CRC CAPITAL RESEARCH CENTER

Green Watch

The Great Gator Hoax

The American alligator is thriving—no thanks to the Endangered Species Act

By Brian Seasholes

Summary: *This year marks the fortieth anniversary of the Endangered Species Act, which has been criticized for blocking construction projects, destroying jobs, and allowing the virtual confiscation of people's property by making land unusable. In the future, the ESA may be used to justify government policies related to "global warming." Yet one of the most-cited examples of ESA success, saving the American alligator from extinction, simply never happened. The alligator had been well-protected before the ESA was passed. Was it ever endangered at all?*

The American alligator, once thought (by some) to be near extinction, is now considered one of the least endangered species. How did *that* happen?

The American alligator (*Alligator mississippiensis*) lives only in the United States, mainly in the Gulf Coast region. The state reptile of Louisiana, Mississippi, and Florida, it is an emblem of Southern swamplands—and an American icon like the bald eagle, the American bison, the prairie dog, the mountain lion, the wild turkey, and the grizzly bear.

That's why the story of the alligator's comeback, from "endangered" status to thriving, strikes an emotional chord with Americans. And that's why it matters that the story as usually told is perhaps the biggest hoax in the history of wildlife conservation.

For decades, we've heard that the Endangered Species Act (ESA) saved the alligator from extinction. Almost as soon as the ESA passed in 1973, environmental pressure groups have credited the act for the reptile's survival. Today, this narrative appears on the U.S. Fish and Wildlife Service website and the sites of most environmentalist groups.

Examining the true story provides considerable insight into wildlife conservation, the Endangered Species Act, the tactics of environmental groups, the ways those groups sway bureaucrats, and the media's role in spreading misinformation. The real story involves science, federalism, and the use of markets and commerce to achieve policy goals.

The beginning of the ESA

In 1973, the Endangered Species Act passed the U.S. Senate 92 to 0 and the House of Representatives 355 to 4. Obviously, the act stirred little controversy, and few Americans appreciated the power it would give the federal government. Most politicians and journalists assumed it would be like previous animal protection legislation such as the Lacey Act of 1900 (which prohibited interstate trade in animals protected by states), the Bald Eagle Protection Act of 1940, and the Endangered Species Preservation Act (ESPA) of 1966. The ESPA authorized the Interior Secretary to make a list of endangered fish and wildlife and allowed the U.S. Fish & Wildlife Service to spend up to $15 million per year to buy habitat for listed species. Federal land agencies were directed

February 2013

The Great Gator Hoax
Page 1

The "Species Problem"
Page 6

Green Notes
Page 8

to preserve endangered species' habitat on their lands "insofar as is practicable and consistent with their primary purpose," and other agencies were encouraged but not required to protect species.

When the ESA was passed in 1973, politicians and the media assumed that the ESA's scope would be limited to a few animals and that only overt acts such as hunting and trading endangered animals would be restricted. Now, the ESA is considered America's most powerful environmental law, perhaps the strongest environmental law in the world.

Yet much controversy has arisen over the ESA's actual record in achieving its purpose of helping species so that they no longer need protection. To date, 26 species and sub-species have recovered, according to the FWS, but a closer look reveals most of these species and sub-species owe much or almost all of their recoveries to factors *other* than the ESA. In some cases, the act harmed these species. The alligator is a prime subject of the tall tales associated with the Endangered Species Act.

False claims

The alligator never merited the ESA's protection for two reasons: its population was large and healthy at the time of the act's passage—around 734,000 and rising—and the threat of large-scale illegal hunting for its valuable hide essentially stopped following the 1969 amendment of the federal Lacey Act, several years before the ESA's 1973 passage. Even though the alligator never should have been listed, and, on net, the ESA harmed the animal's conservation, the act's proponents and most media types make grand claims that the alligator is a success story:

►"The Endangered Species Act is the most innovative, wide-ranging and successful environmental law that has been passed in the past quarter century. I can cite case after case: the resurgence of the American alligator. . . . The opponents of the Act know these facts."—Bruce Babbitt, then Interior Secretary, currently a trustee of the World Wildlife Fund

►"In concept and effect the [Endangered Species] act is easily the most important piece of conservation legislation in the nation's history. Its most dramatic successes include the recovery of the American alligator . . ."—Edward O. Wilson, professor of biology, Harvard University

►"Each of the species in this report [including the American alligator] has been saved from near extinction by the Endangered Species Act. Some of these species have recovered so successfully that they have been removed from the endangered species list."—joint statement by Center for Biological Diversity, Defenders of Wildlife, Earthjustice, Endangered Species Coalition, Natural Resources Defense Council, National Wildlife Federation, and U.S. PIRG (Public Interest Research Group)

The claim that the alligator recovered due to the ESA is widely accepted in the media. "The American alligator, once listed as an endangered species, has since become one of the Endangered Species Act's greatest success stories," the *Washington Post*'s online magazine *Slate* claimed last year. The alligator hoax also permeates scholarly literature and educational materials.

What really happened

The true story of the alligator centers on commerce, specifically trade in its skin that is made into some of the most valuable leather goods in the world. States, most notably Louisiana, focused on using this commerce in skins as a conservation tool. Commerce provided people, especially landowners, with strong financial incentives to conserve the alligator and its habitat, and provided jobs and income for others involved in the alligator hide industry. "The best thing people can do for the alligator is to buy alligator products. Buy a belt or bag or boots, and wear them with pride," says Ted Joanen, Louisiana's longtime lead alligator biologist and manager, who is also one of the world's foremost experts in crocodilians. Nevertheless, the U.S. Department of the Interior and environmental pressure groups often oppose commerce for ideological reasons.

States led the way in alligator conservation, beginning with Alabama, which passed legislation in 1941 to protect the creature. Following World War II, concern grew across the Gulf South that large-scale commercial hunting of alligators was taking a serious toll. Because of overhunting, the alligator's population appears to have reached its low point during the late 1950s and the early- to mid-1960s. In response, a number of states began efforts to study and manage the alligator and control hunting.

In 1958, the Louisiana Department of Wildlife and Fisheries began a long-term and well-organized alligator research program. In 1962, Louisiana banned hunting and trade, and in 1964 the state began a more formal long-term research program. Florida banned hunting and trade in 1962 and began its own alligator research program. In 1969, Texas, with the third largest alligator population, banned hunting and trade. These actions led to a steady population increase.

In addition to research and management, the other main focus of Louisiana's alligator conservation efforts was to shut down illegal hunting by amending the Lacey Act—a federal law prohibiting interstate commerce of wildlife taken in violation of state law—to include reptiles. Officials in Louisiana determined from years of experience that amending the Lacey Act, which would give federal teeth to state-level protections, was the key to stopping the illegal hunting of alligators. Beginning in 1964, state legislators and members of the U.S. Congress from Louisiana pushed for such an amendment, to no avail.

While Louisiana officials were pushing to amend the Lacey Act, the armchair experts at the Interior Department and environmental pressure groups sat on their hands, even as they issued increasingly

Editor: Steven J. Allen
Publisher: Terrence Scanlon
Address: 1513 16th Street, NW
Washington, DC 20036-1480
Phone: (202) 483-6900
E-mail: sallen@CapitalResearch.org
Website: www.CapitalResearch.org

Green Watch is published by Capital Research Center, a non-partisan education and research organization classified by the IRS as a 501(c)(3) public charity. Reprints are available for $2.50 prepaid to Capital Research Center.

dire warnings about the alligator's possible extinction. Their priority, it seems, was politics, not conservation.

In the mid- to late 1960s Interior Department bureaucrats and their environmentalist allies grew increasingly powerful as public attention to environmental concerns rose. (This period is known as the time of the second environmental movement, following the conservation efforts of the late 1800s and early 1900s.) Environmentalists pushed through a number of major pieces of legislation, including the Wilderness Act in 1964, the Wild and Scenic Rivers Act in 1968, and the National Environmental Policy Act in 1969. Amending the Lacey Act to cover reptiles would have required much less effort and political capital because it was an amendment to an existing, relatively obscure law, yet environmental pressure groups weren't interested in taking that approach.

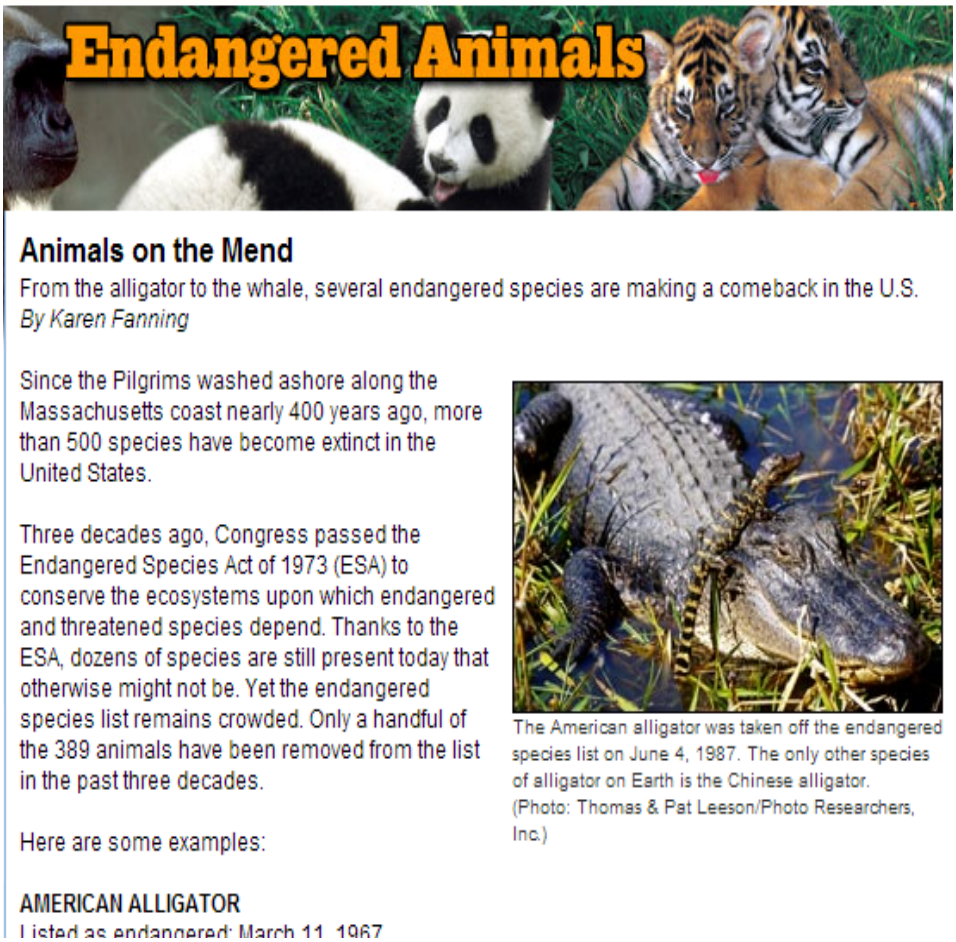
The most logical explanation for this inaction is that pressure groups and Interior bureaucrats were biding their time in hopes of using the alligator's plight to pass more sweeping legislation, such as the two precursors of the ESA: the Endangered Species Preservation Act (ESPA) and the Endangered Species Conservation Act (ESCA). After the ESPA passed in 1966, the Fish and Wildlife Service put the alligator on the newly created endangered species list, based on data that were nonexistent or at least a decade out of date. At that point, the alligator became firmly established as a poster species.

After Congress passed two subsequent laws, the 1969 ESCA and the 1973 Endangered Species Act, the Fish and Wildlife Service, supported by pressure groups, carried over the alligator to the new list—without bothering to see whether it merited listing. Why bother? All right-thinking people believed as a matter of faith that commerce-induced overhunting threatened the alligator with extinction. As journalists say, the story was "too good to check."

At the dawn of the second environmental movement, environmental activists and Interior bureaucrats realized that funding, media coverage, prestige, and membership in pressure groups would all increase dramatically if they played their political cards correctly and used public relations effectively. But what if some of the poster species for this new movement, like the alligator, weren't imperiled because they had healthy, increasing populations? What if the species weren't imperiled for the reasons activists and bureaucrats claimed? Such fundamental questions were dismissed as inconvenient distractions.

Among pressure groups, the National Audubon Society led the charge to have the alligator listed under federal laws. Charles Callison, Audubon's point man in Washington, spoke in favor of the 1969 legislation: "The National Audubon Society was founded more than half a century ago, when a fashion for plumes for ladies' hats threatened to wipe out the egret. Laws were passed then to protect wild birds, and egrets and other herons are plentiful in America today. In the same way, we believe that the alligator and other species threatened by today's fashions can be saved. To this end we urge prompt passage of this legislation." Yet, by the time Callison spoke, Louisiana and Florida had been actively managing the vast majority of the alligator population for years, and, if groups like Audubon had bothered to support a reptile amendment to the Lacey Act, illegal trade could have been all but stopped by 1964 or 1965.

The pressure groups, however, were less interested in taking concrete steps to conserve alligators than they were using the animals as a symbol of the perils of wildlife commerce—and as a vehicle for fundraising and legislative advocacy. If Congress just amended the Lacey Act, the problem of illegal commerce in alligator hides would be solved by a relatively obscure piece of legislation unfamiliar to the general public and most members



The *Scholastic News* website for teachers implies falsely that the American alligator was saved by the Endangered Species Act of 1973.

of Congress. On the other hand, if illegal commerce could be harnessed to the larger issue of endangered species legislation, that would substantially raise the profile of both issues and the groups claiming to "solve" them.

Indeed, once the Lacey Act amendment was passed in 1969 (as part of the Endangered Species Conservation Act), large-scale alligator hunting all but ended, just as Louisiana officials predicted. The National Wildlife Federation, in a rare display of candor, later admitted that, "In 1970 and 1971, Florida game commission officials used the Lacey Act to convict a few big-time poachers, and alligator hunting was stopped, as it were, dead in its tracks."

According to Ted Joanen, Louisiana expert manager for alligators, the Lacey Act, not the ESA was the most critical law for alligator conservation.

From the act's amendment in 1969 through the mid-1970s, when the few remaining large-scale illegal alligator hide dealers were shut down, almost all enforcement actions, even those that occurred after the ESA's passage in 1973, were filed under the Lacey Act.

Louisiana officials pushed for the 1969 Endangered Species Conservation Act's passage because it amended the Lacey Act. But the Law of Unintended Consequences came into play. By backing ESCA, and linking it to the alligator cause, they helped reinforce the alligator hoax being propagated by the Interior Department and pressure groups—the claim that broader federal endangered species legislation was necessary to save the alligator from extinction. That would come back to bite Louisiana.

"Renegade" Louisiana

In 1972 and 1973, as Congress considered the Endangered Species Act, Louisiana held two limited, experimental commercial hunting seasons for alligators, after having banned such activity since 1962. By 1972-73, state officials were confident enough in their research and management techniques that they were ready to test them.

Even though hunters harvested a negligible portion of the population, Interior Department officials and environmental activists were furious. They thought Louisiana's timing could not have been worse. The fact that alligators were sufficiently abundant to endure commercial hunting undermined their argument that the species was nearly extinction and needed the ESA to save it. Also, they saw commercial hunting as blasphemous, because it violated their long-held belief that wildlife commerce and wildlife conservation are incompatible.

The federal government determined to bring to heel the Louisiana officials they saw as defiant of federal authority. Speaking to an author from the National Geographic Society, an unnamed federal official said bitterly, "You've got to understand, we deal with 49 states—and Louisiana."

The non-endangered alligator

To allay the feds' concerns, Louisiana officials presented evidence the alligator did not merit ESA listing.

►**Population data:** In 1971 the Fish and Wildlife Service reviewed the alligator's status and requested information from range states. Louisiana supplied data showing the species was not imperiled, and recommended the alligator be removed from the federal list of endangered species. Louisiana also provided the FWS with information on state conservation legislation that had been passed or was planned. Florida also had data, available to the FWS, showing the state had a large and healthy alligator population. Data released in the aftermath of the ESA's passage provided more confirmation. In 1974, Louisiana estimated the alligator's total population at 734,384 and increasing over most of its range. This estimate was the result of a 1973 survey, released in 1974, in what became known as "the Joanen Report" after its author, Ted Joanen.

►**Expert opinion:** "The animal never was endangered," said Joanen. He blamed the erroneous listing on "ivory tower people in Washington and New York" who were determined to use the alligator to promote passage of the ESA. Around the time of the ESA's passage, "The general consensus [among alligator experts] was that the alligator population was increasing," according to Tommy Hines of the Florida Game and Freshwater Fish Commission, a biologist and top alligator researcher of the period. In 1971, the IUCN (World Conservation Union) Crocodile Specialist Group, regarded as the world's foremost authority on crocodilians, unanimously agreed to change the alligator's status to "recovered." In short, the alligator's listing under U.S. endangered species legislation was totally at odds with the available data and opinions of the leading domestic and international authorities. Despite this, and despite the fact that the Lacey Act amendment of 1969 essentially shut down illegal trade, the FWS went ahead and listed the alligator under the ESA because, Joanen says, the agency was "in a period of empire building at that time."

►**Timing and the alligator's reproductive biology:** The assertion that the alligator recovered from near-extinction so quickly "is quite phenomenal when one considers the age of sexual maturity is 10 years," wrote Joanen and his colleague Larry McNease. "The original estimate used to justify the alligator being on the endangered species list must have been grossly underestimated," because the FWS deemed the vast majority of the species's population had "recovered" by 1983, ten years after the act's passage, and four years later delisted the remainder of its range.

In fact, FWS started delisting the alligator soon after the ESA's passage. In July 1975, the FWS proposed to delist or downlist (from endangered to the less imperiled status of "threatened") 93% of the alligator's entire population. The delisting proposal referred to three Louisiana parishes that contained 98,551 alligators, and the downlisting proposal referred to the 583,900 alligators in Florida, Texas, Georgia, Alabama, Mississippi, and the rest of Louisiana. Given the alligator's reproductive rate, its turnaround from near-extinction to "recovered" after one and a half years of ESA protection is simply impossible.

And what was the source of the FWS's 1975 population estimates? None other than the Joanen Report. In 1977, the FWS admitted the report "remains, however,

the only comprehensive, state-by-state analysis of alligator population levels and trends," and "population estimates contained in the original Joanen report are conservative," while current population levels are significantly higher." The ESA mandates that the government "shall make determinations [to list species] . . . solely on the basis of the best scientific and commercial data available." Yet even though the Joanen Report and other data supplied by Louisiana and Florida officials constituted the best data available, the FWS ignored that data, listed the alligator anyway, and retained the alligator under the ESA for more than 13 years.

Legalizing commerce: The long fight

After the ESA passed in 1973 and the alligator was improperly listed, proponents of alligator commerce—led by Louisiana and Florida officials and the crocodilian hide industry—waged a six-year battle to legalize international trade in alligator hides. Access to international markets was crucial for the U.S. alligator industry to receive the highest prices because at that time American tanners did not have the ability to tan hides to the highest standards demanded by the international market.

Throughout the process, FWS officials appear to have had little understanding about the fundamentals of trade in crocodilians. This had good and bad effects. First, because Louisiana officials had superior expertise, the FWS eventually adopted much of Louisiana's management regime, which included a number of innovative and well-tested techniques for tracking alligator hides through the stream of commerce. Second, the FWS's ignorance, coupled with the agency's long bias against wildlife commerce, led the FWS to delist the alligator on a piecemeal basis over 13 and a half years, during which time the federal government promulgated absurd regulations. Those regulations were eventually abandoned in favor of Louisiana's management regime, but meanwhile trade was stymied.

In 1979, the federal government finally ran out of stalling tactics and approved international commerce in alligator hides. Even so, the FWS needlessly refused to grant permission for international trade in alligator meat and parts for another six years, which hurt hunters of wild alligators and producers of captive-bred alligators.

The states and the private sector—not the feds

In reality, the alligator is one of America's greatest conservation success stories due primarily to the groundbreaking and dedicated work of Louisiana officials, along with those of several other states, and the development of the alligator's commercial value.

Conserving the alligator required countless hours of hard work under difficult conditions, slogging through hot and humid swamps, handling one of the most dangerous animals in North America, and trying to convince rural landowners, who could be distrustful about or even hostile towards public officials, to tolerate the presence of alligators and even conserve their habitat because the species could be a valuable source of income.

It was cheap and easy it was for environmental pressure groups and federal politicians and bureaucrats to take potshots at Louisiana and advocates of conservation-through-commerce. These armchair conservationists did more harm than good.

The American alligator is probably the most studied crocodilian in the world. The vast majority of alligator research was carried out by state wildlife agencies, especially Louisiana's, and by a handful of people in academia, many of whom have been associated with state universities in Louisiana and Florida. It was *not* conducted by the U.S. Fish and Wildlife Service under the auspices of the ESA, nor by environmental pressure groups.

The ESA harmed alligator conservation because it halted trade and stymied research efforts. "The only thing the Endangered Species Act did was to slow up research," says Ted Joanen, because it "took management away from states" and was "a hindrance." Joanen and McNease assert that "probably the most detrimental effect of the endangered species program at our state level has been the loss of landowner, land manager, and public respect for the program." And they add that "this relates directly to the way the Act was interpreted and administered. Most private citizens can understand the rationale behind the Endangered Species program. However, they cannot understand why the program is not more responsive to their needs and desires."

Joanen has also observed that private landowners "are the people who are going to detect a problem" such as illegal hunting or changes in alligator populations. But "if no one's interested," because commercial hunting has been curtailed, landowners won't inform wildlife authorities. As Allan Ensminger of the Louisiana Department of Wildlife and Fisheries put it, "We were the first state to close [the hunting season for alligators]. We invented the idea, rather than the feds. We kind of view ourselves like the guy who threw a snowball off a mountain and the avalanche ran over us." That's the reward Louisiana received for its innovative and forward-thinking alligator conservation efforts.

Today, it seems nothing—not the brute fact of the alligator's reproductive biology, not the population survey data from the time of the act's passage, not expert opinion, and not the Lacey Act's role in stopping illegal commerce—can keep proponents of the Endangered Species Act, and most of the media, from claiming the alligator as a success story.

An examination of the alligator hoax raises a number of broader questions: What other environmental issues have been the subject of false and misleading claims by federal officials, pressure groups, supposed experts, and the media? If they can't get the facts right about something as relatively simple and unambiguous as the resurgence of the alligator—that the animal never should have been listed under the ESA and that the act had essentially nothing to do with its recovery—then how can they be trusted on other, more complex issues such as energy exploration and exploitation, chemical use, biotechnology, and climate change?

Brian Seasholes is an adjunct scholar at the Competitive Enterprise Institute.

GW

The "Species Problem"

Hoaxes and fake classifications are tools for political deception

By Steven J. Allen

The Endangered Species Act was born out of legitimate concern over occasional disappearances of lineages of living things. No one anticipated the ESA would play a major role in American life, destroying countless jobs and giving federal bureaucrats control over large sectors of the economy, because it never occurred to politicians and activists that the ESA could be used to prevent activities that might *indirectly* harm obscure groups of plants and animals, even those that don't qualify as species or even subspecies.

In the era the ESA was born, true stories of the extinction of the passenger pigeon and the dodo and the near-extinction of the American buffalo, along with perceived (sometimes real) threats to iconic animals such as American alligators and bald eagles, were well known. Activists and the media presented these stories to the public as cautionary tales, sometimes magnifying extinction fears into threats to wide categories of life. For example, to obtain a ban on DDT—a ban that, by promoting the spread of malaria, has since killed tens of millions of people worldwide—environmentalists promoted the idea that the continued use of this pesticide would extinguish many bird species and result in the "Silent Spring" that was the title of Rachel Carson's infamous book.

A series of hoaxes launched the modern environmental extremist movement. At the first Earth Day in 1970, participants complained that corporations were poisoning people with sweeteners containing sodium cyclamate (which, in fact, is safe), that a U.S. Army nerve gas experiment killed thousands of sheep in Utah in 1968 (it didn't), and that pollution was rapidly pushing the world into a new Ice Age. That last threat, when it failed to materialize, morphed into its own opposite, man-made "global warming"—which, when it failed to materialize, became man-made "climate change"—which, when it failed to materialize, became man-made "extreme weather," a concept that recently provided convenient excuses for politicians who had failed to prepare for the likes of Hurricane Sandy. Real environmental threats existed in 1970, just as real threats exist today, but those threats were insufficient to spur the political actions that environmentalists wanted. So they made stuff up.

Knowing the value of playing on people's emotions, environmentalists focus their discussion of endangered species on animals, not plants, and particularly on animals that people care about. Conservation biologists often complain that people's concern about the extinction of species is limited to certain types of living things. People care mainly about megafauna, i.e., relatively large animals. People care mainly about birds and mammals. They care about icons like the bald eagle, and about game animals (the National Rifle Association supported passage of the Endangered Species Act to protect game). People care especially about animals with large, forward-facing eyes and other characteristics associated with being cute. (It's thought that humans are biologically programmed to feel empathy toward creatures that, in certain ways, resemble human children. That's why Disney animators made Mickey Mouse's head and eyes bigger as he evolved from a mischievous troublemaker to a cuddly lead character.) When told that most supposedly endangered species are insects and plants—"bugs and weeds," as one Congressman put it—people often react with incredulity and mockery. From a scientific standpoint, there is no reason to fear the extinction of cute animals more than that of plants and ugly animals, but all government action is rooted in politics, and politics focuses on the cute.

The polar bear is a vicious killer, arguably the animal that, given the opportunity, is most likely to hunt a human as food. (When sharks eat humans, it's because they mistake them for their usual prey.) Yet people see polar bears as cute; they are models for toddlers' bedmates and cartoon stars of Coke commercials. So, when bureaucrats at the Environmental Protection Agency were looking for an excuse to classify carbon dioxide (CO_2) as a pollutant and subject it to EPA regulation, thereby controlling much of the U.S. economy, they claimed absurdly that the polar bear is threatened at some point in the future by global warming, which they claimed absurdly is caused by carbon dioxide emissions. One environmentalist called the polar bear "the species that saved the world" because of its role in expanding the power of the EPA.

Due to its isolation, the polar bear may be the creature whose habitat is *least* endangered by humans. Besides, under some classification systems, the polar bear isn't even sufficiently distinct from other types of bear to be in its own separate species. But those things don't really matter; bureaucrats and pressure groups follow scientific principles only to the extent it expands their power and promotes their ideology.

Why taxonomy matters

The ESA is an example of legislation twisted by bureaucrats into a form its sponsors and original supporters could not recognize. Often, as with the ESA, such twisting is made possible by vague and undefined terms that, in a manner the Founders never intended, give power to unelected, anonymous bureaucrats.

Take the act's title term "species." No one knows what a species is. The common definition says a species is a group of living things that can produce fertile offspring with each other but not with members of other species. But lions and tigers and many other pairings of members of apparently different species can produce fertile offspring, and many plants and most microorganisms reproduce without breeding. Scientists have a number of definitions of species, but each has its own ambiguities and, as scientists say, fuzziness. This problem is so well recognized it even has a name: "the species problem."

Because no accepted scientific definition of species exists, bureaucrats can classify any group of animals, plants, or other living things as a species. Should vertebrates—animals with backbones—be given priority over invertebrates? Yes, according to some Congressional directives, and no, according to other Congressional directives. Can a subspecies, or just a "segment" or "population" of plants or animals that clearly doesn't meet the qualifications for a species, be a species anyway if the government calls it a species? Yes, nonsensically.

In a 2007 article in the *UCLA Journal of Environmental Law & Policy*, Ezequiel Lugo wrote, "The term 'species' is central to all of biology, yet it is ambiguous and has no universally accepted definition. A major difficulty with any definition of species is the tacit assumption that a species is a clearly-delineated group because species are really 'fuzzy sets' with unclear demarcations." In other words, it's not really possible to say with certainty where one species ends and another begins.

Among the different methods for classifying species, Lugo noted, are "the morphological species concept, which defines a species based on a set of shared physical characteristics," "the phylogenetic species concept, which defines a species as a group of organisms sharing at least one unique characteristic and having a common pattern of ancestry and descent," and "the biological species concept, which defines a species as a naturally interbreeding group of organisms." There are other methods, too.

Species, like many scientific classifications, is among many categories created for the convenience of human beings. Nature does not put things into neat boxes. Is Pluto a planet, as we were told for most of the twentieth century, or not a planet, as we are told now? The answer boils down to: Pluto is a planet if we call it a planet.

Compounding the problem is that such characterizations as "endangered" and "threatened" also have definitions that are vague, that use weasel-words like "significantly" and "likely," and that are, therefore, subject to bureaucratic whim.

Taxonomy is the science (or the art) of putting things into categories. Much of the force of government is rooted in taxonomy—the power to put things in categories and treat some categories differently from others. Very often, Congress delegates this awesome power to regulatory agencies and those agencies' bureaucrats.

Categories of "race" and "ethnicity" often determine whether people get jobs, government contracts, and college admissions and student aid. These categories determine how political power is distributed through the redistricting process. Yet such categories do not exist in science and nature. They are the province of the bureaucrats, who can merge and create categories, as when the Census Bureau arbitrarily merged the defunct category of "Mexican" with Cuban-Americans, Puerto Ricans, and others to create the "Hispanic" category. How different the discussion of the 2012 election would have been if categories had been different—if, say, German-Americans, the country's largest ethnic group, had been treated as a separate category, or if Appalachians had been so treated, or Italians, or if African-Americans with Caribbean ancestors had been separated from other African-Americans, or if Indian-Americans had stayed classified as "white" rather than Asian.

Similarly, bureaucrats decide arbitrarily where the poverty line is, thereby directing the flow of trillions of dollars of taxpayers' money. (Poor people exist, of course, as do beautiful people and ugly people. But bureaucrats can no more determine the number of poor people objectively than they can determine objectively the numbers of people who are "beautiful" and "ugly.")

"Carcinogen," "renewable" sources of energy, "inflation" and "unemployment" rates, "assault weapons"—these are just a few of the ill-defined or undefined terms that, in the hands of the Washington bureaucracy, become things of wax to shape as they please. Therein lies much of the power of the bureaucracy, a branch of government the authors of the Constitution never envisioned and upon which they would look in horror.

Dr. Steven J. Allen (JD, PhD) is editor of Green Watch.

GW

GreenNotes

The Fiscal Cliff deal was bad news for taxpayers—it hiked taxes on the "wealthiest" 77%—but it was good news for the wind industry; it extended and expanded the **Wind PTC** (production tax credit). **Tim Carney** of the ***Washington Examiner*** reported that, as the deal was put together, **President Obama** insisted on the inclusion of an entire package of tax breaks that the **Senate Finance Committee** had approved for well-connected special interests ("crony capitalists"). Projected amount of the Wind PTC: $12 billion. Subsidizing the wind industry is usually rationalized on the ground that it somehow fights global warming.

Pointing to the need to address global warming and the fast-rising national debt, **Washington** insiders are busily promoting a new tax on carbon. But even the **U.S.** government's **Energy Information Administration** admits that such a tax would raise prices of electricity, gasoline, diesel fuel, home heating oil, and every product that Americans buy. EIA says that one such proposal, $25 a ton increasing 5% a year (adjusted for inflation), would cut the income of a family of four by $1,900 a year in 2016, raise the family's energy bill by $500 per year plus up to 50 cents a gallon for gasoline, and cost a million jobs by 2016, with more taxes and job losses down the road.

Holman W. Jenkins Jr. of the ***Wall Street Journal*** commented on the claim, by the **National Oceanic and Atmospheric Administration**, that 2012 was the hottest year on record "in the contiguous United States." Media reports, he noted, leave out the facts that "2008, in the contiguous U.S., was two degrees cooler than 2006" and that "2000, 2002, 2003, 2004, 2008, 2009, 2010 and 2011 were all cooler than 1998."

In fact, the contiguous U.S. represents just 1.58% of the total surface area of the earth, and **China**, **Russia**, and other places are experiencing a record cold snap. The **British Met** (national weather service) reports that no global warming has occurred since 1998 and that no warming is projected for the next five years.

The ***New York Times*** has announced that it will be closing its environmental news desk, reassigning seven reporters and two editors. Nevertheless, assistant managing editor **Glenn Kramon** said that "climate change is one of the few subjects so important that we need to be oblivious to cycles and just cover it as hard as we can all the time."

The cable network **Current TV** has been sold to the "news" network **Al Jazeera** for a reported $500 million, making **Al Gore**, owner of 20%, even richer than he was before. (The network, created by the government of oil-rich **Qatar**, once threw a birthday party, complete with fireworks and a cake, for **Samir Kuntar**, a **Lebanese** terrorist famous for killing an **Israeli** man in front of his four-year-old daughter, then bashing in her head.) Current TV officials turned down another prospective purchaser, **Glenn Beck**'s network **The Blaze**, because they consider Beck's political views to be unacceptable. As a Current executive put it, "the legacy of who the network goes to is important to us, and we are sensitive to networks not aligned with our point of view." Gore co-founded Current with **Joel Hyatt**, son-in-law of the late **Senator Howard Metzenbaum** (D-Ohio) and the Democratic nominee to succeed Metzenbaum in 1994. In a statement, Gore and Hyatt justified the sale to Al Jazeera on the ground that it has the "same goals" as Current, including "to speak truth to power."

Gore's defenders denied that the seemingly inflated purchase price represented a payoff to Gore for his "green" activism, which has helped keep the U.S. dependent on foreign sources of energy such as Qatar. Before Gore made a fortune in investments related to fears of global warming, most of his family's money came from **Occidental Petroleum**, from the period when the company was headed by **Armand Hammer**, a **Soviet** collaborator. Hammer bragged to a biographer that he had Gore's father, **Senator Albert Gore Sr.**, "in my back pocket."

In his new book, ***The Liberal War on Transparency***, **Christopher Horner** of the **Competitive Enterprise Institute** details how administration officials hide relationships with political activists, Big Business cronies like the people at **Solyndra**, and international organizations such as the **United Nations**. He also explains ways in which universities, bowing to left-wing faculty members, keep information from the public. Horner led the effort that uncovered the secret e-mail account, under the name "**Richard Windsor**," of **EPA Administrator Lisa Jackson**, who subsequently announced her resignation.

Stonewalling on such matters is nothing new, Horner reports: When the **Landmark Legal Foundation** sued **Clinton EPA Administrator Carol Browner** for copies of her electronic messages, she responded that she didn't use her computer for e-mail—then, hours after a judge ordered her to turn the messages over, she erased and reformatted her computer's hard drive and had the backup tapes destroyed. Browner, once a top aide to Al Gore, went on to serve as President Obama's "global warming czar."