
WMD in Our Own Backyard

Trains loaded with toxic chemicals put millions at risk.

By Jonathan Turley

January 18, 2004

Since Sept. 11, President Bush has repeatedly stressed that the country is at war and that we all must make sacrifices for national security. Indeed, hundreds of soldiers have been killed or wounded in Afghanistan and Iraq. Environmental laws and civil liberties have been rolled back. Citizens must shoulder a projected 10-year deficit of up to \$5 trillion.

However, at least some corporate citizens are being held to a different standard — requiring neither sacrifice nor security. When it comes to the giant railroad company CSX, even a threat to the government seems an insufficient reason to threaten profits.

With roughly \$1 billion in annual sales, CSX is one of the most profitable transportation corporations in the country, but it has managed to pay no federal taxes in recent years (instead receiving \$164 million in tax rebates). Now CSX is running a train in Washington that could be viewed as a terrorist version of the "Little Engine That Could."

CSX operates a stretch of highly lucrative rail line that passes through the heart of Washington. The company uses it to move huge tank cars filled with poisonous chemicals, considered by the Department of Transportation as "toxic by inhalation." The same type of chemicals killed thousands of people in 1984 in Bhopal, India. For example, CSX routinely moves 90-ton tank cars of chlorine through the capital, above ground, within four blocks of Congress.

Immediately after the 9/11 attacks, CSX was forced to halt the transports because of the high danger of terrorist attack. However, 72 hours later, the administration agreed to let the tanker cars roll again, despite warnings from the FBI and outside experts that they were ideal terrorist targets and potential weapons of mass destruction.

Dr. Jay Boris, a senior scientist for the Naval Research Laboratory, recently revealed the expected casualties from just one of the 90-ton tanks of chlorine exploding in a terrorist attack or an accident in the heart of the capital. A poisonous cloud would cover an area within a 14-mile radius of the explosion — an area made up of federal agencies, Congress, the Supreme Court and the White House. Projected deaths would occur "at the rate of 100 per second"; an estimated 2.4 million people would be at risk.

Greenpeace, the Sierra Club and other groups have taken pictures of the tanker cars, with

the Capitol Dome in the background. The shots show cars covered in graffiti — one illustration of how easy it is to make direct contact with the trains, which move slowly in urban areas. Of course, a high-powered rifle or a simple grenade would be sufficient to set off the cars.

Despite this, lobbyists for chemical and transport companies have successfully fought requirements to reroute the trains. After all, the Chlorine Institute insists, "it is clear beyond doubt that no plan, no matter how well conceived and well implemented, can 'assure' that terrorists will be prevented from carrying out their acts of terror."

Of course, we could at least try. For example, we could bar the transport of large quantities of chemicals within the capital, as well as in other cities like New York, Chicago and Los Angeles. For CSX, however, an alternative route around Washington would probably mean losing business and reducing its profits.

Why would an administration that has prescribed the seizure of tens of thousands of nail clippers from airplane passengers in the cause of homeland security allow 90-ton, unguarded tanks of poison gas to move at low speed within blocks of Congress and through the heart of our government buildings? It may have something to do with the friends that CSX keeps in Washington.

CSX has been a longtime campaign supporter of President Bush and remains one of the 100 biggest campaign contributors annually, particularly to Republican candidates. Former CSX Chief Executive John Snow helped lead the field of corporate managers minimizing their contribution to the public coffers while maximizing their own profits. (Snow received \$36 million in compensation and the company forgave a \$24-million personal loan — even as the company's stock value fell.) Bush liked Snow's style so much he made him the country's Treasury secretary. In addition to Snow, a CSX transportation official was put in charge of the Army Corps of Engineers.

The CSX case reinforces the view that sacrifices made since 9/11 seem to fall primarily on individual citizens rather than corporate citizens.

Meanwhile, the trains continue to roll. Let's just hope that Al Qaeda will remain so focused on nail clippers as a weapon of choice that it will not notice the slow-moving trains of explosive poisonous gas passing through the heart of our capital.

Jonathan Turley is a professor at George Washington Law School.