial aircraft unit made up for shrinking employment in the defense industry. Production increases at the world's largest aerospace company are rippling out to suppliers such as Spirit AeroSystems Holdings. Wichita, Kan.-based Spirit boosted its workforce by 1,000 to 15,000 last year and will hire at the same pace in 2012, said Ken Evans, a spokesman. The U.S. may add 1.7 million jobs this year, the fastest pace since 2006, based on economists' estimates compiled by Blue Chip Economic Indicators.

7. CURRENT TRENDS POINT TO CONTINUED JOB GROWTH.

Thomas Black, (Staff, Bloomberg News), THE HOUSTON CHRONICLE, Jan. 16, 2012, B6.

The hiring reflects optimism among CEOs that the economy will continue to strengthen and more workers will be needed to meet demand. It may signal an end to a lockdown on job growth following the financial crisis that lingered even after the recession ended in June 2009, with economists estimating more new jobs created this year than any time since 2006.

X. EARMARKS ARE A THING OF THE PAST

1. THE REPUBLICANS CONTROLLING THE HOUSE HAVE BANNED EARMARKS.

Allison Sherry, (Staff), DENVER POST, Feb. 4, 2011, A1.

Now in the majority, House Republicans say they will not send an appropriations bill to the Senate with even \$1 in earmarks. And the Senate Appropriations Committee has enacted a two-year moratorium on earmarks as even moderate Senate Democrats -- including Colorado's Michael Bennet and Mark Udall -- are coming out against them. President Barack Obama, in his State of the Union address, said he wouldn't sign a bill with an earmark in it.

2. PRESIDENT OBAMA HAS PROMISED TO VETO ANY APPROPRIATION BILL CONTAINING EARMARKS.

Colby Itkowitz, (Staff), ALLENTOWN MORNING CALL, Feb. 3, 2012, A10.

A year ago, House and Senate Republicans agreed to a temporary ban on earmarks, but an official two-year restriction fell short of passing the Senate. President Barack Obama in his 2011 State of the Union address said he'd veto any bill that contains earmarks.

David Savage, (Staff), TULSA WORLD, Nov. 14, 2010, A9.

President Barack Obama and House Republicans leaders may actually have found something to agree on: eliminating congressional "earmarks" from the federal budget. They represent less than 1 percent of federal spending, but they have come to symbolize Washington's wasteful ways. When huge spending bills are working their way through Congress, legislators often tuck in a provision, known as an "earmark," that requires a government agency to fund a particular local project, even when the agency officials think the money could be better spent elsewhere.

3. THE SENATE HAS NOW JOINED THE HOUSE IN BANNING EARMARKS.

Allison Sherry, (Staff), DENVER POST, Feb. 4, 2011, A1.

In their newfound love for fiscal responsibility, both parties in Congress and the White House have agreed that earmarks must go.

Carl Hulse, (Staff), NEW YORK TIMES, Feb. 27, 2011, A17.

The wall finally tumbled down this year when Mr. Boehner, installed as the new speaker, pushed a ban in the House and had the clout to make it stick. In the Senate, Mitch McConnell of Kentucky, a rabid earmarker, finally took the cure. Then, under pressure from the White House, Senate Democrats agreed to a ban, though Senator Harry Reid of Nevada, the majority leader, did so grudgingly, arguing that it was the job of Congress to direct federal spending. Whether prohibition will last is anyone's guess. But with Congress now so focused on cutting spending, it is doubtful that the days of unbridled earmarking will return anytime soon.

4. THE BAN ON EARMARKS EXTENDS THROUGH 2013.

Colby Itkowitz, (Staff), ALLENTOWN MORNING CALL, Feb. 3, 2012, A10.

U.S. Sen. Pat Toomey's effort to permanently ban congressional earmarks fell short Thursday, but the Pennsylvania Republican said he was heartened that appropriators separately agreed to extend the temporary moratorium through 2013.

5. EVEN BEFORE EARMARKS WERE BANNED, THEY WERE A MINOR ISSUE.

CHATTANOOGA TIMES FREE PRESS, Nov. 18, 2010, B6.

In the context of the federal government's overall annual spending, earmarks are virtually invisible. Last year's \$15.9 billion in earmarks, for example, amounted to less than three-tenths of one percent of the total \$3.55 trillion federal budget.

Stephen Dinan, (Staff), WASHINGTON TIMES, Feb. 10, 2011, A1.

Earmarks peaked in 2006. Citizens Against Government Waste says the marks at that time accounted for \$29 billion, or slightly more than 1 percent of federal spending. By 2010, that figure had fallen to about one-half of 1 percent - significant money, though still low for the amount of attention it draws. Now, with House Republican victories in 2010 and Mr. Inouye's announcement last week, 2011 and 2012 spending bills promise to be the first earmark-free measures in decades.

XI. THE EARTH IS NOT WARMING AS PREDICTED

1. THE TEMPERATURE RECORD DOES NOT SUPPORT THE WARMING THESIS.

Stewart Francke, (Prof., Environmental Engineering, U. Newcastle), THE AUSTRALIAN, Apr. 18, 2012, 12.

The theory of dangerous temperature rises simply isn't backed up by the research. Two recent, widely publicised reports by the government's scientific advisory agencies on climate change have sought to raise alarm yet again about global warming. With the world having warmed slightly during the late 20th century, CSIRO, the Bureau of Meteorology and the Climate Commission all advocate that this warming was caused mainly by industrial emissions of carbon dioxide, and that the continuation of emissions unchecked will cause dangerous warming of 3C-4C by 2100. However, these and other climate agencies are now encountering a public that is increasingly aware of the lack of factual evidence for dangerous warming, and of the speculative nature of the arguments advanced in its favour. For example, many people now understand that there is no direct evidence that 20th-century warming was caused mostly by carbon dioxide increase; that the late 20th-century warming has been followed by a 15-year temperature standstill in the face of continuing increases in carbon dioxide; and that the models that project alarming future warming are inadequate.

2. CLIMATE SCIENTISTS ARE UNABLE TO EXPLAIN WHY RISING CARBON DIOXIDE LEVELS ARE NOT CAUSING WARMING.

Stephen Chen, (Staff), SOUTH CHINA MORNING POST, Mar. 10, 2012, 4.

The United Nations-backed Intergovernmental Panel on Climate Change (IPCC) predicted that if we could limit the total amount of greenhouse gases equivalent to 450 parts per million (ppm) of carbon dioxide, we could hold global temperature rises to within 2 degrees Celsius in a century. But the global carbon dioxide level has already reached 390 ppm. Add in other gases such as methane, and we are very close to, or even breaching, the 450 ppm limit. Here lies a problem: world temperatures since the industrial revolution, which was an especially cold period at the end of the Little Ice Age, have risen by 0.74 degrees Celsius - way lower than the prediction of the IPCC's mathematical models. How do scientists account for the lower-than-expected temperature change despite accelerated emissions? "Facing such reality, many scientists summon unreliable reasons such as the 'cooling effect of aerosols'," Ding said. "That makes us suspect that they are choosing a side, the side serving political correctness and other purposes that I don't want to specify here."

3. CHANGES IN THE SUN PROVIDE A MORE REASONABLE EXPLANATION OF RECENT WARMING AND COOLING TRENDS.

David R. Legates, (Prof., Climatology, U. Delaware), NATIONAL POST, Aug. 13, 2011, FP17. The global warming scare has fizzled.

The sun has entered a new "quiet" phase, and average global temperatures have been stable for 15 years. Climate conferences in Copenhagen and elsewhere have gone nowhere. Kyoto has become little more than a footnote in history. Countries that agreed to "climate stabilization" policies are retreating from that untenable position. The public realizes that climate science is far from "settled."

4. EVEN THE MOST EXTREME GLOBAL WARMING THEORISTS ARE NOW ADMITTING THEY WERE WRONG.

Lawrence Solomon, (Staff), FINANCIAL POST, Apr. 28, 2012, FP21.

Several years ago, environmentalist James Lovelock made headlines when he announced that global warming would end the world as we know it - he predicted that "billions of us will die and the few breeding pairs of people that survive will be in the Arctic where the climate remains tolerable." Google searches associating his name with global warming and climate change now exceed one million hits, and understandably so, given his reputation. Lovelock has infused environmental thought for decades through best-selling books describing Earth as a living organism - Lovelock is the one who coined the Gaia concept. Among many other honours heaped on Lovelock, Time magazine featured him in a series on Heroes of the Environment. So, why, when Lovelock this week recanted his past views on global warming as being "alarmist," did virtually every major news outlet on the planet ignore his change of heart? It wasn't because he minced his words. "The problem is we don't know what the climate is doing. We thought we knew 20 years ago," he admitted, adding that temperatures haven't increased as expected over the last 12 years. "There's nothing much really happening yet. We were supposed to be halfway toward a frying world now."

5. CLIMATE MODELS PROVIDE AN INADEQUATE BASIS FOR PUBLIC POLICY.

Stewart Francke, (Prof., Environmental Engineering, U. Newcastle), THE AUSTRALIAN, Apr. 18, 2012, 12.

The dangerous warming hypothesis is embodied in the complex climate models that CSIRO and others use to predict the future climate. But when the model predictions are tested against the latest high-quality data from our best instruments, they are seen to have comprehensively failed.

Stewart Francke, (Prof., Environmental Engineering, U. Newcastle), THE AUSTRALIAN, Apr. 18, 2012, 12.

For example, the models predicted increasing global air temperatures (the measured rises have been much less than predicted), increasing ocean temperatures (there has been no change since 2003, when we started measuring it properly with Argo ocean-diving buoys) and the presence of a hot spot caused by humidity and cloud feedback at heights of 8km-12km in the tropical atmosphere (entirely absent). The last item is especially important because it shows that the crucial amplification assumed by the modellers and which is responsible for two-thirds of the predicted warming (yes, only one-third is directly due to carbon dioxide) simply does not exist. Finding that the estimated historic increase in carbon dioxide was not enough to cause dangerous warming on its own, the modellers guessed that atmospheric water vapour would amplify, by a factor of three, any initial carbon dioxide-forced warming. That this assumed amplification is present in the models but not in reality explains why the models consistently overestimate recent warming.

Stewart Francke, (Prof., Environmental Engineering, U. Newcastle), THE AUSTRALIAN, Apr. 18, 2012, 12.

The climate models are incompatible with the measured data. In recent decades the model predictions have significantly exceeded the measured temperature rise. In science, data trumps theory. If data and theory disagree, as they do here, scientists go with the data and revise their hypothesis.

6. ARCTIC ICE IS NOT MELTING AS PREDICTED.

S. Fred Singer, (Prof., Emeritus, Environmental Science, U. Virginia), CLIMATE CHANGE RECONSIDERED, 2009, 3.

Sea ice area and extent have continued to increase around Antarctica over the past few decades. Evidence shows that much of the reported thinning of Arctic sea ice that occurred in the 1990s was a natural consequence of changes in ice dynamics caused by an atmospheric regime shift, of which there have been several in decades past and will likely be several in the decades to come, totally irrespective of past or future changes in the air's CO₂ content. The Arctic appears to have recovered from its 2007 decline.

7. DESPITE RISING CARBON DIOXIDE LEVELS, AVERAGE GLOBAL TEMPERATURES HAVE REMAINED UNCHANGED FOR MORE THAN A DECADE.

Patrick Michaels, (Prof., Environmental Studies, George Mason U.), CATO HANDBOOK FOR POLICYMAKERS, 7th Edition, 2009, 475.

While it is common knowledge in the climate science community, the public is generally unaware that there has been no net change in the earth's average surface temperature in the last 11 years, as shown in the IPCC history.

Peter Glover & Michael Economides, (Journalist & Prof., Cullen College of Engineering, U. Houston), ENERGY AND CLIMATE WARS, 2010, 98.

The reality is that CO₂ emissions are continuing to rise around the world while the global mean temperature has remained static for over a decade, and may even have fallen.

8. THE RAIN FOREST ACTS AS A SINK FOR CARBON DIOXIDE.

Stanley Feldman, (Former Professor, Stanford U.), GLOBAL WARMING AND OTHER BOLLOCKS, 2009, 32.

The giant rainforests of the world take up some 30-40 per cent of carbon dioxide produced. Contrary to what has been portrayed in the media by pressure groups, 85 per cent of the Amazonian rain forests are intact and a further 12 per cent are in a state of 'recovering'.

Chris Goodall, (Chair, Dynmark International Limited), TEN TECHNOLOGIES TO SAVE THE PLANET, 2010, 250.

Stopping the loss of trees may be the cheapest of all techniques for carbon capture and will also improve the long-term ability of the world to feed itself and support its rural populations.

9. ANTARCTICA IS COOLING RATHER THAN WARMING.

Peter Glover & Michael Economides, (Journalist & Prof., Cullen College of Engineering, U. Houston), *ENERGY AND CLIMATE WARS*, 2010, 137.

The fact is that the majority of Antarctica has cooled over the past 50 years and ice coverage has grown to record levels. Take the well-publicized collapse of a 160 square mile block of the Wilkins Ice Shelf in Antarctica in March 2008. For the alarmist media this was conclusive proof of the dramatic global warming effects. The Los Angeles Times ran "Antarctica Collapse," referring to the "rapid melt of the Wilkins Shelf." The Sydney Morning Herald ran "The Ice Shelf Hangs by a Thread" and the leftwing Salon online news site ran the ludicrous "Bye-bye, Antarctica?" But Icecap's Joseph D'Aleo, former first Director of Meteorology at The Weather Channel and Chief Meteorologist at Weather Services International, was more prosaic, giving the incident a little more perspective than is common in the popular press. D'Aleo wrote that the collapse was the equivalent, given the enormity of Antarctica, of "an icicle falling from a snow and ice covered roof." He added, "The latest satellite images and reports suggest the ice has already refrozen around the broken pieces. In fact the ice is returning so fast it is running an amazing 60 percent ahead of last year when it set a new record." Noting the ludicrous media hype, D'Aleo laments, "Yet the world is left with the false impression Antarctica's ice sheet is also starting to disappear."

S. Fred Singer, (Prof., Emeritus, Environmental Science, U. Virginia), *CLIMATE CHANGE RECONSIDERED*, 2009, 132.

Further evidence that the Antarctic as a whole is in the midst of a cooling trend comes from Watkins and Simmonds (2000), who analyzed region-wide changes in sea ice. Reporting on trends in a number of Southern Ocean sea ice parameters over the period 1987 to 1996, they found statistically significant increases in sea ice area and total sea ice extent, as well as an increase in sea ice season length since the 1990s. Combining these results with those from a previous study revealed these trends to be consistent back to at least 1978. And in another study of Antarctic sea ice extent, Yuan and Martinson (2000) report that the net trend in the mean Antarctic ice edge over the past 18 years has been an equatorward expansion of 0.011 degree of latitude per year.

10. GLOBAL COOLING MAY BE A GREATER CURRENT THREAT THAN WARMING.

David R. Legates, (Prof., Climatology, U. Delaware), *NATIONAL POST*, Aug. 13, 2011, FP17.

Canadians, Americans and Europeans alike are beginning to realize that the real dangers are not from global warming. They are from potentially cooler global temperatures that could hamstring agriculture - and from government policies that are driving energy prices so high that companies are sending jobs to Asia, and millions of families can no longer afford to heat and cool their homes, drive their cars or pay for the electricity that powers all the wondrous technologies that make our lives infinitely better, safer and healthier than even kings and queens enjoyed just a century ago.

Larry Bell, (Prof., Space Architecture, U. Houston), *CLIMATE OF CORRUPTION: POLITICS AND POWER BEHIND THE GLOBAL WARMING HOAX*, 2011, 5.

It is apparent that our planet is once again experiencing a global cooling trend, just as it did quite recently between 1940 and 1975, when warnings of a coming new ice age received front-page coverage in the New York Times and other major publications. NASA satellite measurements of the lower atmosphere, where warming greenhouse models predicted effects would be greatest, stopped rising as a decadal trend after 1998 despite increased levels of CO₂. Measurements recorded by four major temperature-tracking outlets showed that world temperatures plummeted by more than 1 degree Fahrenheit (1°F) during 2007. This cooling approached the total of all the warming that had occurred over that past 100 years.

Alastair Sweeney, (Dir., The Civics Channel, Canada), *BLACK BONANZA: ALBERTA'S OIL SANDS AND THE RACE TO SECURE NORTH AMERICA'S ENERGY FUTURE*, 2010, 167.

The real travesty is that these researchers largely succeeded in stifling transparent science and open debate over the past ten years and continued to maintain the position that the sky was falling when clearly it was not. In fact, NASA satellite data clearly puts us into a cooling trend for the next few decades.

Stanley Feldman, (Prof., Political Science, State University of New York at Stony Brook), *GLOBAL WARMING AND OTHER BOLLOCKS*, 2009, 61.

A fall in temperature or a return to an ice age would be a calamity for mankind. It would use up the limited reserves of energy more rapidly; it would reduce the amount of rain and water available globally and expose vulnerable populations to the risk of deaths from hypothermia.

XII. CARBON DIOXIDE IS ONLY A MINOR PLAYER IN GREENHOUSE WARMING

1. THERE IS NO CAUSAL RELATIONSHIP BETWEEN CARBON DIOXIDE LEVELS AND GLOBAL TEMPERATURES.

Andrew Turnbull, (Former Secretary of the British Department of the Environment), *THE REALLY INCONVENIENT TRUTH OR "IT AIN'T NECESSARILY SO,"* 2011, 2.

Virtually every step in the chain of causation is disputed and even the basic data on measurements is challenged. There is huge controversy about the relative contribution of man-made CO₂, versus natural forces such as the sun, cosmic rays, clouds and the oceans. Many scientists would support an alternative hypothesis, that the globe has been on a gentle warming trend since the end of the Little Ice Age around two hundred years ago, with alternating periods measured in decades of faster and slower growth, or even periods of moderate decline. Such an alternative view would not justify the alarmism which characterizes much of the public debate.

2. THERE IS LITTLE CORRELATION BETWEEN CARBON DIOXIDE LEVELS AND GLOBAL TEMPERATURE LEVELS.

Andrew Turnbull, (Former Secretary of the British Department of the Environment), *THE REALLY INCONVENIENT TRUTH OR "IT AIN'T NECESSARILY SO,"* 2011, 7.

If CO₂ were as important as many AGW [anthropogenic global warming] theorists claim, why has temperature not followed a steady upward path? Immediately it becomes obvious that the increases of CO₂ and of temperature are poorly correlated and that one needs to bring other factors into the story such as the sun, clouds and the way heat is stored in, and distributed around the oceans. So it is very unclear what is the relative contribution of natural forces and what is man-made. The allocation between anthropogenic influences and natural influences produced by the IPCC has been strongly challenged.

3. CURRENT AND PROJECTED CARBON DIOXIDE LEVELS ARE NOT UNUSUAL BY HISTORIC STANDARDS.

William Happer, (Prof., Physics, Princeton U.), *THE TRUTH ABOUT GREENHOUSE GASES,* 2012, 6.

The earth's climate has always been changing. Our present global warming is not at all unusual by the standards of geological history, and the mild warming is probably benefiting the biosphere. Indeed, there is very little correlation between the estimates of CO₂ levels in the atmosphere and the estimates of the earth's temperature over the past 550 million years (the "phanerozoic" period). The message is clear that several factors must influence the earth's temperature, and that while CO₂ is one of these factors, it is seldom the dominant one. Other factors that influence the earth's temperature are spontaneous variations of the complicated fluid flow patterns in the oceans and atmosphere of the earth (perhaps influenced by continental drift), volcanoes, variations of the earth's orbital parameters (ellipticity, spin-axis orientation, etc.), asteroid and comet impacts, variations in the sun's output (not only the visible radiation but the amount of ultraviolet light, and the solar wind with its magnetic field), variations in cosmic rays leading to variations in cloud cover, and other causes.

James Inhofe, (U.S. Senator, Oklahoma), *THE GREATEST HOAX,* 2012, 26.

According to the IPCC, Kyoto was to achieve "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." But when it came to discovering what those "normal" levels were, the IPCC couldn't provide a scientific explanation. That's because they didn't have one. Dr. S. Fred Singer, formerly an atmospheric scientist at the University of Virginia, said, "No one knows what constitutes a 'dangerous' concentration. There exists, as yet, no scientific basis for defining such a concentration, or even of knowing whether it is more or less than current levels of carbon dioxide."

4. THE PROJECTED INCREASE IN CARBON DIOXIDE OVER THE NEXT CENTURY WILL PRODUCE LESS THAN ONE DEGREE OF TEMPERATURE CHANGE.

Patrick Michaels, (Prof., Environmental Studies, George Mason U.), *CATO HANDBOOK FOR POLICYMAKERS,* 7th Edition, 2009, 478.

Carbon dioxide is a "greenhouse" gas, meaning that it absorbs energy coming from the earth's surface. When a molecule of carbon dioxide releases that energy, it can either go out to space (where it would have normally gone, absent carbon dioxide) or be reradiated downward, which will result in additional warming. But the effect is rather small. If carbon dioxide were acting alone, the rise in surface temperature expected this century would be a little more than 1 degree Fahrenheit.

XIII. THE IMPACT OF GLOBAL WARMING IS EXAGGERATED

1. THE INCREASE IN TEMPERATURE OVER THE PAST CENTURY HAS BEEN BENEFICIAL.

James Inhofe, (U.S. Senator, Oklahoma), *THE GREATEST HOAX*, 2012, 24.

While alarmists continued their message of climate apocalypse, I maintained that it was very simplistic to say that a one degree Fahrenheit temperature increase during the twentieth century means that we are all doomed. After all, a one degree Fahrenheit rise has coincided with the greatest advancement of living standards, life expectancy, food production and human health in the history of our planet. So it is hard to argue that the global warming we experienced in the twentieth century was somehow negative or part of a catastrophic trend.

2. THE EARTH WAS MUCH WARMER IN ITS HISTORIC PAST THAN AT PRESENT.

S. Fred Singer, (Prof., Emeritus, Environmental Science, U. Virginia), *CLIMATE CHANGE RECONSIDERED*, 2009, 2.

A corrected temperature record shows temperatures around the world were warmer during the Medieval Warm Period of approximately 1,000 years ago than they are today, and have averaged 2-3°F warmer than today's temperatures over the past 10,000 years. Evidence of a global Medieval Warm Period is extensive and irrefutable. Scientists working with a variety of independent methodologies have found it in proxy records from Africa, Antarctica, the Arctic, Asia, Europe, North America, and South America.

Stanton Friedman & Kathleen Marden, (Nuclear Physicist & International Dir., Mutual UFO Network), *SCIENCE WAS WRONG*, 2010, 159.

It is certainly clear that there have been warmer periods of time than the present, which could not have been caused by CO₂, because so little industrialization existed then. There have also been lengthy cooler periods, which also obviously had nothing to do with CO₂.

Patrick Michaels, (Prof., Environmental Studies, George Mason U.), *CATO HANDBOOK FOR POLICYMAKERS*, 7th Edition, 2009, 480.

It is also worth noting that the Eurasian Arctic was several degrees warmer for several millennia after the end of the last ice age and that there was no catastrophic loss of Greenland's ice. The notion that Greenland's temperatures are particularly unusual at this juncture is simply untrue. Figure 45.4 shows Danish Meteorological Institute data dating from the 18th century for southern Greenland coastal temperatures. The data clearly demonstrate that the average temperature for the most recent decade is hardly unusual.

3. WARMING IS MORE LIKELY TO PROTECT AGAINST CLIMATE SURPRISES.

S. Fred Singer, (Prof., Emeritus, Environmental Science, U. Virginia), *CLIMATE CHANGE RECONSIDERED*, 2009, 114.

This latter real-world fact clearly suggests we are unlikely to experience any dramatic warming or cooling surprises in the near future, as long as the earth does not begin drifting towards glacial conditions, which is another reason to not be concerned about the ongoing rise in the air's CO₂ content. In fact, it suggests that allowing more CO₂ to accumulate in the atmosphere provides an "insurance policy" against abrupt climate change; interglacial warmth seems to inoculate the planet against climatic instabilities, allowing only the mild millennial-scale climatic oscillation that alternately brings the earth slightly warmer and cooler conditions typical of the Medieval Warm Period and Little Ice Age.

4. WARMING BENEFITS COUNTRIES IN COLD NORTHERN CLIMATES.

Brian Palmer, (Staff), *WASHINGTON POST*, Jan. 24, 2012, E2.

You don't hear much talk about it, but countries that are cold right now could see very real benefits from a few extra degrees. Consider the Northern Sea shipping route, which runs through the Arctic waters north of Europe and Asia. It's a faster and cheaper way to ship oil from Russia and Norway to markets around the world, but it's currently too icy to navigate for much of the year. Climate change could open the route earlier and keep it clear later. It may also allow companies to extract new oil and mineral wealth from beneath the sea.

Brian Palmer, (Staff), *WASHINGTON POST*, Jan. 24, 2012, E2.

There's also a potential farming benefit. According to the International Panel on Climate Change, global warming could improve agricultural productivity in northern Europe. The region might see as much as a 30 percent increase in wheat production, for example, by 2080. Some countries will become hospitable to foods they can't grow in 2012. There may be a 50 percent increase in the areas of Sweden and Finland that are suitable for growing corn.

5. WARMING BENEFITS THE FOOD SHORT COUNTRIES IN AFRICA.

Philip Mueller, (Assistant Director, Global Warming Policy Foundation), THE SAHEL IS GREENING, 2012, 1.

Global warming was supposed to increase the frequency and severity of the droughts, which would make crop-growing unviable and cause even worse famines. According to the United Nations, the outlook for the people in the Sahel was bleak. However in sharp contrast to this gloomy outlook, it seems that global warming has exactly the opposite effect on the Sahara and the Sahel. The Sahara is actually shrinking, with vegetation arising on land where there was nothing but sand and rocks before. The southern border of the Sahara has been retreating since the early 1980s, making farming viable again in what were some of the most arid parts of Africa. There has been a spectacular regeneration of vegetation in northern Burkina Faso, which was devastated by drought and advancing deserts 20 years ago. It is now growing so much greener that families who fled to wetter coastal regions are starting to come back. There are now more trees, more grassland for livestock and a 70% increase in yields of local cereals such as sorghum and millet in recent years. Vegetation has also increased significantly in the past 15 years in southern Mauritania, north-western Niger, central Chad, much of Sudan and parts of Eritrea. In Burkina Faso and Mali, production of millet rose by 55 percent and 35 percent, respectively, since 1980. Satellite photos, taken between 1982 and 2002, revealed the extensive re-greening throughout the Sahel. Aerial photographs and interviews with local people have confirmed the increase in vegetation. The main reason for the greening of the Sahara and the Sahel has been an increase in rainfall since the mid-1980s. Of the 40 rainfall stations across the Sahel, most of them have been observing an increase in rainfall. If sustained, the increasing rainfalls could revitalize drought-ravaged regions, reclaiming them for farming." The United Nations' Africa Report of 2008 confirmed that the greening of the Sahel is now well established and that increases in rainfall are the main driver of the change in the vegetation cover. The report noted that there was a 50% increase in vegetation in parts of Mali, Mauritania and Chad during 1982-2003.¹² Vegetation changes play a significant role in the rainfall variability. The increase in rainfall has allowed more plants to grow, which in turn increases precipitation even more.

Philip Mueller, (Assistant Director, Global Warming Policy Foundation), THE SAHEL IS GREENING, 2012, 7.

In spite of the gloomy predictions of even more frequent and severe droughts and famines caused by global warming, vegetation in the Sahel has significantly increased in the last three decades. This has been a very welcome and very beneficial development for the people living in the Sahel. The increase in rainfall, which was probably caused by rising temperatures, and rising CO₂ concentrations might even - if sustained for a few more decades - green the Sahara. This would be a truly tremendous prospect.

Philip Mueller, (Assistant Director, Global Warming Policy Foundation), THE SAHEL IS GREENING, 2012, 6.

The greening cannot be explained solely by the increase in rainfall. There were vegetation increases in areas where rainfall was decreasing, suggesting another factor was responsible for the greening in these areas." This other factor might have been the rise of atmospheric CO₂ levels. The aerial fertilization effect of the ongoing rise in the air's CO₂ concentration increases greatly the productivity of plants. The more CO₂ there is in the air, the better plants grow. Rising atmospheric CO₂ levels also have an anti-transpiration effect, which enhances the water-use efficiency of plants and enables them to grow in areas that were once too dry for them.

6. INCREASED CARBON DIOXIDE IS THE BREATH OF LIFE FOR PLANTS.

William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 3.

As far as green plants are concerned, CO₂ is not a pollutant, but part of their daily bread—like water, sunlight, nitrogen, and other essential elements. Most green plants evolved at CO₂ levels of several thousand ppm, many times higher than now. Plants grow better and have better flowers and fruit at higher CO₂ levels. Commercial greenhouse operators recognize this when they artificially increase the CO₂ concentrations inside their greenhouses to over 1000 ppm.

William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 3-4.

If we want to continue to be fed and clothed by the products of green plants we can have too little CO₂. The preindustrial value of 270 ppm CO₂ may well have been below the optimum level, we are probably better off with our current 390 ppm, and we would be better off with still more CO₂. For example, there is evidence that California orange groves are about 30 percent more productive today than they were 150 years ago because of the increase of atmospheric CO₂.

XIV. PEAK OIL IS NOT A SIGNIFICANT CONCERN

1. FIVE TRILLION BARRELS OF RECOVERABLE OIL REMAIN – ALMOST 5 TIMES AS HAS BEEN USED OVER THE PAST CENTURY.

NORTHERN TERRITORY NEWS, May 16, 2012, 11.

Speaking at the Australian Petroleum Production and Exploration Association (APPEA) 2012 conference in Adelaide, Total's chief executive Christophe de Margerie said new sources of petroleum, such as tight gas and shale oil, meant that the world had ample supplies. Mr de Margerie said there were economic and environmental issues that would affect how quickly resources would be exploited, but there was "definitely not a concern about reserves." His comments were echoed by Saudi Arabia's Petroleum and Mineral Resources Minister Ali I. Naimi, who told the conference new technology would continue to drive the petroleum sector. "It is estimated that the world has consumed something like one trillion barrels of oil since the industry started in the nineteenth century," he said. "It is thought there are at least five trillion barrels of petroleum potentially recoverable . . . the world has plenty of reserves."

Matt Chambers, (Staff), THE AUSTRALIAN, Feb. 27, 2012, 20.

"Before 1950, everyone thought there was 1 trillion barrels in the world. By 1980, that grew to 1.7 trillion . . . Now CERA (Cambridge Energy Resource Associates) has come out with their most recent outlook and they estimate there's 5 trillion," [William] Colton said. The company is also predicting the average fuel efficiency of US cars will rise from 22 miles per gallon to 45 by 2040.

2. NEW SUPPLIES OF OIL ARE BEING DISCOVERED ALL THE TIME.

Thomas Homer-Dixon, (Dir., Waterloo Institute for Complexity), THE GLOBE AND MAIL, Feb. 1, 2012, A13.

But now we're told that the world is awash in oil. Deepwater production from the Gulf of Mexico and offshore Brazil is soaring. New "elephant" fields have been discovered off Ghana and possibly Angola. Meanwhile, hydrofracking technology is liberating hundreds of thousands of barrels a day from "tight" shale oil formations in North Dakota and Texas, with more coming on line from Colorado, Wyoming, even Ohio.

3. THE PEAK WILL NOT BE REACHED UNTIL MID-CENTURY.

Thomas Homer-Dixon, (Dir., Waterloo Institute for Complexity), THE GLOBE AND MAIL, Feb. 1, 2012, A13. In his new book *The Quest: Energy, Security and the Remaking of the Modern World*, Pulitzer-winning energy analyst Daniel Yergin declares that the latest version of the peak oil thesis is just mere handwringing by long-discredited Malthusians. Higher prices and new technologies will bring vast quantities of new oil to market. "The world has decades of further production growth before flattening out into a plateau - perhaps some time around mid-century."

4. TECHNOLOGICAL IMPROVEMENTS SOLVE FOR OIL DEPLETION.

Stephen Murgatroyd, (Staff), THE GAZETTE, June 14, 2011, B6.

The idea of "peak oil," which has been around for some time, is a simple idea. The argument goes that, at some point, we will start to deplete oil reserves faster than new reserves can become available and, when this occurs, the peak of available oil has been reached and it's all downhill from there. There are several problems with this idea, however. The first is the fact that technology changes and, as it does, our ability to make the oil we have go further or to extract more from known deposits increases. So the "peak" keeps moving. For example, horizontal drilling and fracking open new opportunities to increase supply from previously inaccessible reserves or to pursue enhanced recovery from known reserves.

Brian Towler, (Prof., Petroleum Engineering, U. Wyoming), OIL & GAS JOURNAL, Nov. 7, 2011, 90.

Technological breakthroughs bring more oil reserves into production even under a constant price scenario. Additionally, an increasing oil price is an incentive for developing new technologies that also increase oil supply. Price increases and technological breakthroughs seem to unlock large volumes of oil that previously were uneconomic to produce. In the past 20 years, large reserves in the Canadian oil sands in Alberta have come on stream. New fracture stimulation and horizontal drilling technologies also have unlocked large reserves of tight oil, tight gas, and shale gas.

5. MARKET FORCES SOLVE FOR PEAK OIL.

Peter Foster, (Staff), NATIONAL POST, Nov. 23, 2011, FP15. The central nonsense of the peak oil case was that peak production of any resource would lead to the end of markets and civilization as we know it. Increasing scarcity merely means higher prices, which promote conservation and make previously marginal supplies viable. They also boost the search for economically viable alternatives. That is exactly what has happened. Revolutionary developments in drilling and production technology mean that vast new petroleum supplies are available not just in the Alberta oil sands and deep offshore, but from the "tight" formations of shale gas and oil opened up by the technological wonders of hydraulic fracking and horizontal drilling.

6. DEMAND FOR OIL IS DECREASING FASTER THAN OIL SUPPLY IS DECREASING.

David Strahan, (Staff), NEW SCIENTIST, May 19, 2012. Retrieved May 23, 2012 from Nexis. People have fretted about when the world's oil will start to run out ever since M. King Hubbert came up with the idea of "peak oil" back in the 1950s. The American geologist, who worked for Shell, pointed out that we are destined to reach a moment when oil production stops rising and goes into terminal decline. With it, the era of cheap oil that fuelled the post-war economic boom would end. The idea still provokes great debate, and many forecasters are predicting that global production will peak by the end of this decade as supplies dwindle. Now there is a different view. A small number of analysts forecast that oil production will start to fall by 2020 -; not because we are running out, but because we just won't need it. They argue that the world will wean itself off oil voluntarily, through major advances in vehicle technology. Peak oil will not be a supply-side phenomenon brought about by shrinking reserves, but by motorists buying electric cars and conventional cars with highly efficient engines. If they are right, this shift will start the long-term transition from oil to electricity as the main transport fuel, reduce economies' vulnerability to spikes in the oil price, and cap greenhouse emissions from crude oil.

John Quiggin, (Staff), AUSTRALIAN FINANCIAL REVIEW, Aug. 4, 2011, 62.

A lot of discussion seems to assume peak oil means an immediate end to production, but the Hubbert curve implies gradual decline over 100 years or more. And, more importantly, the peak oil story is about production. But if oil is essential to modern civilization, what matters is not production but consumption. The oil peak that actually mattered was the peak in consumption per person, which took place back in 1980 at 5.3 barrels per person per year. Since then that consumption has dropped to 4.4 barrels. Given the growth of demand in Asia, consumption per person in the countries that were already rich in 1980 has fallen much faster. Meanwhile, living standards have risen substantially, unconstrained by declining consumption per person of oil, and of energy more generally.

7. DEPENDENCE ON MIDDLE EAST OIL SUPPLIERS IS DECREASING.

Peter Orszag, (Former Dir., U.S. Office of Management and Budget), BLOOMBERG VIEW, Jan. 31, 2012. Retrieved May 23, 2012 from <http://www.bloomberg.com/news/2012-02-01/fracking-boom-could-finally-cap-myth-of-peak-oil-peter-orszag.html>.

The mirror image of this projected increase in U.S. production of oil and natural gas is a decline in reliance on imports. In 2005 and 2006, about 60 percent of the liquid fuel used in the U.S. was imported. By 2010, that share fell to 50 percent, and it continues to decline. The Energy Information Agency expects it to drop to 37 percent by 2035.

Neil Reynolds, (Staff), THE GLOBE AND MAIL, Oct. 5, 2011, B2.

[Daniel] Yergin [Chairman of Cambridge Energy Research Associates], foresees not a finite peak but a never-ending plateau. He anticipates further increases in U.S. production of oil - noting that production has increased by more than 10 per cent in the past three years. He expects U.S. oil imports will keep dropping. In 2008, the U.S. imported 60 per cent of the oil it consumed; in 2010, 47 per cent. Meanwhile, the U.S. is just beginning to exploit its vast shale oil reserves. North Dakota oil production, now 400,000 barrels a day, will increase to two million barrels a day by 2020. U.S. oil production will continue to increase through 2050 when, Mr. Yergin says, it will level off, then begin a slow decline - not because oil will be scarce but because increases in efficiency will reduce the absolute amount of oil that the global economy needs.

XV. HIGH-SPEED RAIL IS NOT A SUCCESS OUTSIDE THE U.S.

1. HIGH-SPEED RAIL HAS NOT BEEN A SUCCESS IN JAPAN.

Ronald Utt, (Sr. Research Fellow, Institute for Economic Policy Studies, Heritage Foundation), HERITAGE BACKGROUNDER NO. 2389, Mar. 19, 2010, 4.

Japan's passenger rail—both high speed and not-so-high speed—has been extremely costly and has been a contributing factor in the genteel process of decline now enveloping this onetime economic superpower. Japan began operating an HSR system in 1964 at speeds of about 130 mph. By the 1990s, speeds in excess of 180 mph were common. As a result of this commitment to HSR and the costs associated with the rest of the passenger rail system, the Japanese National Railway (JNR) was losing \$20 billion per year and was issuing debt to cover all but the \$5 billion covered by direct government subsidies. By the mid-1980s, the JNR's accumulated debt exceeded \$300 billion. Recognizing that the JNR was not financially sustainable as a government program, the government began privatizing the passenger rail system in 1987, converting the JNR into seven separate joint stock companies and selling them off to the public over the next several years.

2. HIGH-SPEED RAIL HAS NOT BEEN A SUCCESS IN CHINA.

Tim Cavanaugh, (Analyst, Reason Foundation), REASON FOUNDATION, Jan. 10, 2012. Retrieved Mar. 20, 2012 from <http://reason.com/archives/2012/01/19/end-of-the-line-for-the-bullet-train>.

The unkindest cuts of all are occurring in China, whose bullet train once drew hosannas from California governors and bully-worshipping toadies like New York Times columnist Thomas L. Friedman. Rail minister Liu Zhijun, the putative "Father of High-Speed Rail," was removed from office and arrested last year; Liu's deputy, "Grand Designer" (and owner of a five-bedroom home on 30,000 square feet in Los Angeles County) Zhang Shuguang, is also facing corruption charges. An early investigation by the Ministry of Rail revealed that the Chinese bullet train's budgeting is extremely murky (with some parts of the initiative costing two or three times as much as projected); its ridership is low (after only two months of operation, the Beijing-Fuzhou line was quietly shut in 2010); and ticket prices are beyond the means of lower-income people who actually use mass transit. HSR-related debt increased by a factor of 22 over only three years, from 77.1 billion yuan in 2007 to 1.68 trillion in 2010. In July a bullet-train crash in Zhejiang killed 32 people and injured more than 200.

Calum MacLeod, (Staff), USA TODAY, June 1, 2011, 9A.

In his State of the Union Address in February, President Obama suggested that China was outpacing the United States in transportation technology. He cited China's development of high-speed rail as something the United States must emulate and called for \$53 billion in spending to create a U.S. network of high-speed rail lines. But China has hit the brakes on its expansion in the past three months as critics question the value and safety of bullet trains, which have been expensive to build and maintain. A corruption scandal ousted China's speed-loving railway minister Liu Zhijun, amid reports he kept multiple mistresses nationwide, and concerns over safety and cost persuaded his replacement to lower top operating speeds from 217 to 186 mph. "High-speed rail costs three times as much as ordinary rail," says Zhao Jian, a railway economics expert at Jiaotong University in Beijing. "In no country worldwide has high-speed rail ever been profitable.

3. HIGH-SPEED RAIL HAS NOT BEEN A SUCCESS IN EUROPE.

Ronald Utt, (Sr. Research Fellow, Institute for Economic Policy Studies, Heritage Foundation), HERITAGE BACKGROUNDER NO. 2389, Mar. 19, 2010, 1. 4.

Despite Europe's huge investment in passenger rail, its market share declined from 6.6 percent in 1995 to 6.1 percent in 2002. In Europe as a whole (EU-27), rail accounted for only 6.1 percent of passenger travel in 2007, including travel by air and sea. Buses accounted for 8.3 percent of the market, and air travel accounted for 8.8 percent. Despite Europe's huge investment in passenger rail, its market share declined from 6.6 percent in 1995 to 6.1 percent in 2007. Over that same period, commercial air increased its share from 6.3 percent to 8.8 percent. By providing faster service and competitive prices, it took passengers away from rail, buses, and autos.

4. OTHER NATIONS HAVE WASTED THEIR MONEY ON HIGH-SPEED RAIL.

Randal O'Toole, (Sr. Fellow, CATO Institute), GRIDLOCK: WHY WE'RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT, 2009, 231-232.

Contrary to media hype, high-speed rail is not the next great transport revolution. On a per capita basis, the Japanese and French have spent roughly the same on high-speed trains as the United States spent on interstate highways, yet they produced less than a tenth of the personal mobility and no improvements in freight transport. The fact that high-speed trains require huge subsidies while the interstates were paid for out of user fees further underscores the ineffectiveness of passenger rail as a form of mobility.

XVI. RAILROAD COMPANIES DO NOT NEED PUBLIC INVESTMENT

1. RAILROADS ARE NOT IN DANGER OF LOSING BUSINESS TO TRUCKING COMPANIES.

Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 49.

As a result of these changes, as well as increases in highway congestion and fuel costs, the railroad industry is no longer at a competitive disadvantage to other transportation modes, as it was when the Staggers Act was passed in 1980. According to a financial analyst at BB&T Capital Markets, 4 years ago, trucks handled 80 percent of the freight hauls between 700 and 1,000 miles, while today trucks and railroads split this market. A well-respected transportation analyst, Wolfe Research, predicts that railroads will "likely continue to take market share from the less fuel-efficient and increasingly less productive truck industry."

2. RAILROAD COMPANIES ARE AMONG THE MOST PROFITABLE OF ALL INDUSTRIES.

Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 49-50.

A review of the largest four railroads' Securities and Exchange Commission (SEC) filings shows just how profitable the large rail companies have become over the last decade. Figure I demonstrates that the four largest U.S. rail carriers have nearly doubled their collective profit margin in the last 10 years to 13 percent.¹⁹ In fact, in 2008, the railroad companies' 12.6 percent profit margin placed the industry fifth out of 53 industries on Fortune's list of "most profitable industries," trailing only the communications, Internet, pharmaceutical, and medical device industries. Between 2001 and 2008, the railroad industry was ranked in the top ten on Fortune's profitability list seven out of eight times. While the railroads were telling their regulators that their profitability trailed most other U.S. companies, they were actually among the U.S. economy's top performers.

Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 49.

While the rail industry's regulatory filings with the STB portray an industry that is still struggling to attract capital and to compete with the other transportation modes, the railroads' public financial results tell a different story. According to the four largest rail companies' Securities and Exchange Commission (SEC) filings, in recent years, these companies have far exceeded the Staggers Act's goal of bringing the railroads back from the brink of ruin to financial sustainability. In fact, today, the large U.S. rail companies are some of the most profitable publicly-traded companies in the world.

3. RAILROAD PRODUCTIVITY IS AT A VERY HIGH LEVEL.

Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 49. Policymakers, outside analysts, and the railroads themselves agree that today's industry bears little resemblance to the financially failing, inefficient rail industry of 1980. In 2007, the U.S. Department of Transportation told the STB that the Staggers Act has been "profoundly successful," noting that the railroads are financially healthy, the industry's infrastructure has been modernized, productivity is high, and shippers have benefited from lower average rates. According to BNSF's CEO, Matthew Rose, after Staggers passed in 1980, the railroads spent two decades going on a "productivity binge, wringing out excess costs, getting rid of inefficient lines, finding wage rates that we all could live within, both for employees and our companies." He told USA Today, "we think we are a very productive institution at this time."

4. RAILROAD COMPANIES PAY FOR THEIR OWN INFRASTRUCTURE.

Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 54.

The railroad industry has consistently testified before Congress that while it has heavily invested in its network and will continue to do so, it will not be able to completely pay for all of the improvements necessary for freight railroads to meet the long-term capacity demands of the U.S. economy. These investments include upgrading tracks and signal control systems, expanding terminals, and improving bridges and tunnels. In testimony he delivered before the Senate Commerce Committee in 2009, for example, BNSF CEO, Matthew Rose, said that Class I railroads would fall short of paying for their long-term capital investments by approximately \$40 billion. A few months earlier, Union Pacific's CEO, James Young, told the House Transportation Committee that "our industry is only investing about half the level DOT studies say is needed to meet the demands on freight rail in the future." These statements are inconsistent with statements Class I railroad officials make about their capital investments to financial analysts in quarterly conference calls. In these calls, company officials routinely assure analysts their capital investments are sufficient to address future needs.

XVII. THE THREAT FROM INTERNATIONAL TERRORISM IS EXAGGERATED

1. THE RISK OF DEATH FROM TERRORISM IS VERY SMALL AS COMPARED TO OTHER THREATS.

Veronique de Rugy, (Senior research fellow at the Mercatus Center, George Mason University), *TERRORIZING OURSELVES: WHY U.S. COUNTERTERRORISM POLICY IS FAILING AND HOW TO FIX IT*, 2010, 123.

The risk of terrorism is small, especially when considered relative to the attention it commands. In 2001, for instance, terrorist attacks in the United States killed 2,978 people, with almost all deaths occurring on 9/11. During that same year, 156,005 people died from lung cancer and 44,091 from automobile accidents. While nearly 3,000 deaths in one nonrepeated incident are tragic, it is considerably smaller than other mortality risks, which occur repeatedly. Of course, terrorists may hope that their future actions will result in significantly more casualties, but so far, past probabilities are a good guide to the true risk of terrorism. Yet in practice, and in spite of the wide fatality differences, the federal government spends much less money per year to increase automobile safety—\$47 million in FY08—for example, than it spends government-wide on homeland security—\$62 billion in FY08 (not counting the wars in Iraq and Afghanistan).

2. MILITARY ACTION HAS DESTROYED THE LEADERSHIP STRUCTURE OF AL QAEDA.

Dennis Blair, (Dir., U.S. National Intelligence), *CURRENT AND FUTURE WORLDWIDE THREATS TO THE NATIONAL SECURITY OF THE UNITED STATES*, Hrg. Senate Comm. on Armed Services, Mar. 10, 2009, 13.

In Pakistan's Federally Administered Tribal Areas (FATA), al Qaeda lost significant parts of its command structure since 2008 in a succession of blows as damaging to the group as any since the fall of the Taliban in late 2001. Key leaders killed over the past year include Khalid Habib, al Qaeda's military chief and the fourth man in its chain of command; Abu Layth al-Libi, who directed cross-border attacks against our forces in Afghanistan and was a rising star in the organization; Abu Khabab al-Masri, the group's leading expert on explosives and chemical attacks and a driving force behind its terrorist plotting against the U.S. Homeland and Europe; and Usama al-Kini who was involved in the bombings of our Embassies in East Africa in 1998 and later became the chief planner of al Qaeda's terrorist attacks in Pakistan. The loss of these and many other leaders in quick succession has made it more difficult for al Qaeda to identify replacements, and in some cases the group has had to promote more junior figures considerably less skilled and respected than the individuals they are replacing.

3. BIN LADEN'S DEATH MEANS AL QAEDA WILL FRAGMENT.

Brian Bennett, (Staff), *LOS ANGELES TIMES*, Feb. 1, 2012, A6.

U.S. airstrikes and drone missile attacks against Al Qaeda in Pakistan and elsewhere have left the organization without central leadership, and with a "largely symbolic" role among Islamic extremists, Clapper said. No charismatic leader has replaced Osama bin Laden, who was killed by Navy SEALs in May, and Clapper said there was a "better than even chance" that the movement will fragment.

Eric Schmitt, (Staff), *NEW YORK TIMES*, Feb. 1, 2012, A8.

As Taliban leaders debate whether to fight or cut a deal, the death of Bin Laden has severely weakened a Qaeda leadership that was already reeling from the death or capture of several other top leaders. The losses have forced the organization to rely more heavily on affiliates in such places as North Africa, Iraq and Yemen, as well as individual "lone wolf" extremists in the United States. Intelligence officials say that continued pressure by the United States and its allies -- including drone strikes, efforts to dry up terrorists' financing and campaigns to counter extremist recruiting propaganda -- are likely to fragment this already decentralized movement.

4. TERRORISTS ARE INCAPABLE OF CONSTRUCTING A NUCLEAR WEAPON.

John Mueller, (Prof., Political Science, Ohio State U.), *TERRORIZING OURSELVES: WHY U.S. COUNTERTERRORISM POLICY IS FAILING AND HOW TO FIX IT*, 2010, 143.

To begin with, today and likely for the foreseeable future, stateless groups are simply incapable of manufacturing the required fissile material for a bomb because the process requires an effort on an industrial scale. Moreover, a state is unlikely to supply them with the material for the same reasons a state is unlikely to give them a workable bomb. Thus, they would need to steal or illicitly purchase this crucial material.

5. TERRORISTS WILL NOT GAIN ACCESS TO NUCLEAR MATERIALS.

John Mueller, (Prof., Political Science, Ohio State U.), *ATOMIC OBSESSION: NUCLEAR ALARMISM FROM HIROSHIMA TO AL-QAEDA*, 2010, 168.

Because of the dangers and difficulties of transporting and working with plutonium, it is generally further agreed that a dedicated terrorist group would choose to try to use highly enriched uranium. The idea would be to obtain as much of this stuff as necessary and then fashion it into an explosive. To cut corners, the group would presumably be, to the degree possible, comparatively cavalier about safety issues such as radiation exposure. The likely product of this effort would not be a bomb that can be dropped or hurled, since this would massively complicate the delivery problem. Rather, the terrorists would seek to come up with an "improvised nuclear device" (IND) of simple design, one that could be set off at the target by a suicidal detonation crew. The simplest design is for a "gun" type of device in which masses of highly enriched uranium are hurled at each other within a tube. At best, such a device would be, as the deeply concerned Graham Allison acknowledges, "large, cumbersome, unsafe, unreliable, unpredictable, and inefficient." The process is a daunting one even in this minimal case.

6. THE RISK THAT TERRORISTS WILL ACQUIRE A RUSSIAN NUCLEAR WEAPON IS EXAGGERATED.

John Mueller, (Prof., Political Science, Ohio State U.), *ATOMIC OBSESSION: NUCLEAR ALARMISM FROM HIROSHIMA TO AL-QAEDA*, 2010, 169.

Although there is legitimate concern that some fissile material, particularly in Russia, may be inadequately secured, things have improved considerably on this score, and Pakistan keeps exceedingly careful watch over its bomb-grade uranium. Moreover, even sleepy, drunken guards will react with hostility (and noise) to a raiding party.

John Mueller, (Prof., Political Science, Ohio State U.), *ATOMIC OBSESSION: NUCLEAR ALARMISM FROM HIROSHIMA TO AL-QAEDA*, 2010, 166.

A careful assessment conducted by the Center for Nonproliferation Studies has concluded that it is unlikely that any of these devices have actually been lost and that, regardless, their effectiveness would be very low or nonexistent, because they (like all nuclear weapons) require continual maintenance. After an extended assessment, Jenkins dismisses the story as a "persistent urban legend," and even some of those most alarmed by the prospect of atomic terrorism have concluded, "It is probably true that there are no 'loose nukes,' transportable nuclear weapons missing from their proper storage locations and available for purchase in some way."

7. THE THREAT OF NUCLEAR TERRORISM IS EXAGGERATED.

Susan Martin, (Prof., War Studies, Kings College), *DEBATING TERRORISM AND COUNTERTERRORISM: CONFLICTING PERSPECTIVES ON CAUSES, CONTEXTS, AND RESPONSES*, 2010, 188-189.

Any terrorist group that launched a nuclear attack would likely be the subject of the most intensive international effort to find and punish those responsible the world has ever seen. Nuclear weapons have not been used since 1945, and any group or state that breaks this tradition of nonuse would be shunned and outcast not just by the victim of the attack but also by people and states around the world. The tradition of nonuse is generally held to be in the interest of all; no one wants nuclear weapons to become a "normal" weapon of war. In addition, no state can afford to be seen harboring a terrorist group that launched a nuclear attack for fear that it would be held responsible. Again, unlike Japan in 1945, the United States and other states opposed to the use of nuclear weapons would be in a position to retaliate. Al-Qaeda has to ask itself if unleashing such a response is really in its interest.

Charles Blair, (Dir., Center for Terrorism and Intelligence Studies), *JIHADISTS AND WEAPONS OF MASS DESTRUCTION*, 2009, 204-205.

If jihadists were able to obtain an intact nuclear weapon, its detonation could be prevented by various technological barriers that have been employed by some nuclear-armed states. Most notable among these are so-called permissive action links (PALs): a sophisticated combination of coded locks that block unauthorized detonation of the weapon. "Bypassing a PAL," it has been noted, "should be about as complex as performing a tonsillectomy while entering the patient from the wrong end."

XVIII. THE PROBLEM OF OBESITY IS EXAGGERATED

1. OBESITY IS NOT HARMFUL IN ITSELF.

Vincent Marks, (Prof., Clinical Biochemistry, U. Surrey), *GLOBAL WARMING AND OTHER BOLLOCKS*, 2009, 106.

Plumpness or overweight in adults is not life-limiting, especially for those past middle age. It appears to be as much a natural physiological state as what is arbitrarily called 'normal weight'. It becomes harmful only when it exacerbates an underlying pathology.

2. NEW RESEARCH SHOWS THAT OBESITY DOES NOT CAUSE A GREATER RISK OF HEART DISEASE.

Courtney Peifer, (Staff), *MINNEAPOLIS STAR-TRIBUNE*, May 26, 2012. Retrieved May 27, 2012 from <http://www.startribune.com/blogs/154334855.html>.

An obese person isn't inevitably at increased risk of heart disease and death, according to a new study of 22,000 middle-aged participants. "People with good metabolic health are not at risk of future heart disease - even if they are obese," said Mark Hamer, a principal research associate at University College London, told Reuters Health. But the researchers also found that someone who is not obese but in poor metabolic shape face as much risk as the unhealthy obese. The results suggest that metabolic factors may be more important than predicting the risk of cardiovascular disease than excess body weight. The findings were published in the *Journal of Clinical Endocrinology & Metabolism* and were based on national health studies conducted in England and Scotland.

3. THERE IS NO OBESITY CRISIS.

Geoff Maslen, (Staff), *THE AGE*, May 3, 2011, 15.

Dr. [Samantha] Thomas may make light of the way overweight people are represented in the media but she is deadly serious about exploding the myths surrounding obesity. She also believes current campaigns intended to tackle the problem will fail. An increasing number of health professionals, academics and community groups are challenging "the inconvenient truths" about the obesity epidemic, Dr Thomas says. The Monash University health sociologist says that exaggerated claims have been made about obesity by some research bodies to justify the need for more funding or to spruik products and services by groups such as the weight loss industry.

4. FOR MOST PEOPLE, AN INCREASE IN AVERAGE WEIGHT IS BENEFICIAL.

Vincent Marks, (Prof., Clinical Biochemistry, U. Surrey), *GLOBAL WARMING AND OTHER BOLLOCKS*, 2009, 109.

The world's population has got fatter over the years as food supplies have become more readily available for more people. There is no reason to believe that this is detrimental for most people. With an increase in age of the population, an increase in average weight is not only to be expected but is probably beneficial.

Jerome Burne, (Staff), *DAILY MAIL*, May 10, 2011. Retrieved Apr. 5, 2012 from Nexis.

Excessive amounts of fat don't necessarily mean you're going to develop chronic diseases. It might even 'protect' the body. "As many as 20 per cent of people who are overweight or obese have no sign of metabolic problems — they have low cholesterol, good blood sugar control and healthy blood pressure," explains Keith Frayn, professor of human metabolism at Oxford University.

5. EXAGGERATING THE CONCERN ABOUT OBESITY CAUSES DISCRIMINATION.

Patricia Cohen, (Staff), *NEW YORK TIMES*, July 14, 2011, C4.

In "Weighty Concerns," by Samantha Kwan and Mary Nell Trautner, in the spring 2011 issue of *Contexts*, the magazine of the American Sociological Association, the authors complain that Americans are in the thrall of a "moral panic" about weight. Constant and exaggerated warnings about an obesity epidemic, they say, are causing "fatism" and "sizeism," discrimination against those who are overweight.

XIX. AIR TRAVEL IS SAFE

1. CURRENT ACCIDENT RATES ARE THE LOWEST IN THE HISTORY OF AVIATION.

Aimee Turner, (Staff, AirTrafficManagement.net), GLOBAL ACCIDENTS HIT NEW LOW, Mar. 12, 2012. Retrieved Apr. 13, 2012 from <http://www.airtrafficmanagement.net/2012/03/cc/>.

The International Air Transport Association (IATA) has disclosed that the 2011 accident rate for Western-built jets was the lowest in aviation history, surpassing the previous mark set in 2010. The 2011 global accident rate (measured in hull losses per million flights of Western-built jets) was 0.37, the equivalent of one accident every 2.7 million flights. This represented a 39% improvement compared to 2010, when the accident rate was 0.61, or one accident for every 1.6 million flights.

2. AIR TRAVEL IS, BY FAR, THE SAFEST FORM OF TRANSPORTATION.

Aimee Turner, (Staff, AirTrafficManagement.net), GLOBAL ACCIDENTS HIT NEW LOW, Mar. 12, 2012. Retrieved Apr. 13, 2012 from <http://www.airtrafficmanagement.net/2012/03/cc/>.

“Safety is the air transport industry’s number one priority. It is also a team effort. The entire stakeholder community—airlines, airports, air navigation service providers and safety regulators—works together every day to make the skies safer based on global standards. As a result, flying is one of the safest things that a person could do. But, every accident is one too many, and each fatality is a human tragedy. The ultimate goal of zero accidents keeps everyone involved in aviation focused on building an ever safer industry,” said Tony Tyler, IATA’s Director General and CEO.

3. FATAL AIRLINE CRASHES ARE NOW EXTREMELY RARE EVENTS.

Alan Levin, (Staff), USA TODAY, Jan. 21, 2011. Retrieved Apr. 13, 2012 from http://travel.usatoday.com/flights/2011-01-21-RWaircrashes20_ST_N.htm.

Last year also marked the first time that there were no passenger fatalities on any airline based in developed nations, says Arnold Barnett, a professor who specializes in accident statistics at the Massachusetts Institute of Technology’s Sloan School of Management. “In the entire First World, fatal crashes are at the brink of extinction,” Barnett says.

Alan Levin, (Staff), USA TODAY, Jan. 21, 2011. Retrieved Apr. 13, 2012 from http://travel.usatoday.com/flights/2011-01-21-RWaircrashes20_ST_N.htm.

Dozens of safety improvements that have gradually eliminated whole categories of crashes, says John Cox, a consultant who previously served as head of safety for a major pilots’ union. “The proof of those steps is results like this,” Cox says. Last year, U.S. carriers flew more than 10 million flights and hauled more than 700 million passengers, but only 14 people suffered serious injuries, according to the NTSB. There also were no major accidents, the most serious category under the NTSB’s definitions.

4. WE HAVE GONE YEARS WITHOUT A FATAL AIRLINE CRASH.

Deborah Hersman, (Chair, National Transportation Safety Board), THE YEAR OF THE MOTOR COACH PROFESSIONAL, Feb. 9, 2012. Retrieved Apr. 13, 2012 Nexis. www.nts.gov/news/speeches/hersman/daph120209.html.

At the NTSB, safety is our only business. As an independent agency, the NTSB is charged with investigating accidents in all modes of transportation. Our charge is to find out what happened and make recommendations to prevent future accidents. In the last decade we have seen something that transportation professionals thought was impossible: Years with zero commercial aviation fatalities.

5. TERRAIN AWARENESS WARNING SYSTEMS HAVE VIRTUALLY ELIMINATED A ONCE- TROUBLESOME CAUSE OF AVIATION ACCIDENTS.

Christopher Hart, (Chair, National Transportation Safety Board), RAILROAD AND HAZARDOUS MATERIALS TRANSPORTATION PROGRAMS: REFORMS AND IMPROVEMENTS TO REDUCE REGULATORY BURDENS, Hrg., Apr. 7, 2011, 6.

Thanks to the requirement in the U.S. for terrain awareness warning systems, we have not had a domestic CFIT [controlled flight into terrain] fatality involving a passenger air carrier since 1996, despite the fact that CFIT is the second leading cause of aviation accidents worldwide.

XX. PROBLEMS WITH AIRPORTS ARE NOT SIGNIFICANTLY HARMFUL

1. CARBON EMISSIONS IN THE AVIATION SECTOR ARE MINISCULE.

John Kasarda, (Prof., Business, U. North Carolina at Chapel Hill), *AEROTROPOLIS: THE WAY WE'LL LIVE NEXT*, 2011, 21.

Air travel's actual share of our carbon footprints is currently 3 percent and falling (at least in the United States), thanks to a bounty of incremental and potentially revolutionary advances meant to slow and hopefully end its carbon contributions. The next generation of airliners, headlined by Boeing's 787 Dreamliner, is lighter and more fuel efficient than last century's models, complemented by new engines that burn quietly and clean. Airlines thirsty for fuel that's both sustainably cheap and green are looking to high-octane biofuels refined from algae. Virgin Atlantic's grandstanding chairman Sir Richard Branson has pledged all of his airline's profits through 2016 (an estimated \$3 billion) on R & D toward this end.

John Kasarda, (Prof., Business, U. North Carolina at Chapel Hill), *AEROTROPOLIS: THE WAY WE'LL LIVE NEXT*, 2011, 336.

Every form of transport known, save those powered by foot or by wind, combines to emit 13 percent of all emissions. Aviation is a fraction of that fraction—a sixth of the exhaust from cars, trucks, and anything else powered by an internal combustion engine. And that's before everyone in the developing world receives a driver's license.

2. AIRPORTS ARE ADDRESSING THE PROBLEMS OF CONGESTION.

Burt Solomon, (Staff, National Journal), *U.S. INFRASTRUCTURE*, 2011, 11.

Nor has congestion in the air been neglected. The air traffic system, in which 25 percent of last year's flights arrived late, has added runways in recent years in Atlanta, Boston, Cincinnati, Minneapolis, and St. Louis; starting this November it will add another runway at Chicago's O'Hare. The \$13 billion that the FAA spends annually on infrastructure development for civil aviation falls a mere \$1 billion short—pocket change, really—of what GAO analyst Dillingham believes it should spend. The next generation of air traffic control, based on a global positioning system instead of on radar, has been delayed—not because of the immense cost or the technology, Dillingham said, but because of the difficulty of integrating it into the existing system.

Burt Solomon, (Staff, National Journal), *U.S. INFRASTRUCTURE*, 2011, 7.

In the nation's airways, too, congestion has become chronic, especially at airports in the Northeast. But Gerald Dillingham, the GAO's director of civil aviation issues, doesn't see a crisis in the near or midterm, and he is hopeful that better technology and new ways of structuring the airways can stave off disaster for at least the next 15 years.

3. AIRCRAFT FUEL EFFICIENCY IS INCREASING.

Randal O'Toole, (Sr. Fellow, CATO Institute), *GRIDLOCK: WHY WE'RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT*, 2009, 96.

Airplane manufacturers are also responding to high fuel prices by making planes more energy efficient. Since 1980, the energy efficiency of air travel has increased, on average, 2 percent per year. Boeing promises that its 787 plane will be 20 percent more fuel efficient than comparable planes today. Jet engine makers have set a goal of doubling fuel efficiency by 2020.

Anne Maczulak, (Microbiologist, Ph.D., U. Kentucky), *ENVIRONMENTAL ENGINEERING: DESIGNING A SUSTAINABLE FUTURE*, 2010, 52.

Air travel fuel efficiency has improved in the last 30 years more than threefold, and since 2000 fuel conservation in the airlines has improved by almost 25 percent. The U.S. passenger fleet has made even better strides when measured in revenue passenger miles (RPM), which equals one fare-paying passenger carried one mile. The U.S. RPM per gallon of fuel has more than doubled since 1978.

4. AIR TRAVEL IS THE SAFEST FORM OF TRANSPORTATION.

Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 76-77.

How has aviation infrastructure performed? The chance of a passenger dying in a commercial airline accident has steadily declined since air travel began and has become very small during the past few decades. Of course, airlines have a strong financial incentive to maintain safe operations, so it is not clear whether market forces or public infrastructure spending and regulations deserve most of the credit for the safety of air travel in the United States.

I. INFRASTRUCTURE DECAY IS NOT THAT SERIOUS A PROBLEM.

- A. Infrastructure spending is increasing. (1)
- B. Traffic congestion is self-limiting. (2)
- C. The number of traffic injuries and deaths is decreasing. (3-8)

II. A FEDERAL POLICY OF PROMOTING A SHIFT FROM THE AUTOMOBILE IS NOT JUSTIFIED.

- A. Air quality in the U.S. is improving. (9)
- B. Though China may be ahead of the U.S. in high-speed rail and other forms of public transportation, air quality there is poor. (10-11)
- C. Improved technology has made available dramatic improvements in fuel efficiency. (12-17)

III. EARMARKS IN TRANSPORTATION BILLS ARE A THING OF THE PAST. (18-23).

IV. THE HARM OF GLOBAL WARMING IS EXAGGERATED.

- A. Burning fossil fuels simply returns to the atmosphere the carbon dioxide that was once in the atmosphere. (24)
- B. Carbon dioxide is the breath of life for plants. (25-26)
- C. The threat of global warming is insignificant in comparison to other societal concerns. (27-28)
- D. The cost of combatting global warming creates greater harm than the warming itself. (29)
- E. Scientists are pressured to agree with the global warming thesis. (30)
- F. Mann's "hockey stick" graph presents a distorted picture of global warming. (31)
- G. The "climategate" emails show that climate scientists ignore contrary evidence. (32-33)
- H. The Kyoto Protocol would make almost no difference in global warming. (34)

V. THE HARM OF PEAK OIL IS EXAGGERATED.

- A. Plentiful oil reserves are available. (35-36)
- B. New oil resources are being found. (37)
- C. Technology solves for peak oil. (38)

VI. HIGH-SPEED RAIL IS A WASTE OF MONEY.

- A. High-speed rail does not pay for itself. (39-41)
- B. High-speed rail has not been a success overseas. (42)
- C. High-speed rail has not been a success in England. (43)
- D. High-speed rail has not been a success in Japan. (44-47)
- E. High-speed rail has not been a success in China. (48-49)
- F. High-speed rail loses money almost everywhere. (50)

- G. There is no reason to try to "keep up with the Joneses" in high-speed rail. (51)
- H. High-speed rail does not work well in Europe. (52)

VII. RAILROAD COMPANIES ARE HIGHLY PROFITABLE; THEY DO NOT NEED PUBLIC INFRASTRUCTURE INVESTMENT. (53-55)

VIII. THE THREAT OF NUCLEAR TERRORISM IS EXAGGERATED. (56)

IX. THE HARM OF OBESITY IS EXAGGERATED. (57-58)

X. THERE IS NO NEED FOR ADDITIONAL FEDERAL FUNDING OF AIR TRANSPORTATION.

- A. Aviation subsidies create inefficiencies. (59-60)
- B. Congestion is caused by public control. (61)
- C. Gates are available for new airline entrants. (62)
- D. Congestion pricing at airports is unworkable. (63)
- E. Local governments own airports. (64)
- F. Claims that aviation gouges the poor are inaccurate. (65)
- G. Bag handling at airports is improving. (66)
- H. The Airport Improvement Program funds airports. (67)
- I. Privatization can best solve for airport problems. (68-70).
- J. Passenger bills of rights offer an ineffective means of dealing with airport problems. (71)

XI. PROBLEMS WITH AIRPORT SECURITY ARE EXAGGERATED.

- A. Bulletproof cockpits really do solve this problem. (72)
- B. Private security is superior to the TSA. (73)
- C. Privacy interests must be balanced. (74-79)
- D. Problems with profiling are exaggerated. (80-84)
- E. There has been no successful terrorist attack on airplanes since 9/11. (85-90)
- F. Security measures enhance fear. (91-92)
- G. When flying becomes more inconvenient, highway deaths will increase. (93-97)
- H. Expedited screening procedures are being implemented. (98)
- I. TSA is using risk analysis tools to foil another terrorist attack. (99-100)

1. Nathan Musick, (Economist, Congressional Budget Office), PUBLIC SPENDING ON TRANSPORTATION AND WATER INFRASTRUCTURE, 2010, ix. In 2009, the federal government spent \$87 billion on transportation and water infrastructure, an increase of \$6 billion over the amount spent in 2007. Of those outlays, about \$4 billion was made available through the American Recovery and Reinvestment Act of 2009 (ARRA). In total, lawmakers appropriated \$62 billion in funding for transportation and water infrastructure under that legislation. The Congressional Budget Office expects that, in nominal terms, federal spending for transportation and water infrastructure under ARRA will total \$54 billion through 2013, by which time almost 90 percent of the funds made available for infrastructure through ARRA will have been spent.
2. Barry Klein, (Public Policy Consultant), CONGESTION IS SELF-LIMITING, Aug. 29, 2006. Retrieved May 25, 2012 from http://contextsensitivesolutions.org/community/discussion/message-view?message_id=80010. In the article I try to explain my view that traffic "gridlock" is an exaggerated threat because traffic is demonstrably a self-limiting problem. The discussions about traffic have for too long been dominated by civil engineers who have a vested interest in the policies adopted by the public sector. The good news is that another point of view is getting an audience.
3. David Shepardson, (Staff), THE DETROIT NEWS, Sept. 10, 2010, A1. Barbara Harsha, executive director of the Governors Highway Safety Association, attributed the improvement in traffic statistics "to a host of factors, including increased seat belt use, stronger enforcement of drunken driving laws, better roads, safer vehicles and an increasingly well-coordinated approach to safety."
4. Don Gammill, (Staff), THE OKLAHOMAN, Sept. 13, 2010, 4A. Seat belts, safer cars and tougher enforcement of laws related to drunken driving have been credited with helping push highway deaths to their lowest level in six decades. The national Transportation Department said last week that traffic deaths declined 9.7 percent in 2009 to 33,808, the lowest number since 1950. That was down 3,615 from the 37,423 deaths in 2008.
5. Don Gammill, (Staff), THE OKLAHOMAN, Sept. 13, 2010, 4A. The number of people injured in motor vehicle crashes fell for a 10th consecutive year. Alcohol-impaired driving deaths declined from 11,711 in 2008 to 10,839 in 2009, a 7.4 percent decrease.
6. National Highway Traffic Safety Administration, MOTOR VEHICLE CRASHES, Feb. 2012, 1. In 2010, 32,885 people died in motor vehicle traffic crashes in the United States—the lowest number of fatalities since 1949 (30,246 fatalities in 1949). This was a 2.9-percent decline in the number of people killed, from 33,883 in 2009, according to NHTSA's 2010 Fatality Analysis Reporting System (FARS). In 2010, an estimated 2.24 million people were injured in motor vehicle traffic crashes, compared to 2.22 million in 2009 according to NHTSA's National Automotive Sampling System (NASS) General Estimates System (GES). This slight increase (1.0% increase) in the estimated number of people injured is not statistically significant from the number of people injured in crashes in 2009.
7. PITTSBURGH POST-GAZETTE, July 27, 2009, B6. While noting that America still has a long way to go in traffic safety, Transportation Secretary Ray LaHood cited some major strides that influenced the declining death rate -- increased seat belt use, safer roads and highways, safer vehicles and curtailment of impaired driving. In the latter case, alcohol-impaired fatalities declined by more than 9 percent from 2007.
8. U.S. Secretary of Transportation, CQ FEDERAL DEPARTMENT AND AGENCY DOCUMENTS, Sept. 9, 2010. Retrieved Apr. 15, 2012 from Nexis. U.S. Transportation Secretary Ray LaHood today released updated 2009 fatality and injury data showing that highway deaths fell to 33,808 for the year, the lowest number since 1950. The record-breaking decline in traffic fatalities occurred even while estimated vehicle miles traveled in 2009 increased by 0.2 percent over 2008 levels. In addition, 2009 saw the lowest fatality and injury rates ever recorded: 1.13 deaths per 100 million vehicle miles traveled in 2009, compared to 1.26 deaths for 2008. Fatalities declined in all categories of vehicles including motorcycles, which saw fatalities fall by 850 from 2008, breaking an 11-year cycle of annual increases.
9. Steven Hayward, (Fellow, Pacific Research Institute), ALMANAC OF ENVIRONMENTAL TRENDS, 2011, 57. The national average for ambient levels of nitrogen dioxide decreased by 47 percent from 1980 to 2008 (53 percent for the 90th percentile), as shown in Figure 18. All monitoring locations across the country, including Los Angeles, currently meet the national NO2 air quality standard.
10. Shi Jiangtao, (Staff), SOUTH CHINA MORNING POST, Dec. 12, 2011, 4. Three years after the Beijing Olympics, Du Shaozhong is again at the centre of controversy over the capital's notorious smog. Back in 2008, the spokesman for the municipal environmental protection bureau was struggling to fend off international media scrutiny about air quality for the much-heralded Games. Luck was on Du's side then - blue skies and clean air miraculously emerged almost at the last minute on the event's eve. This time, he and the city are not so fortunate - dense, choking smog has persisted for most of the past two months, plunging the capital's air quality to its lowest levels in the years since Beijing's big moment in the sporting sun.
11. Shi Jiangtao, (Staff), SOUTH CHINA MORNING POST, Dec. 12, 2011, 4. China has the world's largest number of lung cancer victims and the deadly disease has occurred much more frequently in major cities in the past decade, mostly due to deteriorating air quality. According to official data, while the rate of lung cancer in the capital has risen by nearly 60 per cent since 2000, it increased by 73 per cent in Shanghai between 2000 and 2010.
12. Union of Concerned Scientists, CLEAN VEHICLES, May 3, 2012. Retrieved May 25, 2012 from http://www.ucsusa.org/clean_vehicles/. Hybrid, electric, and fuel cell technologies are increasingly available to consumers and offer long-term solutions to reduce oil use.
13. Union of Concerned Scientists, IMPROVING FUEL EFFICIENCY, May 3, 2012. Retrieved May 25, 2012 from http://www.ucsusa.org/clean_vehicles/smart-transportation-solutions/better-fuel-efficiency/. Historic new fuel economy and global warming emissions standards have the potential to reduce our oil use by 3.5 million barrels per day by 2030, roughly double what we currently import from the Persian Gulf. The technology already exists to meet and exceed these standards—and deliver a wide range of clean transportation options that meet consumers' needs.
14. Union of Concerned Scientists, IMPROVING FUEL EFFICIENCY, May 3, 2012. Retrieved May 25, 2012 from http://www.ucsusa.org/clean_vehicles/smart-transportation-solutions/better-fuel-efficiency/. Fuel-efficient vehicles require less gas to go a given distance. When we burn less gas, we need less oil. When we use less oil, we reduce global warming emissions, improve air quality, and decrease our reliance on foreign sources. Plus we spend less at the pump, saving money that can quickly offset any additional costs associated with buying a more fuel-efficient vehicle in the first place.

15. Union of Concerned Scientists, IMPROVING FUEL EFFICIENCY, May 3, 2012. Retrieved May 25, 2012 from http://www.ucsusa.org/clean_vehicles/smart-transportation-solutions/better-fuel-efficiency/. Smart government policy provides the most effective means to improve the fuel economy of our nation's cars and trucks. The federal government recently enacted strong new standards for vehicles produced through 2016 and is currently developing even stronger standards for 2017 – 2025. If correctly implemented, these standards could raise the fleetwide average to more than 50 miles per gallon.

16. Wendy Koch, (Staff), USA TODAY, Nov. 16, 2011. Retrieved May 25, 2012 from http://content.usatoday.com/communities/greenhouse/post/2011/11/obama-seeks-to-double-auto-fuel-efficiency/1_-_T7-ORb-mn8E. The Obama administration has estimated that new technologies for a 2025 vehicle will add about \$2,200 in costs. However, it says lifetime fuel savings could average up to \$6,600, leaving consumers with a net savings of about \$4,400.

17. John M. DeCicco, (Prof., Natural Resources and Environment, U. Michigan), A FUEL EFFICIENCY HORIZON FOR AMERICAN AUTOMOBILES, Sept. 2010, 18. The United States and Japan are the two largest hybrid markets by far, and the Toyota Prius has been the top selling hybrid nameplate. All major automakers have hybrid programs underway and the number of offerings is rising steadily. Even though hybridization entails an inherent cost increase compared to non-hybrid powertrains, it is now seen as a foundation for automotive technology in the decades ahead. As one industry expert put it, "hybrid technology is the core technology that drives us toward a sustainable future."

18. NEW YORK TIMES, Nov. 17, 2010, A32. Earmarks are used to allocate a small fraction of already approved spending amounts. If the earmark disappears, the money for it goes back into the spending pot to be distributed by the federal or state bureaucracy instead of by lawmakers. Many of these projects are needed. If lawmakers cannot do so responsibly, someone else will have to decide which lock and dam on the Mississippi will be repaired, which highway extension will be built, which military base will get new housing.

19. Daniel Mallow, (Staff), THE ATLANTA JOURNAL-CONSTITUTION, Dec. 27, 2011, 1A. The earmark ban arrived along with a Congress, led by House Republicans, focused more on curtailing record deficits than bringing home federal funds. Plenty of lawmakers say that getting rid of congressionally directed spending cedes too much power to the executive branch, and the money --- a fraction of the federal budget --- often went to important projects. Some of them have tried to subvert the ban. But others say earmarks are an embarrassment, proof of wasteful Washington spending. They point to scandals such as California Rep. Duke Cunningham's earmark-related bribery scheme that landed him in prison and the much-derided "Bridge to Nowhere" --- a \$300 million span to a remote Alaska island sought by the late Sen. Ted Stevens.

20. NEW YORK TIMES, Nov. 17, 2010, A32. The reforms put in place by House Democrats in recent years have already eliminated some of the worst practices. Secret earmarks, which made it impossible to know which member had requested particularly egregious items, are now banned. All House members are now required to post their requests on the Web where voters can judge for themselves whether the spending is outrageous or useful. House members also have to certify that they have no financial interest in an earmark, and spending cannot be directed to for-profit enterprises.

21. A.G. Sulzberger, (Staff), NEW YORK TIMES, Nov. 23, 2010, A23. Earmarks, which for all their controversy account for less than half of 1 percent of total federal spending, allow lawmakers to specify how money is used in their home states. If they were eliminated, Congress would cede more authority over spending decisions to the executive branch. The fate of earmarks remains unclear because the Republican ban is, at present, voluntary, and Democrats have not yet responded to a proposed moratorium.

22. Ronald Utt, (Sr. Fellow, Heritage Foundation), STATES NEWS SERVICE, Feb. 1, 2011. Retrieved Apr. 14, 2012 from Nexis. Until 1984, earmarks in transportation appropriations bills averaged about three a year, and there were none at all between 1996 and 1998. In fiscal year (FY) 2010, there were 1,575 earmarks in the appropriations bill covering transportation and housing. Federal highway reauthorization bills—which have become lobbyist/client pork fests, most recently mandating more than 7,000 earmarks -- had also been relatively free of earmarking in the past. The 1982 reauthorization bill included just 10 earmarks, while 1987's included 152. In those years, "earmarks" were called "demonstration" projects, but today they are called "high priority" projects, indicating that the process has also corrupted the language.

23. Jack Calareso, (Pres., Anna Maria College), MASSACHUSETTS TELEGRAM & GAZETTE, Jan. 25, 2011, A6. In 2010, earmarks accounted for about one-half of 1 percent of all appropriations. The reduction or elimination of federal earmarks alone will not solve the country's fiscal problems, and it would be unfortunate if such an important issue was treated with a superficial analysis. In fact, earmarks overwhelmingly support the good of the community and provide necessary services and programs. They are recommended by committed legislators who work hard to not only represent their districts but to also help address the needs.

24. Stanley Feldman, (Former Professor, Stanford U.), GLOBAL WARMING AND OTHER BOLLOCKS, 2009, 19. The CO₂ produced today when we burn fossil fuels is merely returning into the atmosphere a minute part of the CO₂ sequestered by plant and animal life over hundreds of thousands of years. It is not new CO₂ that we have produced. It is CO₂ that is being recycled. If we were to hold a huge bonfire and burn all the available fossil fuel, coal, oil and gas in the world at one go, it would raise the atmospheric CO₂ by only a small amount, to nowhere near the level it was 500 million years ago, when global cooling caused much of the Earth's surface to be covered with ice.

25. William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 1. I am a strong supporter of a clean environment. We need to be vigilant to keep our land, air and waters free of real pollution, particulates, heavy metals, pathogens, but carbon dioxide (CO₂) is not one of these pollutants. Carbon is the stuff of life. Our bodies are made of carbon. Every day a normal human exhales around 1 kg of CO₂ — the simplest chemically stable molecule of carbon in the earth's atmosphere. Before the industrial period, the concentration of CO₂ in the atmosphere was about 270 parts per million (ppm). At the present time, the concentration is about 390 ppm, 0.039% of all atmospheric molecules and less than 1 of that in our breath. About fifty million years ago, a brief moment in the long history of life on earth, geological evidence indicates, CO₂ levels were several thousand ppm, much higher than now. And life flourished abundantly.

26. William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 3. Animals would not even notice a doubling of CO₂ and plants would love it. The supposed reason for limiting CO₂ is to stop global warming—or since the predicted warming has failed to be nearly as large as computer models forecast—to stop climate change. Climate change itself has been embarrassingly uneventful, so another rationale for reducing CO₂ is now promoted: to stop the hypothetical increase of extreme climate events like hurricanes or tornados. But dispassionate data show that the frequency of extreme events has hardly changed and in some cases has decreased in the 150 years that it has taken CO₂ levels to increase from 270 ppm to 390 ppm.

27. William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 10. At the current rate of CO₂ increase in the atmosphere —about 2 ppm per year— it would take about 195 years to achieve this doubling. The combination of a slightly warmer earth and more CO₂ will greatly increase the production of food, wood, fiber, and other products by green plants, so the increased CO₂ will be good for the planet, and will easily outweigh any negative effects. Supposed calamities like the accelerated rise of sea level, ocean acidification, more extreme climate, tropical diseases near the poles, etc. are greatly exaggerated.

28. Indur Goklany, (Editor, Electronic Journal of Sustainable Development & Delegate, IPCC), GLOBAL WARMING POLICIES MIGHT BE BAD FOR YOUR HEALTH, 2012, 6. The contribution of diseases of poverty (e.g., underweight, malnutrition, unsafe water, poor sanitation and hygiene) to the global burden of death and disease is currently 70-80-fold larger than that of global warming. Deaths from diseases of poverty and excess winter mortality are real, whereas those from global warming are based on hypotheses and models which short-circuited the scientific method and have not been tested rigorously.

29. Indur Goklany, (Editor, Electronic Journal of Sustainable Development & Delegate, IPCC), GLOBAL WARMING POLICIES MIGHT BE BAD FOR YOUR HEALTH, 2012, 7. Mitigation policies designed to replace fossil fuels with biofuels in particular may have, by adding to world hunger and poverty, contributed 200,000 additional deaths and 6.7 million lost DALYs in 2010 without significantly reducing the public health impact of global warming.

30. David R. Legates, (Prof., Climatology, U. Delaware), NATIONAL POST, Aug. 13, 2011, FP17. The emails paint a vivid picture of advocacy scientists strong-arming the publisher of a science journal, Climate Research, against publishing the work of Willie Soon and his associate, Sallie Baliunas. Pro-IPCC scientists threatened to boycott the journal, and intimidated or colluded with editors and grant program officers to channel funding, published only the work of advocacy scientists and rejected funding requests and publications from any scientists who disagreed with them on global warming.

31. William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 7-8. The IPCC and its worshipful supporters did their best to promote the hockey-stick temperature curve. But as John Adams remarked, "Facts are stubborn things, and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence." The hockey stick curve caught the attention of two Canadians, Steve McIntyre, a retired mining consultant, and statistician, Ross McKittrick. As they began to look more carefully at the original data—much of it from tree rings—and at the analysis that led to the hockey stick, they became more and more puzzled. By hard, remarkably detailed, and persistent work over many years, consistently frustrated in their efforts to obtain original data and data-analysis methods, they showed that the hockey stick was not supported by observational data. An excellent, recent history of this episode is Andrew Montford's *The Hockey Stick Illusion*.

32. William Happer, (Prof., Physics, Princeton U.), THE TRUTH ABOUT GREENHOUSE GASES, 2012, 13. We know from the Climategate emails that the team conspired to prevent contrary publications from seeing the light of day and even discussed getting rid of an editor who seemed to be inclined to admit such contentious material. Skeptics' motives are publicly impugned; denigrating names are used routinely in media reports and in the blogosphere; and we now see attempts to use the same tactics that Big Brother applied to Winston Smith in Orwell's 1984. In 2009, a conference of "ecopsychologists" was held at the University of West England to discuss the obvious psychological problems resident in those who do not adhere to the global warming dogma. These ecopsychologists, who knew almost nothing themselves about climate science, told us that scientists and members of the general population who express objective doubt about alarmist views of global warming are suffering from a kind of mental illness. We know from the Soviet experience that a totalitarian society can find it convenient to consider dissidents to be mentally deranged and act accordingly.

33. Andrew Turnbull, (Former Secretary of the British Department of the Environment), THE REALLY INCONVENIENT TRUTH OR "IT AIN'T NECESSARILY SO," 2011, 5. Let us look first at the science. What is frequently described as a "consensus" is no such thing. There is a huge controversy at each level of the analysis. In its Third Assessment Report (TAR, 2001), the IPCC's view was compared to an ice hockey stick. For the past thousand years, global temperatures were presented as fluctuating within a narrow range, possibly around a slight downward trend. But since the arrival of industrialization, the output of CO₂ has risen sharply, producing the sharp rise in global temperatures, the so-called man-made or Anthropogenic Global Warming (AGW).

34. James Inhofe, (U.S. Senator, Oklahoma), THE GREATEST HOAX, 2012, 27. The more questions I asked, the clearer it became that Kyoto emissions reduction targets were arbitrary, lacking in scientific basis. This was not just my opinion, but the conclusion reached by the country's most recognized climate scientists. Dr. Tom Wigley, one of Al Gore's own scientists, was one of them. After President Clinton signed on to the Kyoto Protocol in 1997, Dr. Wigley, a senior scientist at the National Center for Atmospheric Research, found that if the Kyoto Protocol were fully implemented by all signatories, it would reduce temperatures by a mere 0.06 degrees Celsius by 2050.⁶⁰ And that's if the United States had ratified Kyoto and the other signatories met their targets. What does this mean? Such an amount is so small that ground-based thermometers cannot reliably measure it.

35. Neil Reynolds, (Staff), THE GLOBE AND MAIL, Oct. 5, 2011, B2. As Mr. Yergin documents in his new book (*The Quest: Energy, Security and the Remaking of the Modern World*), Mr. Hubbert got everything wrong - as End Times prophets are wont to do. U.S. oil production did not, in fact, peak at 1.5 million barrels a day. By 2010, U.S. production was 3.5 times higher than Mr. Hubbert had anticipated: 5.5 million barrels a day. Children born in 1965 have not lived to see all of the world's oil consumed in their lifetime, as he predicted. The world did not enter a period of "non-growth."

36. Neil Reynolds, (Staff), THE GLOBE AND MAIL, Oct. 5, 2011, B2. "Hubbert's Peak," says U.S. energy historian Daniel Yergin, "is still not in sight." This is true: Global oil production is still on the rise with no evident decline any time in this century. We should take a moment to acknowledge this fact. It's not only that resurgent oil and gas reserves have abruptly extended the world supply of fossil energy for another 100 years. It's that market economics has again triumphed over the Luddite left.

37. Neil Reynolds, (Staff), THE GLOBE AND MAIL, Oct. 5, 2011, B2. Mexico has huge reserves; as with Venezuela, these reserves await efficient exploitation. Apparently Colombia and Argentina possess large reserves. China is already drilling in Cuban waters. Australia has vast reserves of gas and coal. Greenland possesses large oil reserves - perhaps greater than Iraq's (which are exceeded only by Saudi Arabia's). India, too. Poland, too. Angola, too. The list goes on. Last week, a small British drilling company reported that it has confirmed a shale gas deposit in northern England that could heat the country for 60 years. But the greatest oil and gas rush of them all will probably take place in the United States and Canada - where the five largest shale oil zones in the world are all located.

38. Brian Towler, (Prof., Petroleum Engineering, U. Wyoming), OIL & GAS JOURNAL, Nov. 7, 2011, 90. Horizontal wells and multizone fracture stimulations are unlocking hundreds of billions of barrels from the Bakken formation in North Dakota, Montana, Manitoba, and Saskatchewan. The success in the Bakken also is opening up more formations to successful production, such as the Eagle Ford in Texas, Granite Wash in Oklahoma and the Texas Panhandle, Niobrara in Colorado and Wyoming, Monterey in California, and Utica in eastern Ohio. Vast quantities of oil also have been discovered in deepwater Gulf of Mexico and Santos basin off Brazil.

39. David Peterman, (Analyst in Transportation Policy, Congressional Research Service), HIGH-SPEED RAIL IN THE UNITED STATES, Dec. 8, 2009, 19. The costs of HSR can be divided into two general categories: infrastructure costs, including the costs of building the line and maintaining it, and operating costs, such as labor and fuel, which tend to vary according to the amount of train service offered. Of the many high speed routes in the world, it is thought that only two have earned enough revenue to cover both their infrastructure and operating costs.

40. Fitch Rating Service, DEVELOPING TRUE HIGH SPEED RAIL: IN THE NORTHEAST CORRIDOR --STOP SITTING ON OUR FEDERAL ASSETS, Hrg., Jan. 27, 2011, 104. Globally, particularly over the past century, rail projects have rarely been commercially self-supporting. This is primarily a result of several factors, including the significant upfront investment, the difficulty in developing stable, predictable and sizable patronage and the economic challenges in passing the true cost of usage to the direct user. Over the years, governments have pursued varied strategies to procure quality rail services at the lowest cost and have developed public policies that seek to make public transportation accessible and affordable. This goal has at best only been partially fulfilled under both public and public-private approaches.

41. Daniel Wood, (Staff), CHRISTIAN SCIENCE MONITOR, Feb. 8, 2011. Retrieved Mar. 20, 2012 from Nexis. Critics agree. Only two rail corridors in the world -- France's Paris to Lyon line and Japan's Tokyo to Osaka line -- cover their costs, says Ken Button, director of the Center for Transportation Policy at George Mason University in Fairfax, Va. "Both of these are the perfect distance for high-speed rail, connect cities over flat terrain with huge populations that have great public transportation to get riders to the railway," he says, dismissing French claims that other lines make money. He says they calculate costs in ways which ignore capital costs.

42. Randal O'Toole, (Sr. Fellow, CATO Institute), GRIDLOCK: WHY WE'RE STUCK IN TRAFFIC AND WHAT TO DO ABOUT IT, 2009, 87-88. To fully understand how poorly high-speed rail will work in the United States, it is important to look at existing high-speed rail projects elsewhere. Rail advocates claim Japanese and European trains are great successes, yet Japanese and European cities are denser than those in the United States and spaced closer together. This makes them much more suitable for high-speed rail, which is most competitive with air travel on shorter routes. This means that high-speed rail is not likely to perform as well in the United States as it does in those countries.

43. Ronald Utt, (Sr. Research Fellow, Institute for Economic Policy Studies, Heritage Foundation), HERITAGE BACKGROUNDER NO. 2389, Mar. 19, 2010, 4-5. In the U.K., 6.4 percent of surface passengers (excluding air and sea travel) travel by a passenger rail system that was privatized beginning in 1994 by way of concessions provided to private rail operators. Much like Japan, the U.K. decided to privatize its passenger rail system because of the burden of providing operating subsidies and the lack of government financial resources to refurbish the deteriorating infrastructure. Importantly, while a Conservative government implemented the privatization process, the subsequent Labor government made no effort to halt or undo the privatization process, despite the many problems that have emerged in the operations of the privatized rail system.

44. Wendell Cox, (Dir., Demographia, a St. Louis-based think tank), NATIONAL REVIEW, Jan. 31, 2011. Retrieved Mar. 20, 2012 from <http://www.nationalreview.com/articles/258417/high-speed-rail-budget-buster-wendell-cox>. High-speed rail is a budget buster. Japan, with the world's leading system, illustrates the financial devastation that high-speed rail can produce. For 25 years, Japan borrowed to build a system serving the ideal rail corridor, nestled along a single coast with a population of more than 75 million people. Ridership was artificially increased by high gasoline prices and one of the highest highway tolls in the world. Yet this modest system, only twice as long as proposed California system, played a major role in driving up a gargantuan rail debt that was transferred to Japanese taxpayers. The rail debt added more than 10 percent to the national debt. This is akin to adding \$1.4 trillion to the U.S. national debt. Virtually everywhere high-speed rail has been constructed, financial liability has fallen to the taxpayers. In Taiwan and the United Kingdom, taxpayers assumed billions of dollars in private debts for much more modest high-speed-rail systems than Japan's.

45. Ronald Utt, (Sr. Research Fellow, Institute for Economic Policy Studies, Heritage Foundation), HERITAGE BACKGROUNDER NO. 2389, Mar. 19, 2010, 5. In 2007, a privately owned and partially privately financed HSR system began operating HSR on a 214-mile route connecting Taipei and Kaoshiung, the two largest cities in Taiwan. Building the system cost an estimated \$15 billion. It uses Japanese technology, and the trains run at a top speed of 186 mph. Since opening, the system has lost \$2.1 billion, leading The China Post to describe the situation as a "hyper-modern technology [that] was meant to be a source of pride, but instead has turned into a rich source of embarrassment." The company operating the system is now seeking government subsidies.

46. Randal O'Toole, (Sr. Fellow), CATO BRIEFING PAPERS, No. 113, Sept. 9, 2009, 3. By 1987, the Japanese National Railways had debts of \$350 billion (adjusted for inflation). By comparison, General Motors' debt when it went bankrupt was only \$35 billion! The Japanese government absorbed the debt, privatized the railroad, and sold the high-speed lines to private companies for less than half a penny for every dollar spent to build them, even without adjusting for inflation.¹² Since then, Japan has continued to build high-speed rail and lease the lines to private railroads at rates that will never recover the construction costs. The subsidy to new construction in 2008 alone was almost \$30 billion. This suggests that high-speed rail is an expensive slippery slope that is hard to exit.

47. Ronald Utt, (Sr. Research Fellow, Institute for Economic Policy Studies, Heritage Foundation), HERITAGE BACKGROUNDER NO. 2389, Mar. 19, 2010, 4. In Japan, unlike the United States, where Amtrak's losses can be attributed to half-filled trains, a trivial market share, and powerful unions, about 28.7 percent of passengers traveled by rail in 2007—the highest rate of rail use in the developed world. Today, several of the restructured, privatized Japanese passenger rail lines run at a profit, but only because they were acquired at a fraction of their capital costs and the government absorbed much of the system's debt.

48. WASHINGTON POST, Feb. 17, 2011, A16. Of course, if the Chinese do finish their system, it is likely to require operating subsidies for many years - possibly forever. A recent World Bank report on high-speed rail systems around the world noted that ridership forecasts rarely materialize and warned that "governments contemplating the benefits of a new high-speed railway, whether procured by public or private or combined public-private project structures, should also contemplate the near-certainty of copious and continuing budget support for the debt." That's certainly what happened in Japan, where only a single bullet-train line, between Japan and Osaka, breaks even; it's what happened in France, where only the Paris-Lyon line is in the black. Taiwan tried a privately financed system, but it ended up losing so much money that the government had to bail it out in 2009.

49. Aaron Spencer, (Staff), DAILY JOURNAL OF COMMERCE, Feb. 8, 2011. Retrieved Mar. 20, 2012 from Nexis. The case against high-speed rail investment is strengthened by what's going on in China, where the government plans to spend \$300 billion, doubling high-speed rail by 2020. But the communist Chinese aren't casting votes with their bottoms, as the Economist puts it. Apparently, high-speed rail is too expensive for migrant workers, a mass of people who would need to use it in order for traffic congestion to clear. And Chinese economists -- just like our Mid-Western governors -- argue that the money could be better spent on freight transit and other infrastructure.

50. Corrine Brown, (U.S. Rep., Florida), FINDING WAYS TO ENCOURAGE AND INCREASE PRIVATE SECTOR PARTICIPATION IN PASSENGER RAIL SERVICE, Mar. 11, 2011, 63. According to the International Union of Railways, there are only two high speed rail lines in the world that have broken even: the French line from Paris to Lyons, and the Japanese line from Tokyo to Osaka. What makes you think that a company that borrows billions of dollars from the federal government to build a high speed rail line would be able to pay the money back?

51. WASHINGTON POST, Feb. 17, 2011, A16. President Obama's fiscal 2012 budget includes \$8 billion for high-speed rail next year and \$53 billion over six years. In the president's view, the United States needs to spend big on high-speed rail so that we can catch up with Europe, Japan -- and you-know-who. "China is building faster trains and newer airports," the president warned in his State of the Union address. But of all the reasons to build high-speed rail in the United States, keeping up with the international Joneses may be one of the worst. In fact, experience abroad has repeatedly raised questions about the cost-effectiveness of high-speed rail.

52. Ronald Utt, (Sr. Research Fellow, Institute for Economic Policy Studies, Heritage Foundation), HERITAGE BACKGROUNDER NO. 2389, Mar. 19, 2010, 5. The French government operates 30,500 miles of track, 1,160 miles of which are genuine HSR lines (called TGV) that have average speeds of about 180 mph. Although the entire French passenger rail system receives an estimated annual government subsidy of approximately \$10 billion (compared to the annual estimated subsidy of \$22.8 billion for the somewhat larger German passenger rail system, which also includes an HSR component), the HSR service between Paris and Lyon—one of 11 TGV lines and 267 miles of the system—is believed by some to be one of only two HSR routes in the world that generate enough revenue to cover both capital and operating costs.

53. Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 50. The companies' SEC filings over the past decade do not show that the railroad industry is "lagging behind" other industries, as AAR told its regulators in 2008. In fact, the railroads' growth in earnings and profitability has outpaced almost all of the other large industries it competes with for capital in the equity markets. Over the last decade, the large railroad companies have reported higher revenues and stable or only slowly-growing expenses, even during the recent economic recession.

54. Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 51. As the railroad industry's profit margins have risen and their operating ratios have dropped, investors have taken notice. As Figure III shows, the stock value of the four largest rail carriers over the past 10 years has far exceeded the average stock value of the large U.S. companies that are part of the S&P 500. An index of large railroad company stocks monitored by Wolfe Research appreciated 119 percent between 2003 and 2009; the S&P index was down 0.3 percent during the same period.

55. Robert Ardolino, (Dir., Urban Innovations, Inc.), THE FEDERAL ROLE IN NATIONAL RAIL POLICY, Hrg., Sept. 15, 2010, 51. In discussing his acquisition of BNSF, Buffett said he believed his investment in BNSF would deliver "steady and certain growth" over the coming decades. He also predicted that the U.S. rail industry has a "dynamic and profitable future" and that all four big freight railroads will "do very well" in the coming decades because they are the only mode of freight transportation that will be able to keep up with the American economy's increasing demand for consumer goods and raw materials." Analysts suggest that as much as \$18 billion poured into the rail industry in the wake of Mr. Buffett's BNSF announcement.

56. Michael Krepon, (Co-Founder of the Henry L. Stimson Center, U. Virginia), FOREIGN AFFAIRS, May/June 2009, 2. *It is not easy for terrorist groups to acquire the skills and materials necessary to construct a nuclear weapon. Meanwhile, Washington and Moscow have reduced their nuclear arsenals by 34,000 weapons over the past two decades, nuclear testing is now rare, the list of countries with worrisome nuclear programs is very short by historical standards, and the permanent members of the UN Security Council now have less to fight about—and more reasons to cooperate in preventing worst-case scenarios from occurring—than ever before. Yet warnings of the possibility of nuclear, chemical, or biological weapons attacks are as loud as ever. These warnings must be put in perspective. The United States has managed to remain safe from nuclear catastrophes in far more dangerous times. And if the threat is so great, and the protections so weak, why have there not been grievous WMD attacks on U.S. cities already? Wise U.S. initiatives to reduce these dangers have helped tremendously, such as programs initiated by then Senator Sam Nunn (D-Ga.) and Senator Richard Lugar (R-Ind.) to lock down dangerous weapons and materials and to dismantle Cold War-era missiles and bombers. There is another explanation as well: the threat itself has been greatly exaggerated.

57. Jerome Burne, (Staff), DAILY MAIL, May 10, 2011. Retrieved Apr. 5, 2012 from Nexis. Catherine Collins, chief dietitian at St George's Hospital London, explains: 'Once someone hits their 40s and 50s I would rather see them slightly overweight than underweight.' 'Being a bit overweight at this stage in life can give you a reserve for older age that can keep you alive for longer.' She says that being a bit plump can increase bone density, due to the extra load you are carrying, which can help prevent brittle bones, particularly in older women. Furthermore, fat can act as a reserve of vitamins and minerals, helping to counter malnutrition in later years, and it also acts as a layer of insulation for the major organs. Indeed, a Japanese study of over 600 centenarians found that many of those who made it to 100 were quite chubby in their 50s.

58. Jerome Burne, (Staff), DAILY MAIL, May 10, 2011. Retrieved Apr. 5, 2012 from Nexis. Body Mass Index (BMI) is used as an indicator of healthy body weight. Ms. Collins explains that although a BMI of 27 was previously thought to fall into the overweight category, (this is usually classed as 25-29.9), an increasing number of professionals are realizing that having a BMI of 27 or below could actually help keep you fighting fit for longer.

59. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 23. In 2008 the share of seats occupied by paying passengers, or the average load factor, for commercial airline service in the United States was 80 percent for unsubsidized flights and 37 percent for subsidized flights. The taxpayer should not be used to create artificial profit opportunities for airlines as they adjust their service to conform to economic reality.

60. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 23. Because the recent downturn in the economy has caused air carriers to substantially cut their service to small communities, Congress has been poised to increase the available funds in the EAS program. However, this response is inappropriate for at least two reasons. First, for many years, small and medium-size cities, including Duluth, Myrtle Beach, Roswell, Wichita, and others, have used local tax money and waived airport landing fees and other charges to attract air service. Second, additional subsidies may not prevent carriers from discontinuing service after a short period of time (that recently occurred at the Hagerstown, Maryland, airport, for example). Or the subsidies may be used to serve routes with very few passengers.

61. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 78. Excessive travel delays are—to a significant extent—a manifestation of the failure of publicly owned and managed airports and air traffic control to adopt policies and introduce innovations that could greatly improve the efficiency of the U.S. air transportation system. Given little economic incentive and saddled with institutional and political constraints, major airports and the air traffic control system have not exhibited any marked improvement in their performance for decades despite repeated assurances that they would do so, and they have provided little reason for policymakers and travelers to expect such improvements to ever occur.

62. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 93. In a 1998 survey of forty-one major airports, the Air Transport Association found that 56 percent of the gates were exclusive use, 25 percent were preferential use, and 18 percent were common use, resulting in 25 percent of the gates available for use by new entrants.

63. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 104-105. The FAA estimates that more than 50 percent of airline delays nationwide originate from the New York area airspace. Secretary Peters tried to address this problem by calling for the federal government to conduct auctions that would enable up to 10 percent of the takeoff and landing slots at the three major New York–area airports, Kennedy, LaGuardia, and Newark-Liberty, to be claimed by the highest bidder. The auctions were expected to lessen congestion and delays at the three airports and consequently at other airports because airlines would reduce the cost of the slots per passenger by using larger planes to haul more passengers per flight, thereby using fewer regional jets and reducing the total number of flights. At the request of Jet-Blue Airlines, New York's Governor David Paterson and Senator Charles Schumer ignored the economic justification for the plan and sided with the Air Transport Association in attacking it as illegal and ideologically driven.

64. Neil Grigg, (Prof., Environmental Engineering, Colorado State U.), *ECONOMICS AND FINANCE FOR ENGINEERS AND PLANNERS: MANAGING INFRASTRUCTURE AND NATURAL RESOURCES*, 2010, 73-74. Infrastructure development for airport expansion, equipment, facilities, and operational support is a continuing problem due to the growth of air travel. The United States has some 15,000 landing places, but only about 20% of them are publicly owned, open for general use, and equipped with at least one paved and lighted runway. A total of 90% of the nation's passenger traffic comes through 66 airports, or some 2% of the total. Airports in the United States are mostly owned by local governments with revenues from a variety of sources such as ticket taxes, landing fees, concessions, and other use charges.

65. John Kasarda, (Prof., Business, U. North Carolina at Chapel Hill), *AEROTROPOLIS: THE WAY WE'LL LIVE NEXT*, 2011, 338. "If aviation were to stop, we would be inconvenienced. But for those at the bottom rungs of the economic ladder, it would mean their livelihoods disappear," John Kasarda said. Whether Kenyan flower farmers or Chinese factory workers, the end of aviation would mean the end of their incomes. "Those are millions of jobs and billions of dollars. How we will address climate change is through new technology, and not at the expense of growth and connectivity. When Park and Burgess created their model of how cities develop—in which the poor move up and move outward—what was unspoken is that it depends on growth. There's no empirical evidence growth has damaged people; in fact, all the evidence is to the contrary."

66. Airlines for America, *U.S. AIRLINES SET NEW RECORDS FOR ON-TIME PERFORMANCE*, Feb. 14, 2012. Retrieved Feb. 17, 2012 from http://www.airlines.org/Pages/news_12-14-2012.aspx. In 2011, there were 3.39 reports of mishandled bags per 1,000 passengers, an all-time low for the metric. The 2011 rate represented a 26 percent improvement from 2010. The statistic also shows that nearly 99.7 percent of U.S. airline passengers had their bags delivered on time.

67. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 81. More than 19,000 public and private airports operate in the United States, some 3,300 of which have been identified by the FAA's National Plan of Integrated Airport Systems as significant to national air transportation and therefore eligible to receive federal grants under the AIP [Airport Improvement Program].

68. Lewis Solomon, (Prof., Law, George Washington U.), *THE PROMISE AND PERILS OF INFRASTRUCTURE PRIVATIZATION: THE MACQUARIE MODEL*, 2009, 134. In the United States, airport funding has come from five major sources tax-exempt: airport bonds (some 59 percent); the federal Airport Improvement Program grants (21 percent); passenger facility charges (13 percent); state and local funding (4 percent); and airport revenues (4 percent). Traditional airport financing sources, particularly tax-exempt bonds and federal funds, are inadequate to make the needed improvements, such as airports runway redesign and additions, as well as terminal development. Beyond these traditional sources of capital for improvements and expansions, similar to highways and bridges, privatization provides a financial tool and a proven management tool and a proven management tool.

69. Lewis Solomon, (Prof., Law, George Washington U.), *THE PROMISE AND PERILS OF INFRASTRUCTURE PRIVATIZATION: THE MACQUARIE MODEL*, 2009, 130-131. In 1996, Congress enacted legislation permitting up to five U.S. airports to be sold or leased to a private sector operator as a means to generate capital for improvements and increase operating efficiencies. At least one of these had to be a general aviation (noncommercial service) airport and not more than one could be a large hub airport, that is, handling 1 percent or more of total U.S. passenger boardings. For general aviation airport, privatization could take the form of a sale or lease. For a commercial air carrier facilities, only a lease was permitted. Under the Airport Privatization Pilot Program, a public sector agency that owns a commercial and/or general aviation airport may apply to the Federal Aviation Administration for waivers from federal aviation law provisions that might otherwise forbid the retention of the sale or lease proceeds by the sponsoring agency or from other provisions requiring the repayment of previous federal grants or the return of land provided by the federal government. Subsequently, in September 1997, the FAA published its final guidelines and application procedures for this pilot program.

70. Lewis Solomon, (Prof., Law, George Washington U.), *THE PROMISE AND PERILS OF INFRASTRUCTURE PRIVATIZATION: THE MACQUARIE MODEL*, 2009, 132-133. In attempting the first privatization of a major American airport, the city of Chicago in October 2008 announced the 99-year lease of the Chicago Midway International Airport. In addition to a desire to increase operating efficiencies and make the city more financially sound in light of recurring budget deficits, Chicago's interest stemmed, in part, from the successful 2005 privatization of the Chicago Skyway, discussed in chapter six. In May 2006, the Illinois legislature preserved the property tax exemption for the airport if it were leased to a private operator. After the repayment of Midway Airport revenue bonds, legislation also enacted in May 2006, requires the city to spend 90 percent of lease proceeds on local infrastructure projects and/or to strengthen its underfunded pension funds created for municipal employees. Furthermore, when the airport is leased, to overcome potential union opposition, the legislation provides that Midway employees will either get a job with the new operator-lessee or elsewhere in the city government. The deal collapsed in April 2009 when the winning group Midway Investment and Development Co. consisting of two U.S. companies, John Hancock Life Insurance Co. and Citigroup's Citi Infrastructure Investors, and one Canadian firm, YVR Airport Services Ltd. could not secure financing for its \$2.52 billion bid, amid tight credit market conditions. The rich price, roughly thirty times annual cash flow, might have led banks to decline funding the transaction even if credit were more freely available.

71. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 25. A passengers' bill of rights and the DOT's new rule limiting the time that a carrier can wait on the tarmac before taking off do not address the fundamental sources of delays—namely, inefficient public policies toward aviation infrastructure—and may cause airlines to unnecessarily curtail service and cancel flights that could have departed without much delay because bad weather did not materialize or cleared up faster than expected.

72. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 95. The recent incident has illustrated the inefficiencies of expending billions of dollars in time and money to confiscate firearms—almost all of which were probably intended for recreational use—and of using Federal Air Marshals. Stewart and Mueller conclude that it was far more cost-effective to put bulletproof doors on cockpits, which the airline industry did for some \$300 million to \$500 million.

73. Clifford Winston, (Sr. Fellow, Brookings Institution), *LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM*, 2010, 96. Private security firms that are not subject to federal regulations have been able to provide effective and subtle security for millions of customers at high-risk facilities in the United States, such as casinos in Las Vegas and Atlantic City and major amusement parks such as Disney World. Private security firms could be hired at airports, not just to replace federal screeners with private screeners but to develop security strategies and make safety investments to anticipate and respond to potential terrorist attacks—actions that private sector airport screeners did not take before September 11 when they were regulated by the government. Such firms could also be bonded, giving them strong financial incentives to provide effective security, and could interact with government law enforcement agencies as necessary.

74. Andrew Welch, (J.D. Candidate), *TRANSPORTATION LAW JOURNAL*, Fall 2010, 168. In a post-9/11 world, it is hardly debatable that there must be some sort of security measures to "welcome" air travelers as they prepare to board commercial airplanes. After the 2009 Christmas Day bombing attempt aboard U.S.-bound Northwest flight 253, the Transportation Security Administration ("TSA") announced plans to step up its use of state-of-the-art "advanced imaging technologies," or full-body scanners.

75. *CHRISTIAN SCIENCE MONITOR*, Nov. 17, 2010. Retrieved Aug. 15, 2011 from Nexis. Ever since the 9/11 attacks, the United States has struggled to find a balance between beefing up security against terrorism and upholding the rights of individuals - whether it be a right to privacy, a fair trial in court, or freedom from racial profiling. This dynamic tension between rights and security must evolve with each novel attempt by Al Qaeda and its affiliates to thwart preventive measures. For flight security, a string of unexpected threats -- nonmetallic bombs in shoes, water bottles, and underwear -- has pushed the TSA to adopt more intrusive methods, such as body scans, behavioral detection, and pat downs. And each time, Congress -- whose leaders see the intelligence reports on threats -- has weighed the public outcry and stood behind the TSA. Lawmakers must back the agency in the face of organized pushback by private groups opposing the body scans and pat downs.

76. *CHRISTIAN SCIENCE MONITOR*, Nov. 17, 2010. Retrieved Aug. 15, 2011 from Nexis. Intrusive screening is indeed a challenge to social norms -- but then terrorism is an even bigger and abnormal challenge to society. Airline security is thus a shared responsibility, one that requires all citizens and the government to work together as threats change, as new screening technology emerges, and as more fliers see that their own sacrifice at checkpoints can help all fliers feel safe -- and be safe.

77. M. Madison Taylor, (J.D. Candidate), *RICHMOND JOURNAL OF LAW & TECHNOLOGY*, Fall 2010, 51. "[T]he ultimate strength of our constitutional guarantees lies in their unhesitating application in times of crisis and tranquility alike." Accordingly, the danger of terrorist attacks alone provides insufficient justification under the Fourth Amendment for the wholesale application of full-body scanners. All methods of screening used by the TSA must strike a difficult balance of thwarting and deterring hijackings without violating the Fourth Amendment.

78. Tobias Mock, (Technical Editor), *SANTA CLARA LAW REVIEW*, 2009, 231-232. Warrantless airport searches, including mandatory magnetometer searches, are frequently justified based on their use as part of a general regulatory scheme "aimed at a group or class of people rather than a particular person." The Supreme Court has repeatedly upheld the constitutionality of these so-called "administrative searches" "where the risk of public safety is substantial and real." Although mandatory airport searches are routinely upheld in this manner, the predicate justifications vary between "general reasonableness," "consent," and the "stop and frisk" rationale of *Terry v. Ohio*.

79. Todd Henshaw, (Dir., Executive Leadership Programs, Wharton School), WASHINGTON POST, Nov. 28, 2010, G2. It is the responsibility of the TSA to protect us, period. TSA leaders must be prepared to make unpopular decisions regarding our safety. Our sensitivities and complaints matter, but in this case, leadership means doing something unpopular to keep us safe and fulfilling the responsibilities associated with the TSA's mission. It's time to deal with the fallout of this tough decision, but not an opportunity to retreat just because some citizens can't fathom giving up some of their privacy for security.

80. Dawinder Sidhu, (J.D., George Washington U.), GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL, Fall 2009, 62-63. [Richard] Posner, [Professor of Law at the University of Chicago School of Law], finds little trouble equating the terrorist threat with Muslims. By doing so, he finds that Muslims in America are appropriate targets of national security measures. He writes, "Terrorism and religion are highly entwined in Muslim extremism today; the juncture cannot be ignored by our security services." Furthermore, because it is Muslims who pose the terrorist threat to the United States, it is prudent for those security services to track the Muslim-American community for suspicious behavior: "When one reflects that there are several million Muslims in the United States and that a tiny number of terrorists may be able to cause catastrophic harm to a nation, the government should not have to stand by helplessly" while extremism spreads. Posner therefore argues that the government may, without running afoul of constitutional mandates, surreptitiously intercept and sift through a Muslim-American's electronic communications and personal information, subject Muslim-Americans to additional security procedures in the airport setting, and shadow Muslim priests in American mosques to listen for provocative religious lectures.

81. Dawinder Sidhu, (J.D., George Washington U.), GEORGE MASON UNIVERSITY CIVIL RIGHTS LAW JOURNAL, Fall 2009, 37-38. Posner, a well-regarded law professor and circuit court judge, is also a prolific scholar who has offered to the academy profound ideas on some of the law's most vexing problems. In his recent book, *Not a Suicide Pact: The Constitution in a Time of National Emergency*, Posner presents a "pragmatic response" to the pressing, unsettled question of how national security and constitutional rights should intersect in this perilous, post-9/11 age. He specifically argues that in a balance between national security and competing constitutional interests such as individual liberty, the former invariably takes precedence during times of war. Viewed from this lens, Posner indicates that civil libertarians must tolerate security measures—including torture implemented to protect the homeland from catastrophic terrorist events, even if those measures infringe upon constitutional rights or depart from established legal rules.

82. Marc Thiessen, (Fellow, American Enterprise Institute), LET'S GIVE THANKS FOR THE TSA, Nov. 23, 2010. Retrieved Aug. 16, 2011 from <http://www.aei.org/article/102816>. Some say we should use profiling instead. Profiling should absolutely be a key part of our layered defenses against terrorist attack. But profiling alone is insufficient, and is not as easy as it may seem. Just as the terrorists adapt their tactics to get around our screening procedures, they will adapt to get around profiling. We know this because Khalid Shiekh Mohammed told us so. As I recount in my book, *Courting Disaster*, after KSM was captured and questioned by the CIA, he told the agency that after the 9/11 attacks he assumed we would be profiling for Arab men--so he recruited a cell of Southeast Asian terrorists to carry out the "second wave" of attacks. This cell--known as the Ghuraba cell--included trained pilots and suicide operatives who had met with Osama bin Laden and pledged to carry out martyrdom missions for him. They were captured hiding out in Karachi, Pakistan, awaiting instructions from the al-Qaeda leadership. Their mission was to fly an airplane into the Library Tower in Los Angeles.

83. Marc Thiessen, (Fellow, American Enterprise Institute), LET'S GIVE THANKS FOR THE TSA, Nov. 23, 2010. Retrieved Aug. 16, 2011 from <http://www.aei.org/article/102816>. When al-Qaeda deployed an operative to blow up a plane over Detroit, they did not send an Arab man--they sent a Nigerian. The terror ground al-Shabab--al-Qaeda's new affiliate in East Africa--has recruited more than 20 American citizens as foreign fighters. Most are of Somali descent. One--Zachary Adam Chesser--is a white kid from Oakton, Va., who converted to Islam and is now serving a prison sentence for trying to join al-Shabab as a foreign fighter. Al-Qaeda recruits suicide bombers from all over the world--including right here in the U.S. It is not a simple matter to profile against such a diverse array of threats. Profiling is essential, but it is not a replacement for effective airport security.

84. Yevgenia Kleiner, (Articles Editor), BOSTON COLLEGE THIRD WORLD LAW JOURNAL, Winter 2010, 122. In the United States, victims of racial profiling have three forms of recourse against law enforcement officials who subject them to racial profiling. A first option is to request that the appropriate government body prosecute the official(s), a method that puts the onus of initiating a criminal prosecution on the agency that employed the official. A second option is to file a complaint with an internal disciplinary agency or civilian complaint board, but even when such an agency or board exists, fair investigations and adequate resolutions are rare. The final option is to file a civil rights challenge to racial profiling by the government or private individuals and institutions in the form of a civil suit under 42 U.S.C. § 1983.

85. Jack Riley, (Dir., RAND Corporation's National Security Division), THE LONG SHADOW OF 9/11: AMERICA'S RESPONSE TO TERRORISM, 2011, 151. Since 9/11, no passengers have died in terrorist acts from enplanements originating in the United States. In short, despite the tragedy and loss of life on 9/11, air transportation is overwhelmingly a secure means of transportation, especially in the United States.

86. Jack Riley, (Dir., RAND Corporation's National Security Division), THE LONG SHADOW OF 9/11: AMERICA'S RESPONSE TO TERRORISM, 2011, 151. Airlines have reinforced cockpit doors in a way that strictly limits access to the cockpit. Most crews have also modified their procedures to ensure that there is a barrier between the cockpit door and the passengers when the cockpit door needs to be opened. These steps mean that it is much more difficult, if not impossible, to commandeer an airplane and to conduct an attack similar to those of 9/11.

87. Jack Riley, (Dir., RAND Corporation's National Security Division), THE LONG SHADOW OF 9/11: AMERICA'S RESPONSE TO TERRORISM, 2011, 154. There is very little reason to be concerned about suicide bombers being present on flights originating in the United States. The security improvements noted above—passenger vigilance, cockpit security, and visa screening—go a long way toward preventing radical jihadists from entering the country or, having entered, from being able to commandeer a plane to conduct a spectacular attack. Moreover, the radical threat resident in and willing to conduct a suicide attack on the United States is extremely small.

88. Marc Thiessen, (Fellow, American Enterprise Institute), LET'S GIVE THANKS FOR THE TSA, Nov. 23, 2010. Retrieved Aug. 16, 2011 from <http://www.aei.org/article/102816>. If a passenger who is supposed to be seated near us on our next flight has a bomb in his underwear, I suspect most of us would prefer that the explosive be uncovered when he tries to get through airport security--not when a Dutch tourist sees the passenger in the row ahead of him try to set it off and dives across the plane to stop him, as happened on a flight to Detroit last Christmas.

89. Marc Thiessen, (Fellow, American Enterprise Institute), LET'S GIVE THANKS FOR THE TSA, Nov. 23, 2010. Retrieved Aug. 16, 2011 from <http://www.aei.org/article/102816>. Some critics have argued that the terrorists are more likely to attack us in other ways that can't be stopped by the new screening procedures. That is the same argument the Left uses against Ballistic Missile Defense. They say our enemies more likely to attack us with suitcase nuke that has no fingerprints than with a ballistic missile that has a return address. Well, just because we face the danger of suitcase bombs does not mean that we should not defend against the danger of ballistic-missile attacks. If a burglar wants to break into our homes, we all know he can bust through the window--but that does not mean we leave our front doors unlocked when we go to bed at night.

90. Marc Thiessen, (Fellow, American Enterprise Institute), LET'S GIVE THANKS FOR THE TSA, Nov. 23, 2010. Retrieved Aug. 16, 2011 from <http://www.aei.org/article/102816>. The same logic applies to airport screening. Yes, the terrorists can try to sneak explosives on board in other ways (such as hiding them in body cavities). But if we stop screening for the methods they have attempted to use in the past--shoe bombs, liquid explosives hidden in sports drinks, and, yes, underwear bombs--we would be inviting them to use those methods again. Remember the outrage we all felt last Christmas that a terrorist managed to get through airport security with a bomb in his underwear? Well, imagine the outrage we would feel if it happened again because the TSA failed to deploy readily available technology that had a high likelihood of uncovering such a bomb--especially if the terrorist succeeded in blowing up the plane this time.

91. John Mueller, (Prof., Political Science, Ohio State U.), TERRORIZING OURSELVES: WHY U.S. COUNTERTERRORISM POLICY IS FAILING AND HOW TO FIX IT, 2010, 108-109. Protection and other policies can also enhance fear unrealistically. One preliminary study finds that visible security elements like armed guards, high walls, and barbed wire made people feel less vulnerable to crime. However, when these same devices are instituted in the context of dealing with the threat of terrorism, they make people feel tense, suspicious, and fearful, apparently because they implicitly suggest that the place under visible protection is potentially a terrorist target. In other words, the protective measures supplied exactly the negative emotional effect terrorists themselves hope to induce. By the same token, security measures that do reduce fear may be beneficial.

92. Shahab Mossavar-Rahmani, (J.D. Candidate), LOYOLA OF LOS ANGELES ENTERTAINMENT LAW REVIEW, 2009, 160. The terrorists have achieved part of their goal with respect to the United States. Americans unwittingly allowed the government to increase its prominence in private lives, thus curtailing American freedom. Congressman Mel Watt spoke against legislation such as the PAA, observing: "Worry about what [the terrorists] might be thinking tonight, because they must be thinking: You know, we might have won the battle, because we have the United States reacting and giving up its constitutional rights." To date, it is unclear on whom the government eavesdropped, whether these individuals had anything to do with terrorism, and what happens to the collected information. In its effort to preserve national security, the government has disregarded constitutionally guaranteed liberties known only to the trial lawyers and ACLU who have actually studied the law.

93. Jack Riley, (Dir., RAND Corporation's National Security Division), THE LONG SHADOW OF 9/11: AMERICA'S RESPONSE TO TERRORISM, 2011, 158. Researchers have estimated that the 9/11 attacks generated nearly 2,200 additional road traffic deaths in the United States through mid-2003 from a relative increase in driving and reduction in flying resulting from fear of additional terrorist attacks and associated reductions in the convenience of flying. If the new security measures are generating similar, or even smaller, substitutions and the driving risk has grown as hypothesized, the new methods could be contributing to more deaths annually on U.S. roads than have been experienced cumulatively since 9/11 from terrorism against air transportation targets around the world.

94. John Mueller, (Prof., Political Science, Ohio State U.), TERRORIZING OURSELVES: WHY U.S. COUNTERTERRORISM POLICY IS FAILING AND HOW TO FIX IT, 2010, 108. Sometimes, security measures can even cost lives. Increased delays and added costs at airports due to new security procedures provide incentive for many short haul passengers to drive to their destination rather than fly. Since driving is far riskier than flying, the extra automobile traffic generated by increased airport security screening measures has been estimated to result in 400 or more extra road fatalities per year.

95. John Mueller, (Prof., Political Science, Ohio State U.), TERRORIZING OURSELVES: WHY U.S. COUNTERTERRORISM POLICY IS FAILING AND HOW TO FIX IT, 2010, 119. For a full cost-benefit analysis, one would also have to consider not only the human costs, where the decline in short-haul air trips has apparently led to an increase in highway fatalities, as discussed earlier, but also the economic costs of longer waits in airports. One economist calculates that strictures effectively requiring people to spend an additional half hour in airports cost the economy \$15 billion per year, whereas, in comparison, total airline profits in the prosperous 1990s never exceeded \$5.5 billion per year. 63 Included in this analysis, of course, would be a consideration of the opportunity costs. Specifically, what is being forgone in order to expend nearly \$10 billion per year on airline security? Could the money be more effective— save far more lives— if it were used instead to enforce seat-belt laws or install smoke alarms?

96. Steven Horwitz, (Prof., Economics, St. Lawrence U.), WASHINGTON TIMES, Dec. 3, 2010, B1. Important privacy concerns aside, these new scanners and the enhanced pat-down alternative are costing more American lives than they save by causing fliers to drive instead. Driving is much more dangerous than flying, and the result will be that the new TSA procedures will kill more Americans on the highway.

97. Steven Horwitz, (Prof., Economics, St. Lawrence U.), WASHINGTON TIMES, Dec. 3, 2010, B1. In a recent study done at the Naval Postgraduate School, Mary Elaine Kessler and Brett R. Seeley estimated that as many as 275 more Americans each year could be killed in automobile fatalities as a result of substituting driving for flying. That study, however, was completed in spring and does not take into account the new enhanced pat-down procedures or the degree of backlash we are seeing. What is clear from that backlash is that the new enhanced pat-downs have significantly raised the aggravation of flying for many people well above that estimated by Ms. Kessler and Mr. Seeley. The result will be more people opting to drive rather than fly and a higher death toll on the highways.

98. Clifford Winston, (Sr. Fellow, Brookings Institution), LAST EXIT: PRIVATIZATION AND DEREGULATION OF THE U.S. TRANSPORTATION SYSTEM, 2010, 83. In response to air travelers' complaints about the excessive delays created by TSA screening at major airports, a "registered traveler" program was initiated to create special, speedier airport security lines for people who are willing to pay an annual fee of \$50 to \$100 and undergo background checks. However, the TSA has balked at Congress's direction to conduct background checks on registered traveler applicants and to provide expedited screening to those who passed. That undercut the potential value that the three approved registered traveler companies offered to members, and caused Clear, the largest provider, to enter bankruptcy. Its new owners and another entrant have announced their intention to relaunch security-screening lanes by the fall of 2010. Airlines, such as American and United, have tried to expedite screening at certain airports by instituting special security lines for travelers who are elite members of their frequent flier programs.

99. John Pistole, (Administrator, Transportation Security Administration), HEARING BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENT AFFAIRS COMMITTEE, June 22, 2011. Retrieved Aug. 17, 2011 from http://www.tsa.gov/assets/pdf/062211_tsa_pistole_hsgac_rail_transit_security.pdf. Due to the large populations and substantial infrastructure served by mass transit and national railroad systems, these networks remain a target for terrorist groups. Moreover, an open architecture connecting millions of passengers in major metropolitan areas creates inherent potential security vulnerabilities. TSA thus employs advanced risk-based, intelligence-driven techniques to prevent terrorist attacks and to reduce the vulnerability of the nation's transportation systems to terrorism.

100. USA TODAY, Nov. 24, 2010, 10A. Airport security was private, you may recall, before the 9/11 attacks. It was also a sieve, characterized by screeners' low pay, poor morale and astronomical turnover rates -- all driven by the relentless airline industry cost cutting that fliers know so well. The TSA was formed after 9/11 to make airport security everything it wasn't: strict, uniform and professional. It's still not there, but it's far better than what it replaced.