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Article

*27 KILLING THE ECONOMY TO ALLEGEDLY SAVE THE WORLD: THE PRESENT FAILURE AND FUTURE PROMISE OF US ENERGY POLICY[1]

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Half the harm that is done in this world is due to people who want to feel important. They don’t mean to do harm - but the harm does not interest them. . .they are absorbed in the endless struggle to think well of themselves.

-- T.S. Eliot

The road to Hell is paved with good intentions.

-- Anonymous

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*28 I. Introduction: Energy Policy and Political Economy

The pursuit and articulation of any type of “policy” is, by nature, aspirational.[3] Societies via their governments, and to some degree private institutions, identify conditions they would ideally like to see actualized in some area considered important to the society’s good order, health or prosperity. They then try to set conditions in law or other societal arrangements in order to promote or create incentives (and/or disincentives) for making those desired conditions a reality. Any nation’s energy policy, to the extent that it is even formalized, is in practice (even in non-market economic systems) driven by a goal of expanding the amount of available energy, from as many sources as possible, at the lowest cost, in order to maximize economic activity and improve the quality of life of the nation’s citizens. This is true whether the societal unit is a primitive tribe seeking

firewood or a modern industrialized society seeking power generation, energy for smelting steel or for manufacturing circuit boards for iPads.

Why? Contemporary society has grown alarmingly disconnected from the economic realities that provide its members with the quality of life to which they have grown accustomed. Energy is the fundamental component in all economic activity, especially in modern economies. There is an energy component built into the market price of virtually every good or service in commerce. How large that energy component is varies from product to product. However, in the aggregate, increases in energy costs, particularly dramatic ones, will negatively impact consumer spending power and quality of life. The negative effect can be significant, especially in periods of economic recession when individual income is more constrained.[4] This may be stating the obvious, but in the industrialized West, particularly the U.S. (excepting for gasoline prices at the pump), we have become so accustomed to not having the cost of energy being something acutely felt (due largely to abundant and affordable energy sources such as coal) in the ***29** unit cost of goods, that it has to date been a relative non-issue. As a result, the general public, especially in the U.S., has little functional understanding of how much their quality of life is secured by low cost energy.

This oversight has become more and more illuminated due to an increasing amount of policy initiatives keyed to the concerns of the environmental activist community. Since the late 1970s, a drumbeat of alarm over allegedly anthropogenic (i.e. "man-made") global warming--re-branded of late as "climate change" and/or "climate chaos" (hereafter "AGW")--has been steadily increasing. According to the theory, human industrial production of carbon dioxide ("CO_2") is driving a general warming trend of the planet. Various doomsday scenarios are touted as likely outcomes of AGW if human industrial sources of CO_2 are not radically curtailed. A critique of the science behind AGW will be discussed later on. However, it is worthwhile to step back a moment and briefly review how U.S. energy policy has become so heavily influenced by the environmentalist agenda.

II. The Environmental Movement, "Pathological Altruism" and the "Green" Impact on U.S. Energy Policy

Environmentalism generally, and AGW alarmism in particular, like any social phenomena, are products of history, culture, psychology, and politics. It is one of the peculiar coincidences of history that the environmental movement has ascended when it has. Gaining prominence during the 1970s and in the wake of the turbulent 1960s, the worldview of the environmental movement has made phenomenal strides into the mainstream of the general public's imagination. Originally a movement heavily focused on ecology and environmental science, with the collapse of the communist bloc, many Neo-Marxists gravitated to the environmental movement,[5] often translating Marxist language into "green" terminologies and transforming large segments of the movement into anti-capitalist, anti-industrial, and anti-globalist sects.[6] The significance of the leftward drift of the Green movement is not being highlighted to paint them with a red brush as some kind of bogeyman, but merely to properly frame the ***30** worldview that now predominates the movement. As with all utopian projects, they fundamentally believe that perfectibility is possible through the advent of their programs with little real cost or adverse consequence. As will be shown below, those nations that have implemented the green agenda are facing very real and grave consequences.

While a cultural anthropological analysis of the so-called "Green" movement is beyond the scope of this article, its ascendancy undeniably correlates largely to a period where traditional religious belief in the West has declined dramatically. Some describe environmental activism as having arisen as a kind of neo-animist secular religion, a way for its adherents to draw a sense of meaningful purpose that one is "doing good" for the sake of something larger than oneself.[7] This activism has become a type of ***31** meta-altruism engaged on behalf of abstract notions of "the planet" or the "biosphere" as a whole, at the expense of the concrete welfare of one's fellow human beings.

Recently, behavioral psychology has begun to offer some tentative insight into what drives radically altruistic behavior. Altruism is the admirable quality of desiring to promote the common good ahead of one's own personal interest. Altruism becomes problematic, however, when--in attempting to promote a broader common good--one's actions actually result in unanticipated harm. Professor Barbara Oakley has described this phenomenon as "pathological altruism."[8] Pathological altruism arises when decisions are made with incomplete information or when the decision maker's judgment is clouded by his or her own emotional or rhetorical attachment to their cause. As a result, foreseeable and preventable harms occur, and intended beneficiaries and/or others suffer. There is growing clinical evidence that the motivation to feel that one is altruistically promoting the common good, trumps the ability to see if or when one's actions are actually inducing a negative

effect.[9]

Nowhere is this phenomenon more evident than in the areas of climate change alarmism and energy policy. Indeed, the quasi-religious nature of the environmentalist vanguard gives their most prominent theme--AGW--the air of being nothing short of a secular, millennial apocalypse, complete with falling skies and raging seas.[10] Most AGW credulous climate change scientists and environmental advocates seem to sincerely believe, despite glaring contradictory evidence, that AGW is real and that the policies they advocate will save the United States and the world.[11] ***32** Nevertheless, as explained further below, a compelling case can be made that international climate study, and carbon reduction policies based upon it, are being advanced by primarily ideological--as opposed to empirical--considerations. Indeed, the current U.S. administration, being great advocates of internationalist (as opposed to national sovereign) governing arrangements, is deeply invested in the international AGW meme.[12] Accordingly, U.S. energy policy has been misdirected, and U.S. (to say nothing of developing nations)[13] consumers have suffered as a result of counter-AGW advocates' presumably sincere desires to "save the planet" on everyone else's behalf.

Any national energy policy needs to be carefully and fully considered because the impacts of energy policy reach to the core of a nation's economic health. Indeed, a reasonable, well-planned energy policy is essential ***33** to America's success, both domestically and abroad. At home, energy consumption literally fuels the economy. Sound policies increase aggregate wealth, drive job growth, reduce energy costs to businesses and consumers alike, and promote energy independence. By contrast, ill-advised energy policies result in waste, misallocation of resources, higher prices, and stagnant economic activity. Energy independence and a thriving economy also bolster U.S. ability to protect its citizens and promote and protect its geo-political interests. A sound energy policy further allows America to support her allies without relying on countries with less favorable relations.

III. The War on Carbon is Necessary Because of Global Warming?

Much has been made in the environmental community about the alleged unnatural shrinking of the Arctic ice cap.[14] It might come as a surprise to some to learn that, concurrent with our own planet's polar ice cap fluctuations, the ice caps of Mars have also experienced dramatic ebbs and flows.[15] And while there are orbital, rotational axis, and atmospheric differences between the two planets, research has concluded these variations in Martian ice are correlated to cycles in solar insolation / irradiance from the sun.[16] Although concurrent Martian ice cap melts do not in and of themselves disprove earth bound AGW, it is undeniable that: (1) there are no coal fired electrical power plants on Mars, and (2) the Earth also ***34** orbits around the same sun (and at considerably closer range to it than Mars).

According to the AGW adherents, CO_2 is the culprit behind AGW. It is interesting to consider how much of this gas is actually present in the Earth's atmosphere. The Earth's atmosphere is about 78% Nitrogen, 21% Oxygen, and not quite 1% Argon.[17] The remaining trace gases in the atmosphere make up about 0.038% of the atmosphere and these are the so-called "greenhouse" gases (or "GHGs"). CO_2 makes up the bulk of those gases accounting for about 0.035% of the 0.038% total.[18] However, only a fraction of that total, just barely over 3% of that CO_2, comes from human industrial activity.[19] So if you are following the math, the sum total of human industrially produced CO_2 is about one thousandth of one percent of the entire atmosphere, the rest is naturally occurring.[20] However, all of the above discounts water vapor which, when included in the calculus, dwarfs all other GHGs. When water vapor is factored in, total all human GHG contributions add up to about 0.28% of the greenhouse effect, and total human made CO_2 contributions only accounts for 0.117% of the greenhouse effect.[21] We will return later to discuss the probable role played by water vapor in the story of climate change.

Given the relatively miniscule quantities of CO_2 produced by human activity, it should come as little surprise that alarmist predictions about catastrophic warming are not occurring as predicted. Although the basic physics behind the greenhouse gas theory are sound, there are unquestionably factors in the complex system of the Earth's climate which have not been correctly incorporated into the AGW climate change models.

In 1990, AGW alarmists at the Intergovernmental Panel on Climate Change ("IPCC") made dire predictions about the rate of warming (0.7 degrees C to 1.5 degrees C by 2030) that would occur if carbon emissions were not severely curtailed.[22] Although U.S. emissions have been reduced ***35** to 1992 levels[23], carbon emissions in the world have increased dramatically, mostly due to India and China's booming industrial expansion.[24] Indeed, one third of today's atmospheric CO_2 has been released since 1998.[25] Yet, a funny thing happened on the way to the Apocalypse.

Since approximately 1997, the average global temperature has not gone up, despite ballooning levels of man-made CO_2 having been released in the interim. Instead mean global temperature has remained more or less constant.[26] Moreover, according to global warming theory, atmospheric CO_2 should cause the mid-Troposphere (the airshed 10-12 kilometers above the Earth's surface) to heat more than the surface itself.[27] Satellite and weather balloon data make clear that, contrary to AGW alarmist theories, surface temperatures have heated more than the Troposphere.[28] The alarmists have no explanation, and indeed, the recent "Climategate" email ***36** disclosures make clear that many of them know that something is seriously amiss with their theory.[29]

There is also historical empirical data, which points to a likelihood of something other than man-made CO_2 production being responsible for climate change on Earth. Since the end of the last cooling period, the "Little Ice Age" of the late medieval and early modern period (historical period, not geologic, roughly 1400 CE to 1850 CE), the average global temperature has risen slightly less than 0.8 degrees Celsius.[30] However, most of that rise in temperature occurred from 1850 to 1940, during a period when human production of CO_2 was insignificant compared to today.[31] Interestingly, after WWII, when industrial activity boomed and CO_2 emissions soared exponentially, average global temperature went down instead of up, contrary to AGW theory.[32] In fact average global temperature declined for four decades despite massively increasing CO_2 emissions that came during the post-WWII boom.[33] Around 1975, global temperature began to increase again until about 1997.[34] Global CO_2 emissions did increase during this period too.[35] However, since 1997, average global temperature has remained essentially unchanged and arguably has cooled some, despite the fact that CO_2 emissions have again dramatically increased.[36] The "Climategate" emails clearly disclose that the warmists themselves know that the empirical data does not support their theory, ***37** "[t]he fact is that we can't account for the lack of warming at the moment and it is a travesty that we can't."[37]

Looking back further, polar ice core analysis does show a correlative relationship between global CO2 and global temperature, but not one which the warmists like. CO2 does spike with increases in global temperature, but the ice core samples show that it lags global temperature by about 800 years.[38] Thus, CO2 is not a historical climate driver. It is a product of warmer temperatures, not a cause of those temperatures. The actual data suggests that the warmists have the cause-effect relationship exactly reversed.[39]

What global temperature does match much more dramatically, and over a much longer time horizon, are the cycles of solar irradiance and cosmic ray activity.[40] New studies indicate cosmic rays play a significant role in the formation of atmospheric water vapor, the most common and most influential greenhouse gas in the Earth's atmosphere.[41] The influence of cosmic rays on the Earth is affected by the solar wind.[42] Warmist theories fail to account for the combined role of cosmic rays and solar activity ***38** on global temperature. Scientific review of both sunspot activity for the last 400 years and cosmic ray activity for the last 6 million years show a clear and undeniable relationship with global temperature.[43] Simply put, climate is predominantly driven by cloud formation; cloud formation is strongly influenced by cosmic ray impacts; cosmic ray impacts fluctuate due to solar system and galactic orbits and solar wind activity.[44] The empirical evidence shows that CO2 is virtually, if not completely, historically irrelevant to global climate change.

None of this takes into account the big business that climate change science has become.[45] Nor does it consider the tremendous budgets with which the leading environmental advocacy organizations now operate, annual budgets in the tens of millions, to upwards of one hundred million, dollars.[46] It goes without saying that no one is going to contribute to a cause not perceived to be a problem desperately in need of resolution. Yet, greed as a possible corrupting influence in environmental advocacy[47] seems to be an issue outside the realm of mainstream public debate, despite such a charge being routinely leveled by environmental activists against private enterprises with exceedingly smaller budgets.

So, why is the AGW backdrop relevant to U.S. energy policy? It is relevant because the AGW debate and the alarmist demands of its proponents are the predominant force behind the Obama administration's most profoundly impactful legal and regulatory initiatives on the U.S. energy sector. Since the 1990s, AGW claims have influenced, and since the election President Obama has principally driven U.S. environmental (and thus, energy) policy. As discussed in the next section, environmental policy is acting as a substitute for energy policy in the U.S. Given the gaping holes in AGW theory in light of what the actual data shows, AGW-based policy initiatives that impose tremendous societal costs, disrupt and degrade economic activity, and perpetuate economic recession clearly ought to be reviewed with the greatest skepticism and be subject to the most severe standards of proof of their necessity before implementation.

Proponents of AGW and the eco-ideologies that claim to be able to prevent it would do well to reflect on the lessons of human history at least as much as geologic history. There is no account in human history of widespread social upheaval, to have arisen on account of increases in global ***39** temperature (indeed, warm periods within recorded history correspond to periods of increased prosperity). History is replete, however, with multiple examples of violent social upheaval, up to and including devastating wars, and grievous human suffering arising from the squandering of wealth, economic depression and ideologies claiming to usher in a utopian paradise.

IV. Energy Policy Under the Obama Administration

Over the last four and a half years, America has pursued an ineffective and unsound energy policy. In reality, the U.S. does not have an actual energy policy. Rather, U.S. environmental policy is being used as the primary driver for the nation's approach to energy production and consumption. Traditional sources of energy, including natural gas, oil, and particularly coal, have frequently been demonized in the name of climate protection. The U.S. Environmental Protection Agency ("EPA") and the Obama Administration have created regulatory uncertainty, delayed or halted crucial projects, and declared "a war on coal."[48]

In 2007, the Supreme Court declared in a 5-4 opinion that the EPA had the authority to regulate greenhouse gases.[49] The following year, then-Senator Barack Obama ran for the presidency on a platform calling for increased centralization of environmental and energy and energy regulation.[50] During his time in office, President Obama and his Administration have continued to press for ultra-stringent regulatory controls and other economically counter-productive policies.

The coal industry has been the Administration's primary target over the past few years. The EPA has delayed ruling on hundreds of coal permits pending before it.[51] These delays have reached the point where opening a new mine or expanding existing mines has become nearly impossible. For example, the EPA vetoed all but one individual Clean Water Act permit for surface mining projects in Eastern Kentucky.[52] The ***40** EPA has gone even further and begun revoking Clean Water Act permits that had previously been issued by the Army Corps of Engineers.[53]

The regulatory strangulation of coal has not been limited to mining operations. Despite American carbon emissions falling to their lowest level in two decades, the Obama Administration introduced "New Source Performance Standards" regulations that have effectively blocked new coal-fired power plants from coming online.[54] Proposed cap-and-trade legislation that would, by the president's own admission,[55] bankrupt anyone opening a coal plant was too radical even for a Democratic-controlled Congress and rejected in 2009. The threat of even more regulation has led to nearly complete stagnation in the coal industry and it is consumers who will pay the price. The federal Department of Energy's Technology Laboratory calculates that the impact to consumers of the proposed GHG emission requirements will increase the cost of coal-generated electricity between 35% and 80%.[56] Those rate increases would impact 40% of electricity consumers directly, and all electricity consumers indirectly.[57] The EPA's latest Utility MACT (Maximum Achievable Control Technology) Rule, now Mercury and Air Toxics Standard, will add another $9.6 billion ***41** in annual cost to coal and oil fired electrical production.[58] Alarmingly, and with no identifiable legal basis, EPA is refusing to release its data, which supposedly supports the new emissions restrictions.[59]

In an economic climate where many households are struggling paycheck to paycheck, what sense does it make to force them to lose more of their hard earned income to increased energy costs? In an economy struggling to recover productive momentum, what sense does it make to increase the cost of producing goods and services?

Regulatory uncertainty also harms America's natural gas and oil industries. Hydraulic fracturing (or "fracking") has created a boom in shale gas production and lowered energy prices. President Obama has stated that America should provide clean, inexpensive power through natural gas and strengthen its position as the top natural gas producer.[60] However, the EPA's actions ensure that uncertainty continues to surround fracking. The agency recently announced that its study on fracking and groundwater contamination will not be completed until 2016, two years later than planned.[61] This delay comes after the agency failed to release a fracking-related research plan by a January 2013 deadline. The EPA's stalled progress is leading environmental groups to challenge fracking at the state and local levels, directly threatening the Administration's claimed goal of promoting natural gas.[62]

No project faces as much uncertainty as the Keystone XL oil pipeline. The pipeline would carry oil from Alberta, Canada to

Nebraska and then on to refineries on the Gulf Coast. Worries about the carbon content of the oil it would transport and the potential for spills have delayed approval of the project for over four years.[63] A decision on the pipeline looks unlikely any time soon.[64]

Unfortunately, the President's June 2013 speech on energy and climate change failed to offer reforms for the failed energy policies of the past ***42** few years.[65] President Obama insisted that the Keystone pipeline would only be approved if it will not significantly exacerbate carbon pollution; at least some analysts believe this indicates his intention to block the project.[66] Despite coal's provision of more than a third of all electrical power on the U.S. grid, the President called for the EPA to issue new regulations applying new pollution standards of unprecedented stringency to existing power plants, a move that seems designed to cripple the coal industry. Although the speech was generally favorable to natural gas producers, the industry is unlikely to rest easy until federal action clears up the uncertainty surrounding fracking's place in the national energy policy.

V. The Economic Costs of Current Policy

Current energy policy under the Obama Administration comes with immense costs, both directly and as a result of missed opportunities. Direct cost, alternative, or "green," energy initiatives of questionable worth have been ineffective and wasteful.[67] New GHG standards increase the price of coal and threaten the industry's very survival.[68] Uncertainty and delay in all areas of traditional energy are slowing growth and threatening future opportunities.[69] Additionally, "green" subsidies have been shown to (ironically) actually increase carbon emissions.[70] To give some idea of the scale of the cost of CO_2 emissions reductions costs, consider these startling facts. The 2008-2009 cap and trade debates estimated that draconian U.S. emissions reductions might theoretically reduce global temperature by a few hundredths of a degree, while the U.N. itself estimated that worldwide CO2 reduction costs would be on the order of $552 trillion--roughly the equivalent of an entire decade's worth of the planet's GDP for the next century.[71]

***43** The direct costs of the Obama Administration's energy policy are clearest in the area of alternative energy. As part of its push for alternatives to coal, gas, and oil, this administration has provided grants and loan guarantees to all manner of companies within the alternative energy industry. Over $90 billion in financial support has been distributed by the government, often to companies with important Obama donors as shareholders.[72] By late 2012, twenty-three recipient companies had declared bankruptcy, while a further twenty-seven were suffering financial difficulties.[73]

Solar panel manufacturer Solyndra[74] is a perfect example of the failure of these funding policies. In March 2009, the Department of Energy extended $535 million in loan guarantees to Solyndra.[75] Within a year, the company was in trouble; overseas competition threatened its survival and required another round of funding by private investors, who were given priority over taxpayers in the event of a default.[76] By September 2011, Solyndra had filed for Chapter 11 bankruptcy; laid off most of its 1,100 member workforce; and defaulted on its government loans.[77]

Solyndra's situation demonstrates how government agencies disable free market forces from identifying the most economically efficient energy options, and a great cost to the American taxpayer.[78] The examples of ***44** A123 Systems ($249 million in federal grants lost), Beacon Power ($39 million lost), Abound Solar ($70 million lost), and Fisker Automotive ($193 million in loan guarantees lost and a further $335 million withdrawn by the Department of Energy) further drives this point home.[79] Moreover, Abound Solar left four huge hazardous waste sites in Colorado after its ignominious collapse, with an estimated cleanup cost to taxpayers of at least $2.2 million if sale of inventory doesn't cover the cost.[80] This Administration's current policy of picking winners and losers has been ineffective and has created losses to American taxpayers amounting to hundreds of millions, if not billions, of dollars.

Back in the area of traditional energy, analysts and politicians alike agree that the Administration's energy policy, particularly with regards to coal, is a failure. Senate Minority Leader Mitch McConnell (R., Ky.) declared that the plan is 'tantamount to declaring a war on jobs. It's tantamount to kicking the ladder out from beneath the feet of many Americans struggling in today's economy."[81] U.S. Senator Joe Manchin (D-WV) believes the plan shows how President Obama is "totally out of touch with the economy of this country and what makes this economy work."[82] As previously mentioned, the Administration's new GHG emission rules for electrical utilities will increase coal fired electricity cost by at least an additional third to nearly double its current price.[83]

Analysts believe that up to one-third of the U.S. coal-fired fleet could be pushed into retirement by this Administration's

policies.[84] Without a change in energy policy, the Heritage Foundation estimates that up to 500,000 jobs could be lost by 2030, including 280,000 jobs in manufacturing and over forty percent of all direct coal mining jobs.[85] These losses ***45** have already started hitting central Appalachia. In early June 2013, Alpha Natural Resources was forced to shut down a mine in Southern West Virginia.[86] Next door in Kentucky, Arch Coal idled production in two mines during that very same week.[87] With the economy in a weak condition, neither of these states can afford to lose employers and jobs, much less the high-paying jobs that are associated with mining operations.

With a new "clean" coal-fired power plant having an estimated cost equal to that of a new nuclear plant[88] and requiring technology that is not yet commercially available,[89] consumers will surely be hit with increased prices. The Department of Energy estimates the EPA's new emissions standards will increase the costs of coal generated electricity by up to eighty percent.[90] The Heritage Foundation's report predicts a smaller but still sizable increase, with energy prices rising twenty percent by 2030.[91]

Uncertainty and delays in the natural gas and oil industries come with their own costs. Projects related to the shale gas boom and the Keystone pipeline have the potential to create hundreds of thousands of jobs or more. Consulting firm PWC estimates that U.S. manufacturers could employ up to one million more workers by 2020 due to an increased demand for products used in the extraction of natural gas and the lower energy prices that plentiful natural gas would provide.[92] Meanwhile, the State Department estimates that construction of the Keystone pipeline would create an annual average above 42,000 jobs in the construction industry, which currently has a sixteen percent unemployment rate.[93] But the potential of these jobs cannot be realized until projects are approved and investors and industry are provided with some degree of certainty about the future course of the U.S. energy policy.

Allowing these projects to go forward provides other benefits for the United States. Construction of the Keystone pipeline is expected to create over $2 billion in earnings and over $3 billion in construction and material ***46** expenses paid to manufacturers.[94] Lower energy prices resulting from increased shale gas production could decrease natural gas expenses by $11.6 billion annually through 2025.[95] Finally, approval of these projects could actually benefit the environment. Natural gas is a source of low environmental impact energy.[96] The oil from Canada and the Bakken region of North Dakota is cleaner than the heavy Venezuelan Petrozuata oil it would replace.[97]

VI. National Security Implications of Energy Policy

In recent years, climate concerns have been the driving factor in American energy policy. Unfortunately, the national security concerns that arise from a dependency on foreign petroleum are frequently overlooked. America's lack of energy independence leaves the country subject to the continued whims of foreign producers, not all of who are friendly to the United States. Furthermore, it has become abundantly clear since September 11, 2001 that money flowing into oil rich countries all too often winds up directly funding religious extremism and, in some cases, terrorism.

The best known historical example is when members of the Organization of Petroleum Exporting Countries ("OPEC") imposed an embargo against the United States in response to U.S. support for Israel in the Arab-Israeli War, in October 1973.[98] OPEC members refused to export oil to the United States and other countries that supported Israel and cut oil production. Dependent on OPEC oil, the United States was forced to negotiate from a weak position and had to convince its ally Israel to settle with then-Soviet client Syria in exchange for a lifting of the embargo. Until recently, America has had little choice but to be significantly dependent ***47** on unfriendly foreign energy sources and remains vulnerable if such producers would once again withhold their supplies. With the revolutionary advances in tight oil and gas extraction now available in North America, the U.S. has an opportunity for energy independence not known since the 19th century.

Traditional energy sources have been targeted in the name of environmental protection. However, coal, natural gas, and oil offer the best path to energy independence in the near future. The United State is estimated to have 497 billion tons of recoverable coal, which would be sufficient to provide electricity at current consumption rates for nearly 500 years.[99] If the natural gas industry is encouraged rather than hindered, America could become the dominant natural gas producer in the world.[100] The Keystone pipeline would replace oil from Venezuela (which buys forty-six cents worth of goods from the Unites States for every dollar in goods bought by America) with oil from Canada (which buys ninety cents worth of goods for every dollar) and North Dakota.[101] Rather than relying on exporting countries openly antagonistic to the United States, the nation's energy policy could support domestic industries and friendly allies.

Dependence on foreign energy sources does more than just risk economic damage - it risks the nation's physical security. Proceeds from numerous foreign oil sales flow into countries that are home to radical groups or even radical governments. For example, everyone knows about the antagonistic rhetoric from, and potential threat posed by Iran. However, less well known is that money flowing through other OPEC nations, including American allies has provided significant funding to terrorists and religious extremists.[102]

Two traditional concepts have been critical to the funding of extremism in Saudi Arabia. The zakat is a religious tax imposed in Saudi Arabia that requires all Muslims to give 2.5 percent or more of their income to charitable cause.[103] While most Saudis give believing their donations are going towards true charities, as most of the donations do, many of the so-called charities are merely fronts for extremist causes.[104] Meanwhile, the ***48** traditional Hawala banking system, which is based on trust and does not leave a paper trail, allows for easy money laundering by terrorist groups.[105]

Since 1975, Saudi Arabia has spent over $70 billion on overseas aid.[106] Two-thirds of this aid has gone to spread of the fundamentalist Wahhabi sect of Islam that is dominant in the Saudi Kingdom.[107] Many of the groups receiving support were and are active in jihad struggles in Palestine, Kashmir, Chechnya, and the Balkans, as well as throughout the Middle East, Central Asia and Southeast Asia.[108] In addition, transfers by private donors flow out of the country into militant groups around the world.[109] All of this funding is made possible by the immense amounts of oil revenue received by Saudi Arabia; the country earned nearly $55 billion off of crude oil exports in 2002 alone.[110]

A December 2009 State Department cable reported by Wikileaks declared Saudi donors to be the primary financiers of al Qaeda and similar Sunni militant groups.[111] While Saudi Arabia has made great progress in combating terror groups within its borders, it must do more to combat terror financing.[112] The country has been slow to set up a charity oversight commission and has not yet made good on its promise to establish an adequate financial intelligence unit that can trace the money trails of terrorists.[113] In a 2010 terror financing case involving Al Rajhi Bank, the Saudi government refused to cooperate with the United States or comply with a subpoena.[114] Terror financing in Saudi Arabia and other oil producing countries would be reduced by limiting the disposable income available to those countries.[115]

Considering all of the above, it is not an exaggeration to say that dollars spent at the gas pump in the U.S. literally, albeit indirectly, finance terror and insurgent attacks that have taken U.S. lives at home and abroad. For both this reason and the needs of the domestic economy, American energy independence is crucial.

*49 VII. Conclusion: What a Sound National Energy Policy Should Look Like

[T]he record of history is absolutely crystal clear, that there is no alternative way so far discovered of improving the lot of the ordinary people that can hold a candle to the productive activities that are unleashed by the free-enterprise system.

-- Milton Friedman

Creating national energy policy remains a complex endeavor that will affect nearly all aspects of American life. We live in a world constrained by finite resources. Well managed resources will increase aggregate wealth, prosperity and quality of life while minimizing costs. I submit that we have a moral duty to manage resources in a manner that provides optimal availability of energy, to the highest amount of people, at the lowest cost. Erroneous policies, however well intentioned, squander the hard-earned wealth of nations; decrease human health and well-being and risk economic and social instability. As NASA award winning climatologist and AGW-skeptic Professor John Christy presented to Congress regarding sustainability "if it's not economically sustainable, it's not sustainable."[116]

Unquestionably, policy makers must take the environment into consideration, but environmental concerns cannot be the principal drivers of energy policy. U.S. policy makers should not be so overcome by the rhetoric and emotions inspired by questionable theories about AGW that they ignore other facts or demonstrable economic harms. It is clear that the AGW-based demonization of traditional energy sources is based on equivocal evidence, and has yielded policies designed to stagnate the American economy, hinder energy independence, and put our nation's security at risk.

A sound national energy policy will encourage traditional energy production while still promoting market supportable alternative energy technologies. The Administration should continue to promote natural gas and ensure that the EPA agrees. The Keystone pipeline should be approved and construction started immediately. The EPA should clear its backlog of mining permits and issue reasonable emissions standards for power plants that will allow the United States to continue having inexpensive energy for decades to come while remaining a leader in environmental protection. America can, and should, become a global leader in alternative energy, but development of alternative technologies must be guided by the market, and proven to be feasible, not driven by government largess and rent-seeking behavior.

***50** If these steps were taken, America can become energy independent, and that would go far in stimulating our economy out of the doldrums in which it is mired. Maximizing access to and development of our own and our neighbors' abundant energy resources can unleash a new renaissance of the productive capacities of our nation. As a result, our country will be stronger both at home and abroad.

Footnotes

[1] Mr. Wilkinson's title alludes to a work by George Weigel, Tranquillitas Ordinis: The Present Failure and Future Promise of American Catholic Thought on War and Peace (Oxford University Press, 1987). Because the present article is about policy, as opposed to law, citation to authority for every single point made has not been made in all instances. However, independently verifiable references are provided for virtually all substantive scientific and/or current administration policy points made in this paper.

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[3] See generally, Easton, The Political System: An Inquiry Into the State of Political Science (1953 New York: Knopf).

[4] See, e.g., Strategic Energy Policy Challenges For The 21st Century, Report of an Independent Task Force, Baker Institute for Public Policy of Rice University and Council on Foreign Relations at 3 (2001) ("[V]irtually every major economic recession in the U.S. since the late 1940s has been preceded by spikes in oil prices.").

[5] See generally, Derek Wall, Babylon and Beyond: The Economics of Anti-Capitalist, Anti-Globalist and Radical Green Movements (2005). See also Patrick Moore, Environmental movement has lost its way, Free Republic, January 30, 2005, http://www.freerepublic.com/focus/f-news/1332163/posts (Former Greenpeace co-founder Patrick Moore has commented on the extremist turn the movement took in the 1980s and 1990s. Moore explained in a 2005 op-ed in the Miami Herald as to why he left Greenpeace: 'By the mid-1980s, the environmental movement had abandoned science and logic in favor of emotion and sensationalism." The Miami Herald links are no longer active, but the entire op-ed has been cached online and can be read here http://www.freerepublic.com/focus/f-news/1332163/posts.).

[6] See generally id.

[7] See, e.g., Robert H. Nelson, Environmentalism: The New Religion Freely Taught in Schools, Forbes.com, March 27, 2012 12:09PM, http:// www.forbes.com/sites/realspin/2012/03/27/environmentalism-the-new-religion-freely-taught-in-schools/; see also, Michael Crichton, Environmentalism as Religion, Remarks to the Commonwealth Club of San Francisco, September 15,

2003. The psychology behind this phenomenon virtually defies categorization, leading some adherents to actually advocate for voluntary sterilization over supposed AGW concerns. See, Marie-Louise Olson, 'No children, happy to go extinct', tweets weatherman after grim climate-change report made him cry (now he's considering a vasectomy) MailOnline, September 28, 2013, http://
www.dailymail.co.uk/news/article-2436551/A-weatherman-breaks-tears-vows-NEVER-fly-grim-climate-change-report.html. (The psychology behind this phenomenon virtually defies categorization, leading some adherents to actually advocate for voluntary sterilization over supposed AGW concerns). The new religion is complete with zealots as well. Their fervor is increasingly yielding to the rhetoric of what was once the radical fringe. It is not uncommon to see and hear them taking on very ominous and hostile overtones in their rhetoric, literally claiming that carbon emitters are "climate criminals." See e.g., Gaius Publius, The Climate Criminals project: A five-pronged approach to climate solution, americablog.com (September 26, 2012 at 9:55AM), http://americablog.com/2012/09/the-climate-criminals-project-a-five-pronged-approach-to-climate-solution.html; climate criminals, blogspot.com, October 17, 2006, http://www.climatecriminals.blogspot.com/; BCCJ Aim, Bring Climate Criminals to Justice, http://www.climatecriminals.co.uk/; Papantonio: Exposing The Climate Criminals democraticunderground.com, May 28, 2013 4:31PM, http:// www.democraticunderground.com/1017121513.
These overtly threatening pronouncements make clear that Alinskyite tactics (e.g., demonization of adversaries in public debate) are alive and well in the Green movement. Moreover, there are still many "direct action" wings of the movement who, literally, are considered to be terrorist organizations. See, US Domestic Terrorism, Earth Liberation Front, Historycommons.org, http://www.historycommons.org/timeline.jsp?timeline=us_domestic_terrorism_
tmln&haitian_elite_2021_organizations=us_domestic_terrorism_tmln_earth_ liberation_front; Times Topics, Articles About the Earth Liberation Front, NewYorkTimes.com (accessed September 3, 2013) http://topics.nytimes.com/topics/reference/timestopics/organizations/e/earth_ liberation_front/index.html; Fanning the Flames, Do or Die via eco-action.org, http://www.eco-action.org/dod/no10/flames.html, http://topics.nytimes.com/topics/reference/timestopics/organizations/e/earth_ liberation_front/index.html (This large list of articles shows the breadth of the Earth Liberation Front's actions); Fanning the Flames, Do or Die via eco-action.org, http://www.eco-action.org/dod/no10/flames.htm.

[8] For a full discussion of pathological altruism, see Barbara A. Oakley, Concepts and Implications of Altruism Bias and Pathological Altruism, 110 Proc. of the Nat'l Acad. of Sci. 10408, June 18, 2013. Nota bene, this is not to say that anyone concerned about any aspect of the environment is a pathological altruist. However, adherence to AGW orthodoxy in light of what the actual empirical data shows compared to what the AGW alarmists models predicted, and willful ignorance of the devastating human cost from Green alternative induced energy poverty, can certainly be attributed to a pathological altruism bias.

[9] Id.

[10] For an excellent overview/critique of this mass psychology phenomenon see, Andrew Stuttaford, Our Climate-Change Cathedral, National Review Online, July 27, 2013 1:00AM, http://www.nationalreview.com/article/354565/our-climate-change-cathedral-andrew-stuttaford.

[11] While I will give most AGW advocates the benefit of the doubt as to their sincerity, the recent "Climategate" email scandal discloses that there are at least some in the climate change field willing to sacrifice the integrity of the scientific enterprise in pursuit of obfuscating contrary data and/or ridiculing peers skeptical of AGW orthodoxy in order to perpetuate claims that AGW is occurring. But there are also more prosaic reasons for them to advance the theory--big research money has been put on the table to ascertain if AGW is in fact occurring. If AGW is shown to be a non-issue, there will be a substantial number of climate studies programs facing catastrophic funding issues.

[12] One need look no further than President Obama's appointment of Carol Browner as "energy Czar" to direct the new White House Office of Energy and Climate Change Policy to appreciate what worldview is driving energy policy. See, Adam J. White, Obama's Cynical Energy Agenda, Nat'l Aff., Summer 2012, at 22.

[13] Energy poverty accounts for millions of premature deaths every year, more than malaria and HIV combined. See, Moss, Who's Blowing Smoke on Energy Poverty and the Global Disease Burden? Cgdev.org, April 30, 2013, http://www.cgdev.org/blog/who%E2%C80%99s-blowing-smoke-energy-poverty-and-global-disease-burden; see also, Institute for Energy Research, World Bank Encourages Energy Poverty in Name of Sustainability, Canadafreepress.com, July 31, 2013, http://www.canadafreepress.com/index.php/article/56935. See also, Plumer, Can the world fight climate change and energy

poverty at the same time? Washingtonpost.com, March 10, 2013, http://www.washingtonpost.com/blogs/wonkblog/wp/2013/03/10/can-we-tackle-climate-change-and-energy-poverty-at-the-same-time/, and Eschenbach, The Cost in Human Energy, Wattsupwiththat.com, January 2, 2013, http://wattsupwiththat.com/2013/01/02/the-cost-in-human-energy/. And now, thanks to AGW alarmist policies, energy poverty is not just for the developing world. Developed nations who have opted for "green" alternative fuel power arrangements are beginning to discover that energy poverty can befall them as well. See, Spiegel staff, Germany's Energy Poverty: How Electricity Became a Luxury Good, SpeigelOnline, September 4, 2013 7:15PM ("Germany's aggressive and reckless expansion of wind and solar power has come with a hefty price tag for consumers, and the costs often fall disproportionately on the poor (emphases added). Government advisors are calling for a completely new start."), http://www.spiegel.de/international/germany/high-costs-and-errors-of-german-transition-to-renewable-energy-a-920288.html. See also, Sean Poulter, 24,000 'died because of cold homes' last winter: Fears grow that figure could be higher this year because of spiraling bills, Mail Online (November 29, 2012), http://www.dailymail.co.uk/news/article-2240716/24-000-died-cold-homes-winter-Fears-grow-figure-higher-year-spiralling-bills.html; Sean Poulter, Thousands dying because they can't afford heating bills... and green taxes are adding to the burden, Mail Online, October 20, 2011, http:// www.dailymail.co.uk/news/article-2050961/Thousands-dying-afford-heating-bills.html; Ed Vulliamy, Cold homes will kill up to 200 older people a day warns Age UK, The Guardian, October 22, 2011, http://www.theguardian.com/society/2011/oct/22/older-people-cold-energy-bills; Sean Poulter, Nine pensioners died from cold EVERY HOUR last winter as bill prices soared, Mail Online, November 23, 2010, http://www.dailymail.co.uk/news/article-1332343/Nine-pensioners-died-cold-hour-winter-prices-soar.html.

[14] See, e.g., Justin Gillis, Ending Its Summer Melt, Arctic Sea Ice Sets a New Low That Leads to Warnings, New York Times, September 20, 2012, at A8, http://www.nytimes.com/2012/09/20/science/earth/arctic-sea-ice-stops-melting-but-new-record-low-is-set.html?_r=0. The plight of the Polar Bear is a favorite meme on this particular issue. Alarmists would do well to remember that there have been several much warmer periods than being projected currently which occurred in the Holocene Period (roughly the last ten thousand years.) Polar Bears adapted and obviously did just fine then, there is no reason to fear a different outcome should warming continue to diminish arctic ice coverage. See generally, zoologist Dr. Susan Crockford's online blog Polar Bear Science, http://polarbearscience.com/. Moreover, contrary to AGW alarmist predictions that Arctic sea ice would vanish by 2013, cooler than normal temperatures over the 2012-2013 northern hemisphere winter have produced nearly a million more square miles of Arctic ice sheet (a 60% increase) in just one year. See, David Rose, And now it's global COOLING! Record return of Arctic ice cap as it grows by 60% in a year, MailOnline, September 7, 2013, http://www.dailymail.co.uk/news/article-2415191/Global-cooling-Arctic-ice-caps-grows-60-global-warming-predictions.html.

[15] See, Kate Ravilios, Mars Melt Hints at Solar, Not Human, Cause for Warming, Scientist Says, National Geographic News, February 28, 2007, http:// news.nationalgeographic.com/news/pf/55741367.html.

[16] Id.; see also, C.S. Hvidberg, K.E. Fishbaugh, M. Winstrup, A. Svensson, S. Byrne, K.E. Herkenhoff, Reading the climate record of the Martian polar layered deposits, Vol. 221, Issue 1 Icarus 405-419 (September-October 2012).

[17] See generally, University of Utah, ASPIRE, http://aspire.cosmic-ray.org/labs/atmosphere/atmosphere_main.html.

[18] See generally, Global Warming: A Closer Look at the Numbers, Water Vapor Rules the Greenhouse System, Geocraft.com, http://www.geocraft.com/WVFossils/greenhouse_data.html.

[19] Id.

[20] Id. The "greenhouse" effect of CO_2 is greater than its ratio of the atmosphere's composition. However, even taking the "greenhouse" effect weighting into consideration, it is still only a fraction of a percentage when the greenhouse impact of water vapor is included in the calculations, see supra note 18.

[21] Id.

[22] See, Intergovernmental Panel on Climate Change ("IPCC"), Climate Change: The IPCC Scientific Assessment (1990), http://www.ipcc.ch/publications_ and_data/publications_ipcc_first_assessment_1990_wg1.shtml.

[23] See, U.S. Energy Information Administration, Today in Energy, U.S. energy-related CO_2 lowest since 1992 (August 1, 2012) http:// www.eia.gov/todayinenergy/detail.cfm?id=7350.

[24] See, World Carbon Dioxide Emissions, The Guardian, DataBlog, January 31, 2011, http://www.theguardian.com/news/datablog/2011/jan/31/world-carbon-dioxide-emissions-country-data-co2.

[25] See, Tom Fuller, A problem: nearly one third of CO2 emissions occurred since 1998, and it hasn't warmed, Wattsupwiththat.com, December 6, 2012, http://wattsupwiththat.com/2012/12/06/a-problem-nearly-one-third-of-co2-emissions-occured-since-1998-and-it-hasnt-warmed/.

[26] See, Peter Ferrara, To the Horror of Global Warming Alarmists, Global Cooling is Here, Forbes, May 26, 2013. In an interesting validation that the IPCC's assessments are based in ideology rather than science, the latest IPCC 5th Assessment Report ("AR5") Summary for Policy Makers ignores completely the over 15 year interregnum in warming, unpredicted by any of the models. See, Intergovernmental Panel on Climate Change ("IPCC"), Working Group I Contribution to the IPCC Fifth Assessment Report, Climate Change 2013: The Physical Science Basis, Summary for Policymakers (September 27, 2013). MIT climate scientist Richard Lindzen, himself the former lead UN IPCC author, had this to say about the IPCC AR5: "[T]he latest IPCC report has truly sunk to [a] level of hilarious incoherence. They are proclaiming increased confidence in their models as the discrepancies between their models and observations increase. Their excuse for the absence of warming over the past 17 years is that the heat is hiding in the deep ocean. However, this is simply an admission that the models fail to simulate the exchanges of heat between the surface layers and the deeper oceans...."
"Finally, in attributing warming to man, they fail to point out that the warming has been small, and totally consistent with there being nothing to be alarmed about. It is quite amazing to see the contortions the IPCC has to go through in order to keep the international climate agenda going." See, Dr. Richard Lindzen, ClimateDepot.com, September 28, 2013 12:34AM, http://www.climatedepot.com/2013/09/28/mit-climate-scientist-dr-richard-lindzen-rips-un-ipcc-report-the-latest-ipcc-report-has-truly-sunk-to-level-of-hilarious-incoherence-it-is-quite-amazing-to-see-the-contortions-the-ipcc-has/.

[27] See, Marcel Crok, About that missing hot spot in the upper troposphere, Wattsupwiththat.com, July 16, 2013.

[28] Id.

[29] See, Anthony Watts, Wattsupwiththat.com, January 6, 2012, http://wattsupwiththat.com/2012/01/06/250-plus-noteworthy-climategate-2-0-emails/.

[30] See, State of global temperatures 2012, metoffice.gov.uk, November 28, 2012, http://www.metoffice.gov.uk/news/release/archive/2012/global-temperatures-2012.

[31] Id.; see also, Dr. Tim Ball, CO2 Is Not Causing Global Warming, Dr. Tim Ball A Different Perspective, February 8, 2011, http://drtimball.com/2011/co2-is-not-causing-global-warming/.

[32] See, Matthews, "Who's Afraid of CO2?" National Center for Policy Analysis (January 23, 1998) http://www.ncpa.org/pub/ba256.

[33] See, supra note 30.

[34] Id. However, serious issues have been raised concerning manipulation in the temperature station data sets utilized by virtually all climate science researchers which imply that perceived warming trends may be, at the very least in part, attributable to variations in

temperature data. The particulars of what took place are statistically nuanced, but in general, cooler station records have been dropped over time, creating an appearance of increased warming trends over time (i.e. since a larger percentage of stations have warmer average temperatures, the overall average temperature appears warmer as well). See generally, NCDC charged with manipulating data to "prove" global warming, theTribunePapers.com, January 14, 2010 (published to online archive March 6, 2013), http://www.thetribunepapers.com/2013/03/06/ncdc-charged-with-manipulating-data-to-prove-global-warming-2/; REP, Chiefio Smith examines GHCN and finds it "not fit for purpose, Wattsupwiththat.com, July 21, 2012, http:// wattsupwiththat.com/2012/06/21/chiefio-smith-exqamines-ghcn-and-finds-it/.

35 Id.

36 See, Ferrara, supra note 26.

37 See, Anthony Watts, CBS finally reports on Climategate: Dr. Trenberth interviewed, Wattsupwiththat.com, December 6, 2009, http:// wattsupwiththat.com/2009/12/06/cbs-finally-reports-on-climategate-dr-trenberth-interviewed/. Even long AGW-credulous European researchers are beginning to acknowledge that there is serious trouble with the existing climate change models. See, Marlo Lewis, Can Climate Models Explain the 15-year Slowdown in Warming? Global Warming.org, August 13, 2013, http:// www.globalwarming.org/2013/08/13/can-climate-models-explain-the-15-year-slowdown-in-warming/.

38 See, Fischer et al., "Ice Core Records of Atmospheric CO_2 Around the Last Three Glacial Terminations," Science, (March 12, 1999); Mannin et al., "Atmospheric CO_2 Concentrations Over the Last Glacial Termination," Science, (January 5, 2001); Mundelese, "The phase relations among atmospheric CO_2 content, temperature and global ice volume over the past 420 ka," Quaternary Science Review 20 (2001); Caillon et al., "Timing of Atmospheric CO_2 and Antarctic Temperature Changes Across Termination III," Science (March 14, 2003).

39 Id., see also, Sherwood and Idso, Ice Core Studies Prove CO_2 is Not the Powerful Climate Driver Climate Alarmists Make it Out to Be, CO_2 Science, June 25, 2003, http://www.co2science.org/articles/V6/N26/EDIT.php.

40 See, Friis-Christensen and Svensmark, What do we really know about the Sun-climate connection? Adv. Space Res. Vol. 20, No4/5 (January 1997) pp. 913-921, http://www-ssc.igpp.ucla.edu/IASTP/43; see also, Shaviv, On climate response to changes in the cosmic ray flux and radiative budget, Journal of Geophysical Research Vol. 110, (August 2005) and On the Link Between Cosmic Rays and Terrestrial Climate, International Journal of Modern Physics A (IJMPA), Volume 20, Issue 29 (2005), pp. 6662-6665.

41 See, Anthony Watts, New study links cosmic rays to aerosols/cloud formation via solar magnetic activity modulation, Wattsupwiththat.com, May 17, 2011, http://wattsupwiththat.com/2011/05/17/new-study-links-cosmic-rays-to-aerosolscloud-formation-via-solar-magnetic-activity-modulation/ and David Whitehouse, CERN Finds "Significant" Cosmic Ray Cloud Effect, The Global Warming Policy Foundation, The Observatory, http://www.thegwpf.org/cern-finds-qsignificantq-cosmic-ray-cloud-effect/.

42 See, Friis-Christensen and Svensmark, and Shaviv supra note 39.

43 See, Friis-Christensen and Svensmark, and Shaviv supra note 39.

44 Id.

45 Kirk Myers, Peddling global warming fears puts big money in pockets of climate researchers, examiner.com, December 23, 2009, http:// www.examiner.com/article/peddling-global-warming-fears-puts-big-money-pockets-of-climate-researchers.

[46] See generally, Big Green, SourceWatch, Center for Media and Democracy, April 9, 2013 2:06PM, http://www.sourcewatch.org/index.php? title=Big_Green.

[47] Cf., Peter Buffet, Op-Ed, The Charitable Industrial Complex, N.Y. Times, July 27, 2013, at A19.

[48] Aaron Blake, Obama Science Adviser Calls for 'War on Coal', Wash. Post, June 25, 2013, www.washingtonpost.com/blogs/post-politics/wp/2013/06/25/obama-science-adviser-calls-for-war-on-coal/ (quoting Daniel P. Schrag, a member of the President's Council of Advisers on Science and Technology as saying "Politically, the White House is hesitant to say they're having a war on coal. On the other hand, a war on coal is exactly what's needed.").

[49] Massachusetts v. E.P.A., Doc No. 05-1120, 549 U.S. 497 (2007).

[50] See Adam J. White, Obama's Cynical Energy Agenda, Nat'l Aff., Summer 2012, at 21-23.

[51] Bill Bissett, Ky. Voices: EPA Stalling on Mine Permits, Hurting Jobs, Lexington Herald-Leader, May 20, 2013.

[52] Id.

[53] See The EPA's Project Veto, Wall St. J., May 30, 2013, at A14. A federal district court initially ruled that the EPA lacked the authority to revoke a previously-issued permit, but the decision was overturned on appeal. Mingo Logan Coal Co. v. U.S. E.P.A., 850 F. Supp. 133 (D.D.C. 2012), rev'd 714 F.3d 608 (D.C. Cir. 2013).

[54] See 159 Cong. Rec. H4065 (daily ed. June 26, 2013) (statement of Rep. Barr).

[55] See Gov. Bobby Jindal, Obama's Politicized Energy Policy, Wall St. J., Mar. 12, 2012, online.wsj.com/article/SB10001424052970203458604577265413033342.

[56] Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units, 77 Fed. Reg. 22392, 22415-22416 (proposed April 13, 2012) (to be codified at 40 C.F.R. pt. 60).

[57] Coal based electrical generation accounts for roughly 36% of all U.S. electrical generation and 32% of peak electricity generation in the summer. http://www.eia.gov/electricity/annual/. And the Obama Administration is not limiting its attack on coal fired power to the environmental regulatory sphere. President Obama nominated Ron Binz, "the most important and radical Obama nominee you have never heard of" according to the Wall Street Journal. While previously serving as Colorado Public Utilities Commission chairman, Mr. Binz advocated for passage of the "Clean Air, Clean Jobs Act" which shuttered 6 coal-fired power plants. The legislation cost Colorado $1 billion, which has been passed on to Colorado's energy consumers. Binz also called natural gas "a dead end" energy source. Binz sees public service commissions as serving a "legislative role" and Binz has stated that "Regulation needs to shift from its backward-looking focus on costs, to a forward-looking emphasis on value anddesired societal outcomes (emphases added)." See, Review & Outlook, Target: Natural Gas, Wall St. J., September 14, 2013, at A12; See, Review & Outlook, The Friends of Ron Binz, Wall St. J., August 26, 2013, at A18; and See, Review & Outlook, Ron Binz's Rules for Radicals, Wall St. J., July 29, 2013. Binz's nomination was later withdrawn due to the promise of fierce Republican opposition to the nomination in the Senate. See, Tennille Tracy, FERC Nominee Ron Binz Pulls Out, Wall St. J., October 2, 2013 at A5.

[58] See, 77 Fed. Reg. 9304 (February 16, 2012).

[59] Laura Smith, The EPA's Game of Secret Science, Wall St. J., July 29, 2013, http://online.wsj.com/article/SB10001424127887323829104578624562008231.

[60] President Barack Obama, Address on climate change at Georgetown University (June 25, 2013), Georgetown.edu/story/1242711511673.html.

[61] EPA Extends Fracking Data Call Until November, Adding to GOP Concerns, Inside EPA, May 1, 2013, insideepa.com/Inside-EPA/Inside-EPA-05/03/2013/epa-extends-fracking-data-call-until-november-adding-to-gop-concerns.

[62] As EPA Slows Studies, Environmentalists Seek Stricter Local Fracking Rules, Inside EPA, June 26, 2013, insideepa.com/Inside-EPA/Inside-EPA-06/28/2013/as-epa-slows-studies-environmentalists-seek-stricter-local-fracking-rules.

[63] Timothy Gardner, U.S. Decision on Keystone XL Pipeline Seen Dragging Past Summer, Reuters, May 10, 2013 8:41PM, www.reuters.com/article/2013/05/11/us-usa-keystone-delay-idUSBRE94A00T20130511.

[64] Id.

[65] See, Obama, supra note 59.

[66] Editors, Obama's Radical Climate Agenda, National Review Online, June 26, 2013, www.nationalreview.com/node/352025/print.

[67] See infra, notes 71-80.

[68] See infra, notes 81-84.

[69] See infra, notes 85-87, 92-93.

[70] Perverse Effects: How Green Subsidies Often Increase Carbon Emissions, Wall St. J., August 20, 2013, at A14.

[71] Mark Hendrickson, Climate Change: 'Hoax' or Crime of the Century? Forbes, September 16, 2012, http://www.forbes.com/sites/markhendrickson/2012/09/16/climate-change-hoax-or-crime-of-the-century. Indeed, even assuming, arguendo, that the alarmists are correct about warming projections (observed measurements for the last 15 years completely invalidate such an assumption, but for the sake of argument we shall make it), given the monumentally unprecedented price tag for what even alarmists own projections show to be a negligible impact on projected warming, it is difficult to see how anyone can defend that such an inordinate amount of wealth would not better directed at other endeavors. Yet, alarmists seem inexplicably keen to throw good money after bad, despite the inefficacy of the measures predicted by their own models. Surely a more rational use of such wealth would be to invest it in other projects, even other environmental endeavors. I submit that the left/green inability to see otherwise is yet another indicator of deep seated altruism bias endemic in the AGW alarmist community. See also, Prof. John Christy, Remarks to Climate Change Roundtable, Washington D.C., May 30, 2013 ("The harsh policy that congress considered four years ago of drastically reducing CO2 emissions would have ... no detectable impact. Energy costs would soar without any benefit (emphasis added).").

[72] IER Webmng, Obama's Green Energy Debacle, Institute for Energy Research, Nov. 11, 2012, www.instituteforenergyresearch.org/2012/11/05/obamas-green-energy-debacle.energydebacle/.

[73] Id.

[74] Oklahoma billionaire and Obama donor George Kaiser was a major investor in Solyndra. See, Cochran, infra note 74. See also, Obama's Green Energy Debacle, supra note 71.

[75] Sylvia Cochran, Timeline of the Solyndra Solar Power Loan Debacle, Yahoo!, Sept. 14, 2011, http://news.yahoo.com/timeline-solyndra-solar-power-loan-debacle-222200448.html.

[76] Id.

[77] Id.

[78] Editorial, The Solyndra Mess, N.Y. Times, Nov. 24, 2011, http://www.nytimes.com/2011/11/25/opinion/the-solyndra-mess.html?_r=1&pagewanted=&. U.S. policy makers would do well to heed the cautionary tales of European nations that were all too enthusiastic to embrace "green energy solutions." See, Sean Carney, Czechs to End Most Renewable Subsidies, Supports Fossil Fuels, Wall St. J., September 13, 2013 5:27AM, http://online.wsj.com/article/BTCO-20130913-702609.html; Spiegel staff, Germany's Energy Poverty: How Electricity Became a Luxury Good, SpeigelOnline, September 4, 2013 7:15PM; and Ambrose Evans-Pritchard, Romantic Germany risks economic decline as green dream spoils, The Telegraph, September 11, 2013 7:35BST, http://www.telegraph.co.uk/finance/comment/ambroseevans_pritchard/10303285/Romantic-Germany-risks-economic-decline-as-green-dream-spoils.html ("Germany is committing slow economic suicide. It has staked its future on heavy industry and manufacturing, yet has no energy policy to back this up."); Renewable Energy in Spain, The cost del sol, Sustainable energy meets unsustainable costs, The Economist, July 20, 2013, http://www.economist.com/news/business/21582018-sustainable-energy-meets-unsustainable-costs-cost-del-sol.

[79] Obama's Green Energy Debacle, supra note 71.

[80] Mark Jaffe, Colorado orders Abound Solar to clean up hazardous waste at four sites, The Denver Post, February 25, 2013, http://www.denverpost.com/breakingnews/ci_22666212/colorado-orders-abound-solar-clean-up-hazardous-waste; see also, Sunana Batra, Stimulus-Backed Solar Company Cleanup Could Cost Taxpayers Millions, The Colorado Observer, March 12, 2013, http://thecoloradoobserver.com/2013/03/stimulus-backed-solar-company-cleanup-could-cost-taxpayers-millions/.

[81] Keith Johnson, Tom Fowler, and Cassandra Sweet, President Details Sweeping Climate Policies, Wall St. J., June 26, 2013, at A1.

[82] Jared A. Favole, President's Goals Rebuffed by GOP, Some Democrats, Wall St. J., June 26, 2013, at A2.

[83] See supra note 55.

[84] See Johnson, supra note 80.

[85] David W. Kreutzer, Nicolas D. Loris, and Kevin D. Dayaratna, Cost of a Climate Policy: The Economic Impact of Obama's Climate Action Plan, Heritage Foundation Issue Brief 3978 (June 27, 2013).

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