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Gingrich Calls for Congress to Investigate Justice Department over Bird Kills

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Republican presidential candidate Newt Gingrich is requesting a congressional investigation into why the Justice Department is imposing a double standard on bird kills regarding wind power producers versus oil and natural gas producers.

Ideological Harassment

In a Feb. 22 letter the former Speaker of the House sent to Lamar Smith, Chairman of the House Committee on the Judiciary, Gingrich expressed concern the Justice Department charged three oil and gas companies in North Dakota with violating the Migratory Bird Act when a few dead birds were found on their property, yet the department turns a blind eye to the hundreds of thousands of birds killed by wind turbines every year.

In his letter, Gingrich said the Justice Dept. behaved in an abusive and ideological fashion against the oil companies who were charged with “taking” several migratory birds found dead on property near their reserve pits even though none of the bird species were considered endangered. The criminal charges carried fines and potential prison terms, but were ultimately dismissed by a federal judge.

“None of these bird species is endangered, and many commercial activities result in vastly more accidental bird deaths on a regular basis,” Gingrich wrote.

“The government’s case was a clear abuse of the justice system, and amounted to harassment of oil companies for motives unrelated to migratory birds,” Gingrich explained. “It is deeply disturbing that the Justice Department would abuse its authority in such a manner. Many questions remain to be answered about the decisions to selectively prosecute these particular organizations for a small number of incidental bird deaths.”

Conservationists Protest Double Standard

The American Bird Conservancy responded to Speaker Gingrich’s letter, agreeing with him that the Justice Department is applying a double standard. However, although Gingrich appears to be arguing neither wind power producers nor conventional energy producers should be prosecuted under the law, the American Bird Conservancy argues both wind power producers and conventional energy producers should be prosecuted when inadvertently killing birds.

According to the American Bird Conservancy’s letter, wind power developers “have been given a virtual pass for the deaths of migratory birds at their facilities for over 30 years.”

Doug Bell, manager of the wildlife program at Northern California's East Bay Regional Park District, reports wind turbines are killing a substantial number of birds in his region.

"There never has been any enforcement of state or federal laws in regards to wind-turbine related bird kills. It does seem like the oil companies have been singled out, so a more uniform enforcement would be desirable," said Bell.

H. Sterling Burnett, a senior fellow at the National Center for Policy Analysis, says Gingrich is correct.

"Wind farms should be put on the same playing field as conventional sources of power with regard to bird kills," Burnett said. "In addition, Gingrich should call for solar farms to be treated the same in relation to desert species and ecosystems as conventional energy producers."

Why Not Fair Treatment?

Burnett noted the federal government's double standard goes beyond prosecutions for bird kills.

"More importantly, all candidates should call for equal treatment of all energy sources in the tax code, in terms of subsidies, and with regard to mandates. The government could do this by ending mandates and subsidies for all energy sources," said Burnett.

"If wind energy companies were treated the same as oil companies regarding bird deaths, we'd have no wind energy," observed Marita Noon, executive director of the Citizens' Alliance for Responsible Energy.

"If oil companies were treated the same as wind energy companies when it comes to permitting, we'd have no oil crisis.

"Let's treat them all with an even hand. That's fair," said Noon.

Dave Trabert, president of the Kansas Policy Institute, says targeting one industry instead of applying regulations uniformly across all business segments is wrong on its face.

"This particular regulation is a prime example of government over-reaching and creating regulations that do more harm than good," he said.