



# FACTS & OPINIONS

*On Public Interest Issues*

## Quotes

“The heart should be cultivated with more assiduity than the head.”

— Noah Webster (1758 - 1843) Father of American Government Education

“First, we bring empirical clarity to the debate over mass shootings, and show that contrary to popular opinion, they are fairly rare, and are not occurring more frequently.”

— from *The Shooting Cycle* by Josh Blackman, South Texas College of Law and Shelby Baird, Yale University, May 1, 2014

Funny conversation I overheard:

Questioner: “What do homeschoolers do during spring break?”

Homeschool Parent: “I don’t know — we do school.”

Questioner: “So when do you have spring break?”

Homeschool Parent: “Whenever we want!”

## The Free-Range Kids\* and Parents Bill of Rights

By Lenore Skenazy, Founder of Free-Range Kids and host of the Discovery Channel’s *World’s Worst Mom*

Free-Range Kids is a commonsense approach to parenting in these overprotective times. These are our rights, as parents, as kids, as humans. Think with me on how we can get them enacted into law, locally or beyond. Also, feel free to suggest changes. They aren’t written on parchment.

### Statement of Findings

1. Violent crime is at a 50-year low.
2. The risk of child abduction by strangers is very low.
3. Car accidents are the leading cause of death among children.
4. Lack of exercise is a contributing factor to short-term and long-term health risks for children.
5. It is in the public interest for children to walk and cycle to their day-to-day destinations and to play outside unsupervised.

### Rights of Children to Freedom of Movement

1. Therefore, this legislature decrees that children over the age of five may walk, cycle, take public transportation, and/or play outside by themselves with the permission of a parent or guardian.

2. Allowing children to exercise these rights shall not be grounds for civil or criminal charges against their parents or guardians, nor shall it be grounds for investigation by



FREE-RANGE KIDS

## FACTS & OPINIONS

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Dr. Don Racheter, President  
Deborah D. Thornton, Editor

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child protective services, removal of the children from their family home, or termination of parental rights.

### Rights of Parents to Make Rational Decisions

1. More children die in parking lots than die waiting in parked cars while their caregivers run an errand.

2. The majority of children who die in parked cars were forgotten there for hours or got into the car unbeknownst to anyone and could not get out.

3. Punishing parents who let their children wait in the car for five minutes will not bring back the children forgotten there for five hours.

4. Therefore, parents should be allowed to make their own decision, based on the location, temperature, and duration of their errand, as to whether or not they wish to let their child wait in the car.

5. Laws against children waiting unsupervised for a short amount of time in a parked car shall be repealed.

\* Free-Range Kids: How to Raise Safe, Self-Reliant Children (Without Going Nuts with Worry) — Fighting the belief that our children are in constant danger from creeps, kidnapping, germs, grades, flashers, frustration, failure, baby snatchers, bugs, bullies, men, sleepovers, and/or the perils of a non-organic grape.

*Reprinted with the author's permission, originally published February 10, 2015, <<http://www.freerangekids.com/the-free-range-kids-parents-bill-of-rights/>>.*

**“You don’t remember the times your dad held your handle bars. You remember the day he let go.”**



## White House Claims About Wind Power Are Implausible and Dangerous By Julian Morris, Vice President of Research Reason Foundation

The U.S. Department of Energy just released a report in which it claims that consumers and the environment would benefit from increasing the proportion of electricity derived from wind power.

As the White House press release puts it:

*“The report shows that with continuing technological advancements, cost reductions, and siting and transmission development, the nation can deploy wind power to economically provide 35% of our nation’s electricity and supply renewable power in all 50 states by 2050.”*

The “continuing technological advancements” and “cost reductions” mean the White House’s estimate is based on hope — hope that some as-yet unimagined future technology will change the economics of wind power, making it more cost effective than fossil fuel-based generation. That’s not impossible — but it is very unlikely. And hope without change can be both costly and unpleasant.

A 2012 report from the Reason Foundation examined the economics of wind power as it exists, not the one we hope for. The study found it isn’t economically feasible to expect wind generation to produce more than 20 percent of operating electricity capacity, and even that is stretching it. The

Department of Energy study assumes that the 35 percent capacity (up from about 4.5 percent today) would be reached by some combination of “low wind costs” and/or “high fossil fuel costs.”

However, as the Reason Foundation study points out, expanding wind penetration beyond about 10 percent requires a significant increase in the amount of available “spinning reserve” — instantly available power generation from an alternative source that can be brought online whenever the wind is too strong or too weak to supply enough power into the grid. That need for backup increases the capital costs of wind power because the spinning reserve generating capacity must be available even if it is not being used.

In addition, since the spinning reserve is likely to be in the form of natural gas (because it is the lowest cost source of power and the one that can be brought online most quickly), the cost of fossil fuels has a much less significant impact on the cost-competitiveness of additional wind generation.

The White House also claims that the expansion of wind power would result in “more than 500 U.S. manufacturing companies across 43 states,” and thereby “boost America’s

competitiveness, help launch new businesses across the country, and secure the future of thousands of U.S. manufacturing jobs.”

The installation of 11 gigawatts of wind generation capacity per year, which is what the Department of Energy report estimates is necessary to achieve 35 percent by 2050, would almost certainly require some new manufacturing in the U.S., with associated new jobs. But such a massive investment (reaching \$70 billion in 2050) would divert hundreds of billions of dollars away from other investments that would have created other jobs.

Wind energy is obviously not the only possible investment that could be made with those billions, and on the basis of our current knowledge it is almost certainly not the best and most productive investment. Imagine some of the other investments that could be made *but might not be made because the money is being spent on wind turbines:*

- New drugs to prevent, alleviate, or cure diseases ranging from neurodegeneration to heart

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- disease to cancer;
- New agricultural technologies that enable more and better food to be produced on less land, improving nutrition while reducing the impact on wild species;
- New materials that enable the production of better, stronger, less expensive vehicles, buildings, computers, and all manner of other devices.

And that is just a small selection of innovations that are easily imagined because they are similar to innovations that have recently taken place. There are surely many other innovations that will occur but which are more difficult to imagine. Many investments in such innovations have the potential for far higher returns, generating greater benefits to a larger number of companies, and providing more and better jobs.

Simply asserting that investing in wind generation will yield the benefits claimed without considering other investments that could create greater benefits is economically naïve. Decades of evidence shows that government-directed investment tends to yield lower returns, resulting in lower rates of growth, and generates worse and lower-paying jobs than private-sector investment. There is no empirical reason to think government is suddenly going

to improve on this record and much reason to think that it will not.

The Obama administration further claims that:

*“Today, average wind energy costs nationally are approaching cost-competitive levels. Backed by stable policies including the production tax credit and the EPA’s Clean Power Plan, costs will continue to drop as the industry scales up and innovates.”*

Taking into account the capital costs of wind’s spinning reserve, wind energy is not cost-competitive with fossil fuels by a wide margin — even the Department of Energy’s own estimates put the levelized cost of wind at 20 percent higher than natural gas.

While some wind projects may be cost-competitive, many are only proceeding because of the production tax credits and state renewable energy mandates imposed by government. In other words, taxpayers and energy consumers are being

forced to subsidize the owners of wind generators.

The White House asserts, “Wind is anticipated to provide nearly \$280 billion (in) consumer savings by 2050.” But even under its wind power scenarios, the White House study says the cost of electricity is expected to rise at least until 2030: in other words, the White House wants us to incur almost certain costs for the next 15 years in return for highly uncertain benefits — benefits that are entirely dependent on the development of new technologies that dramatically reduce the cost of wind generation — sometime after 2030.

The White House goes on to list a series of “key findings.” It begins with the claim that:

*“Wind power could help America combat climate change by avoiding more than 12.3 billion metric tons of carbon pollution cumulatively by 2050, equivalent to avoiding one-third of global annual carbon emissions.”*



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This is both confusing and highly implausible. It is confusing because it compares a single year of global emissions with 35 years of emissions reductions from the U.S. Even if the absolute reduction in emissions were accurate, it would amount to a reduction of less than 1 percent of global emissions annually.

But this is likely a vast over-estimate: Reason Foundation estimates that at most wind could reduce carbon emissions from electricity generation by 18 percent, which would amount to around 100 million tons per year, or 3.5 billion tons by 2050.

But the strange claims don't end there. The White House continues:

*"Wind energy could save approximately 260 billion gallons of water by 2050, by side-stepping the water-intensive processes of conventional energy production. At deployment levels examined in the report, the nation's electric power sector could consume 23 percent less water."*

That sounds great, but again ignores alternative solutions. Where water use in the electric power industry is a major concern (for example, in more arid parts of the U.S.), there are existing technologies that could be used to reduce water use far more cost-effectively than by switching to wind generation.

Finally, the Obama administration asserts that:

*"This growth in wind power could lead to approximately \$108 billion in savings in healthcare costs and economic damages. This estimated saving is made possible through cumulative reductions in air pollutants, including sulfur dioxide, nitrogen oxides, and fine particulates that could otherwise cause nearly 22,000 premature deaths from respiratory ailments and other diseases by 2050."*

Reducing the health effects of electric power generation is desirable. But as Reason Senior Fellow Tom Tanton and I have pointed out in relation to an assessment of state renewable portfolio standards, most, if not all, the reduction in damaging health effects claimed by the White House would happen

anyway, as a result of power generation companies complying with existing regulations.

In addition, it is likely that generation will continue to shift to natural gas, which is a far cleaner fuel than coal. Over the past decade, the proportion of electricity produced from natural gas has nearly doubled and now stands at about 30 percent. If that trend — which has been driven almost entirely by the lower total cost of new gas generation — continues then emissions will fall even further without any new regulatory intervention. In other words, most of the health improvements and associated \$108 billion in alleged savings are illusory.

It is quite possible that the costs of wind power generation will continue to fall as the White House hopes. But that is more likely if wind is forced to compete in the market and far less so if it continues to receive subsidies.

*Julian Morris is Vice President of Research at the Reason Foundation. Originally published March 18, 2015. Reprinted with permission of RealClearMarkets.com, <[http://www.realclearmarkets.com/articles/2015/03/18/white\\_house\\_claims\\_about\\_wind\\_power\\_are\\_implausible\\_and\\_dangerous\\_101587.html](http://www.realclearmarkets.com/articles/2015/03/18/white_house_claims_about_wind_power_are_implausible_and_dangerous_101587.html)>.*

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## One Way to Reach Scientific Consensus on Environmental Issues

By David French, JD, Senior Counsel  
American Center for Law and Justice

[On March 9,] I wrote about Dr. James Enstrom’s successful settlement of his lawsuit against UCLA. Long a dissenter against environmentalist scare-mongering, Dr. Enstrom sued UCLA officials (full disclosure: my colleagues and I at ACLJ represented him) after they fired him shortly after Dr. Enstrom discovered that new California regulations of diesel emissions were based on junk science advanced by a scientist with a fraudulent degree — a doctorate purchased from the fictional “Thornhill University.”

Dr. Enstrom also discovered that the scientific review panel tasked with reviewing this science was stocked with ideologues who’d long overstayed mandatory term limits.

The case was hard-fought, with the university filing two motions to dismiss, followed by lengthy and grueling discovery. While the issues were largely constitutional (did the university fire Dr. Enstrom because of his constitutionally protected speech?), the constitutional dispute was motivated by a sharp “scientific” disagreement over the health danger of diesel particulate.

I use the scare quotes because UCLA’s actions hardly reflected scientific ideals. Here’s an interesting excerpt from a deposition with Dr. Enstrom’s

dean at the time of his termination (the questioner is an ACLJ lawyer):

Q: Okay. Do you have a general knowledge with regard to Dr. Enstrom’s research regarding diesel particulate matter?

**A: Very general.**

Q: Okay. What is your understanding with regard to his research . . . ?

**A: My understanding is that Dr. Enstrom does not believe that diesel particulate is as injurious to the public health as does the mainstream scientific opinion.**

Q: Okay. Do you understand that that’s based on his research?

**A: I don’t know what his opinion is based on.**

Q: And are you one who holds the mainstream opinion in that regard?

**A: Yes.**

Q: And what is your conclusion based on in that regard?

**A: My conclusion is that diesel particulate does cause injury to human health.**

Q: I’m sorry. I asked what is it based on? What is that opinion based on?

**A: My opinion is based on science.**

Note what happened here. The Dean of the UCLA School of Public Health admits that

she only had “very general” knowledge of a dissenting scientist’s research — so general that she doesn’t know what his conclusions were based on — but still confidently declares her allegiance to the mainstream. Her opinion, you see, is based on “science,” while she has no idea how Dr. Enstrom — a researcher in her own school — came up with his conclusions.

This is exactly why the public should be suspicious of arguments based largely on appeal to “consensus” or the “mainstream.” Consensus is all too often created through censorship, suppression, greed, and opportunism.

Willful blindness to dissent is common in the academy, and scientists can be just as susceptible as the most ideological professors in the humanities.

To take another example, in my trial last year on behalf of Professor Mike Adams, one of the most damaging moments

*continued on page 8*



## Minnesota Buy-the-Farm Statute Gives Landowner Discretion in Determining Size of Parcel to be Condemned

By Hannah Dankbar, Iowa State University

**Great River Energy v David D. Swedzinski**, Minnesota Supreme Court, March 4, 2015

Great River Energy (GRE) is part of the CapX2020 project, which involves installing a high-voltage transmission line from South Dakota to Minnesota. GRE sought easements of land from Minnesota landowners following Minnesota Statute §216E.12, which gives public utilities the power of eminent domain for their projects. Dale and Janet Tauer are landowners of one of the affected properties (218.85 acres) that they have leased out for farming.

In 2012 GRE first notified the Tauer family about its intent to condemn a permanent 8.86-acre easement and a temporary 3.38-acre easement. The Tauer family elected to compel GRE to purchase the entire property under Minnesota Statute § 216E.12, subd. 4, also known as the “Buy-The-Farm” statute. The statute gives landowners subject to condemnation proceedings the option to compel the utility to condemn a fee interest in the landowner’s entire parcel of contiguous, commercially viable land, which would make GRE the outright owner of the entire 218 acres.

The relevant section reads: “When private real property that is an agricultural or nonagricultural homestead, nonhomestead agricultural land, rental residential property, and both commercial and noncommercial seasonal

residential recreational property, as those terms are defined in section 273.13 is proposed to be acquired for the construction of a site or route for a high-voltage transmission line with a capacity of 200 kilovolts or more by eminent domain proceedings, the owner shall have the option to require the utility to condemn a fee interest in any amount of contiguous, commercially viable land which the owner wholly owns in undivided fee and elects in writing to transfer to the utility within 60 days after receipt of the notice of the objects of the petition filed pursuant to section 117.055.”

GRE did not need nor want to own the entire parcel in fee simple and argued to the district court that when the court rules on a landowner’s election under

the Buy-the-Farm statute the court must consider other factors, including the overall reasonableness of the election.

The Minnesota Supreme Court acknowledged that it utilized a “requirement of reasonableness” in a prior case under the statute; however, the Court noted that since that case was decided there have been amendments to the statute. Those amendments limit the factors for courts’

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## Iowa Wesleyan College Update

The second annual Mansfield Symposium was held Thursday, March 26. This event honors the legacy of Arabella “Belle” Babb Mansfield, one of IWC’s most notable alumnae. Diane Crookham-Johnson, a general practice attorney from Oskaloosa, Iowa, delivered the keynote address. After 20-plus years in the family business, Musco Corp., she left to attend law school and complete a life-long dream. Diane is committed to community volunteerism and leadership.

The inaugural Belle Babb Mansfield Award was presented

during “An Evening with Belle” dinner recognizing individuals whose community involvement embodies the spirit of Belle Babb Mansfield. The recipients were Waunita Hobbie (graduated ’46, L.H.D. ’92) and Christie Vilsack (L.H.D. ’99).

### Access Wesleyan

Access Wesleyan is the perfect opportunity to visit campus. This year, Access Wesleyan was held March 21 and April 11. Events included community and academic fairs, overview and admissions presentations, campus and residence hall tours, and a social hour.

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for the university came when his department chair was forced to admit that she had negatively evaluated one of Dr. Adams's books without bothering to read it.

The jury visibly reacted both to the revelation and her persistent efforts to evade the truth. Yet these professors can also influence public policy and public opinion largely by appealing to their own authority and the accumulated institutional goodwill of a major research university.

Ultimately, however, they will destroy not just their reputations, but also the good work of previous generations of academics as once-respected universities sacrifice integrity for

ideology. After all, science that doesn't consider dissenting views — that doesn't even bother to familiarize itself with contrary research — isn't science.

It's groupthink.

*David French is Senior Counsel and Director of Digital Advocacy at the American Center for Law and Justice. Originally published March 13, 2015. Reprinted with permission of ACLJ and The Christian Post, <<http://www.christianpost.com/news/heres-one-way-to-reach-scientific-consensus-on-environmental-issues-135623/>>.*



*continued from page 7*

consideration to whether the parcel is “contiguous, commercially viable, and non-homestead agricultural land.” Courts cannot inject a “reasonableness” test, nor can the courts consider whether the landowner lives on the parcel, as GRE also argued. Furthermore, the “in any amount” language leaves the parcel size determination up to the landowner, and does not give the Court discretion to determine the reasonableness of the amount for condemnation.

The Supreme Court affirmed the lower courts' rulings in favor of the Tauer.

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