

PERSPECTIVE

Kentucky can't afford to chase Data Centers away

Remember the internet in the 1990s? Yahoo's home page had categorized links like News & Media, Business & Economy, or Science. Clicking those links opened new pages with more links, without accounting for relevance or personal preferences. Yahoo had a search box, but search wasn't a thing until Google came along.

Google still dominates conventional search but engagement with chatbots like ChatGPT is rapidly accelerating. Last year, Google embedded its Gemini A.I. in their Chrome browser. The search giant knows where the future is moving.

We are witnessing the earliest stages of artificial intelligence and quantum computing. Decades from

now, the younger generation will look back amazed that their digital lives once relied on unsophisticated search engines and relatively simple algorithms.

Major economic shifts require new infrastructure. In our current moment, that means data centers. Progress has always stirred apprehension about the unknown and the pushback we're seeing today against data centers is nothing new.

In the 19th century, small mobs of artisans broke into English factories to destroy the mechanized looms that were gaining a foothold in the textile industry. While the Luddites earned a place in history textbooks, the industrial revolution marched forward, spreading phenomenal prosperity and raising living standards for the billions of us who have followed.

Thankfully, today's equivalents — the NIMBYs — don't need to resort to violence. Their alarm with data centers manifests itself

at local zoning board meetings and on social media platforms made possible by the same data centers they oppose.

It's concerning that their narrow view has penetrated broader public opinion, especially since compelling evidence undercuts their claims. Let's examine three.

Data centers raise electricity rates: Actually, they don't. Just last month, American Electric Power announced a base-rate reduction for its Indiana customers. The reason for the lower rates: load growth and increased revenue from large customers, including data centers.

Also, consider this headline from the Washington Post: "There's a reason electricity prices have been rising. And it's not data centers." If the data center doomers haven't convinced the Post's "climate zeitgeist reporter" then that should tell us something.

Data centers strain local water supplies: One of Kentucky's compet-

itive advantages is access to abundant water and a regulatory framework that has dealt with large volume water withdrawal for decades. Over time, technologies like closed-loop cooling along with water reuse and recycling will significantly diminish the water required to operate the facilities.

Data centers don't create good jobs: Tell that to the thousands of skilled laborers who build, wire, and plumb the facilities. Amazon is posting entry-level data center technician positions in Hilliard, Ohio paying \$50,000-\$70,000 (plus benefits). Management positions in Amazon's data centers pay salaries north of \$130,000.

Critics respond that it's not the type of positions, but what they say is a small number of permanent jobs. As compared to what? Not having these jobs at all? Letting them go to Ohio, Indiana or another surrounding state?

Anchor investments ini-

tiate industry clusters, networks of economic relationships that create a competitive advantage for related firms in a particular region. Suppliers that want to provide goods, services and logistics will be as important to future job creation as the data centers themselves. However, Kentucky needs the data centers first to get those jobs.

With only a few weeks left in the 2026 legislative session, how is this playing out in the General Assembly?

There's consensus that these technology giants should pay their fair share for their energy needs. Legislation moving through the process intends to provide state-level protections for electricity ratepayers.

The bill sponsor, Rep. Josh Bray, R- Mt. Vernon, sees the opportunity with the right policy framework. The current version is inconsistent with the Ratepayer Protection Pledge signed last week at the White House. It applies

a one-size-fits-all approach to a challenge that requires nuance and flexibility.

There's still time to get it right. Bray is a thoughtful legislator and should be open to changes in the Senate that account for the differences in how our state's utilities provide power to their customers.

Transformational investments don't fall out of the sky and the sky isn't falling as data center critics would have us believe.

Amazon, Google and Meta have announced \$23 billion in combined investment in Indiana. Their legislature took a "do no harm" approach in its recent session.

Frankfort would be wise to follow Indiana's lead.

Andrew McNeill is the President and Senior Policy Fellow at the Kentucky Forum for Rights, Economics & Education (KYFREE). He served as the Deputy State Budget and Policy Director in Gov. Matt Bevin's administration. His email address is amcneill@kyfree.org.

War-making is the president's business, not Congress's

In the maelstrom of modern war, presumed certainties crumble like piecrust. Consider two questions asked in the wake of U.S. attacks on Iran.

In April 1943, American code breakers in the Pacific Theater decrypted flight plans of Adm. Isoroku Yamamoto, who had conducted Japan's attack on Pearl Harbor.

Days later, his plane was destroyed. The New York Times headline was: "Gosh! Says Roosevelt On Death of Yamamoto."

Was this targeted killing of a particular person of military importance an assassination? Every president since Gerald Ford, who was responding to harebrained Kennedy administration plans to kill Fidel Castro, has officially respected Ford's finding that assassinations violate international law, and hence disserve U.S. interests.

The second question is: What is constitutionally (never mind prudentially) obligatory concerning Congress's involvement in uses of military force? The answer is: almost nothing.

An ethical calculus that can answer the

first question is elusive. And as the war against Iran illustrates, the two questions are inseparable: Surprise is a substantial military asset. If the Trump administration had briefed legislators in advance, could it have achieved the targeted killings crucial to its regime decapitation objective — an objective intended to economize violence?

Less than two years after the targeted killing of Yamamoto, on March 9, 1945, more than 300 B-29s left the Mariana Islands, bound for Tokyo. There they dropped 1,665 tons of incendiary bombs that destroyed one-sixth of Japan's capital, killing between 80,000 and 100,000 or more. Try, without experiencing moral vertigo, to disapprove Yamamoto's assassination, which it was, in a war that included the incineration of Tokyo.

In 1787, the Constitutional Convention initially was going to vest in Congress the power to "make war." Instead, it vested the power to "declare war." (Congress has not declared war since 1942 — against Hungary, Romania and Bulgaria — many wars and other military interventions ago.) The convention did this because Congress is often dispersed, whereas presidents are on the job

24/7. And because presidents can act with more energy and dispatch than Congress even when it is in session. And because if the power to make war were vested in Congress, the president might lack the power to respond unilaterally to sudden attacks. And because throughout history, wars have often been declared by the launching of them.

Industrialism and conscription — nations, not just militaries, mobilized for war — have blurred the distinction between combatants and civilians whose farms, factories and transportation systems sustain combat. Hence the wholesale destruction during Gen. William Tecumseh Sherman's march through Georgia and South Carolina. Hence the World War II bombing of residential areas to "de-house" (the Allies' antiseptic term) German and Japanese civilians. Other aspects of the modern state that have partially erased the distinction between military and nonmilitary factors are organizational bureaucracies, mobilizing propaganda, and forced-draft science (e.g., the Manhattan Project).

Albert Einstein supposedly said, "Make everything as simple as possible, but not simpler." In law, constitutional and other, and in

war, which is even difficult to define, we should emulate Einstein. We should make distinctions as clear as possible, but not clearer.

That our nation is planted thick with lawyers is part cause and part consequence of the American yearning for rules to govern those who govern us. Codifying behavior in order to circumscribe governmental discretion is most necessary, but most difficult, regarding executive latitude in war-making. There is only one large and clear example of Congress asserting primacy: It wielded its power of the purse to end what remained, in 1975, of U.S. participation in Vietnam.

Other than among his devotees, Donald Trump has only the trust and empathy he has earned: none. It is too late for him to prudently increase Congress's buy-in with his Iran policy by consulting it. So, the language and processes of law are the only arrows in his critics' quivers.

Those are, however, unavailing. Courts will not intervene where Congress is, as a practical matter, precluded by presidential nimbleness. There are many kinds of wars, and as many ways for presidents to evade Congress. Non-state actors (e.g., Hamas) can

initiate and wage wars. Presidents can marginalize Congress by calling a war a "police action" (Korea, 1950).

For decades, this column has been a tireless — to some readers, a tiresome — critic of the swollen, often lawless, modern presidency. Now more than ever it is urgent to regard exec-

utive power as, in Daniel Webster's words, "a lion which must be caged." But conditions, threats, and capabilities change, so moral and political imperatives do, too. Changes in modern circumstances, including technologies, often strengthen, if not the argument for, then the opportunity for, executive unilateralism.



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