

Climate Trial

Defendants:

Tim

Fossil Fuel Industry

Corporations

Politicians

Citizens

<baliff: “All rise. This court is now in session. Judge __presiding>

Judge: Order in the court. We are here to try the case of Tim DeChristopher for the alleged crime of disrupting an oil auction in December, 2008. We, the youth and future generations of the world, stand in judgment of all people of conscience, for all hold the responsibility to pass on a healthy and just world. The purpose of this trial is to seek truth and justice in the highest sense, in accordance to the highest principles of our humanity. You are invited here today to serve as a jury of peers of the defendant. Your role is to serve as the conscience of the community. As was intended by the founding fathers of this country, you shall determine the nature of justice. A jury is free to judge both the facts and the law in question, and make make a ruling on whatever grounds it wishes. As the supreme governing body of the United States, the jury is bound by no law above its own.

Who brings the charges against Mr. DeChristopher?

Gov: The United States Government, your honor.

Judge: The Government may call its witness.

Gov: We call Tim DeChristopher to take the stand.

Judge: Please state your name and age.

Tim: Tim DeChristopher, 28 years old.

Judge: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Tim: I do.

Gov: Mr DeChristopher, did you attend the Bureau of Land Management oil and gas auction on December 19th, 2008?

Tim: Yes, I did.

Gov: Please describe your actions at that auction.

Tim: I walked into the lobby of the building, and was immediately asked if I was there for the auction. When I said yes, I was directed to a registration table. At the table I was asked if I was there to be a bidder, and again I said yes. I then filled out a short form with my name, address,

and whom I represented, and was given bid card number 70.

Gov: And did you answer those questions truthfully?

Tim: Yes I did. I gave my real name and address and wrote that I represented myself.

Gov: Did the form make it clear that it was illegal to bid without the intent to pay?

Tim: Yes it did. After I registered I went to the auction on the fifth floor, where I took a seat. I watched the auction for about 30 minutes before could no longer resist the moral imperative to stand in the way of the crime that was happening. I bega--

Judge: Mr DeChristopher, you can't throw around a term like that without an explanation. Please tell the court what crime was being committed.

Tim: That auction was in violation of some of the BLM's own laws regarding environmental impact statements and notification of the public and other agencies. More importantly, the government-sponsored rush to squeeze every drop of oil out of the ground is causing a destabilization of our climate and condemning our children to the extreme costs of our irresponsibility. The BLM during the Bush administration was in constant violation of Secretarial Order 3226, which went into effect in 2001 and required the BLM and all other agencies under the Department of the Interior to weigh the impacts of climate change of any major decision they make. Beyond the specific violations, the thoughtless destructiveness of this auction was a violation of a higher law which commands us to protect a livable future for our children.

Judge: Jury, shall we investigate whether climate change constitutes a crime against our children?
(Yes...)

Tim: Your honor, I'd like to call Dr. James Hansen of NASA to present the case.

Judge: Dr. James Hansen, please take the stand.

Tim: Dr. Hansen, how serious is the climate change that is now occurring?

Hansen: What is at stake? Warming so far, about two degrees Fahrenheit over land areas. More warming is already "in-the- pipeline", delayed only by the great inertia of the world's oceans. And climate is nearing dangerous tipping points. Elements of a "perfect storm", a global cataclysm, are assembled.

Climate can reach points such that amplifying feedbacks spur large rapid changes. Arctic sea ice is a current example. Global warming initiated sea ice melt, exposing darker ocean that absorbs more sunlight, melting more ice. As a result, without any additional greenhouse gases, the Arctic soon will be ice-free in the summer.

Debate among scientists is only about how much sea level would rise by a given date. In my

opinion, if emissions follow a business-as-usual scenario, sea level rise of at least two meters is likely this century. Hundreds of millions of people would become refugees. No stable shoreline would be reestablished in any time frame that humanity can conceive. Animal and plant species are already stressed by climate change. Mass extinctions, of more than half the species on the planet, have occurred several times before when the Earth warmed.

The safe level of atmospheric carbon dioxide is no more than 350 parts per million and it may be less. Carbon dioxide amount is already 390 parts per million and rising about 2 parts per million per year.

Tim: What are these conclusions based on?

Hansen: These conclusions are based on paleoclimate data showing how the Earth responded to past levels of greenhouse gases and on observations showing how the world is responding to today's carbon dioxide amount. The consequences of continued increase of greenhouse gases extend far beyond extermination of species and future sea level rise. Arid subtropical climate zones are expanding poleward. Forest fires and drying-up of lakes will increase further unless carbon dioxide growth is halted and reversed. Mountain glaciers are the source of fresh water for hundreds of millions of people. They will disappear, unless the growth of carbon dioxide is reversed.

Tim: In your opinion, what needs to be done?

Hansen: We must draw down atmospheric carbon dioxide to preserve the planet we know. A level of no more than 350 ppm is still feasible, with the help of reforestation and improved agricultural practices, but just barely – time is running out...

Unfortunately, special interests have blocked transition to our renewable energy future. If politicians remain at loggerheads, citizens must lead. We must demand a moratorium on new coal-fired power plants. We must block fossil fuel interests who aim to squeeze every last drop of oil from public lands, off-shore, and wilderness areas. Those last drops are no solution. They yield continued exorbitant profits for a short-sighted self-serving industry, but no alleviation of our addiction or long-term energy source.

Tim: Thank you, Dr. Hansen.

Judge: Ladies and gentlemen of the jury, do you accept this case that climate change is a crime against our children? (yes...) Then this court must investigate who is responsible for that crime. Mr. DeChristopher, please retake the stand.

Gov: Mr DeChristopher, did you win lease parcels with intent of disrupting this auction?

Tim: Yes, I did.

Gov: Mr DeChristopher, we have a democracy, with rules, and a system for addressing injustice. If you thought this auction should not have occurred, there were plenty of legal options. Why did you take matters into your own hands?

Tim: That system is broken. This auction was in the waning days of the Bush administration, which gave the fossil fuel industry unprecedented control over regulation. The oil industry was processing their own permits. My political representatives had been paid off, and those who tried to speak out were ignored. I'd like to call Congressman Raul Grijalva to make the case.

Judge: Congressman Grijalva, please take the stand. Please state your name and role.

Grijalva: I am Representative Raul Grijalva, serving Arizona's 7th district in the US Congress. During the 110th Congress, I served as the Chairman of the National Parks, Forests and Public Lands Subcommittee within the U.S. House Natural Resources Committee. I oversaw the preparation of a 2008 Congressional Report on the Bush Administration's assault on public lands.

Tim: Mr. Grijalva, please describe the BLM oil and gas leasing program under the Bush administration.

Grijalva: Under the Bush Administration, there was a deliberate effort to expedite and prioritize oil and gas development over all other uses of public lands. These policies achieved their aim. Between 1999 and 2007, the number of drilling permits issued for development on public lands increased 361%.

Tim: How were these memos implemented under the Bush administration?

Grijalva: BLM formalized a policy that makes cleanup at oil and gas drilling sites purely voluntary for corporations which drill on public lands.

BLM hired "volunteer" consultants -- employed by oil and gas companies -- to process oil and gas drilling permits in Utah. The industry consultants were paid by energy companies specifically for the purpose of volunteering for the BLM.

BLM issued a new policy, which they finalized without public review, further limited the public's right to participate in decisions that involve oil and gas drilling on public lands.

The Government Accountability Office (GAO) found that the Bush Administration policy of streamlining oil and gas permits is hampering the Interior Department's ability to carry out environmental inspections. Agency officials told the GAO that a drastic increase in development has prevented staff, such as archeologists and biologists, from performing field inspections and oversight during this time.

Tim: Thank you

Judge: You may step down, Mr. Grijalva.

Tim: (statement on government failure to follow secretarial order 3226, legally requiring all agencies to weigh the impacts of climate change when making decisions)

Judge: (*gavel*) The government has been accused of failing in its responsibility to defend its citizens from the threat of climate change. Shall the government stand in defense of these charges? (yes...) Government, please take the stand. State your name and age.

Gov: Government of the United States of America, age 223

Judge: Who will question the government?

Citizen: I will.

Judge: On what authority do you question the defendant, the United States government?

Citizen: I am a citizen of the United States. I represent all citizens in the duty to question the government.

Judge: You may begin.

Citizen: How were you formed?

Gov: With the Constitution of the United States.

Citizen: For what purpose were you formed?

Gov: In order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity.

Citizen: When were you first made aware of the threat of climate change?

Gov: In 1988 with the testimony of James Hansen.

Citizen: And what was your response to Dr. Hansen's testimony?

Gov: We participated in the United Nations Framework Convention on Climate Change in 1991(?). Congress ratified and President George H.W. Bush signed into law the UNFCCC treaty, which commits us to reducing emissions below the level harmful to the climate, in accordance with historical emissions and with respect to the adaptive abilities of each nation.

Citizen: What measures have you passed to implement those commitments?

Gov: We provided some subsidies and tax breaks for renewable energy.

Citizen: How do those subsidies compare to the subsidies you give to the fossil fuel industry?

Gov: We give far more to fossil fuels. (find percentage?)

Citizen: Have you made the price of fossil fuels reflect their true cost, so that consumers can make informed decisions in a competitive market?

Gov: No.

Citizen: Have you cooperated with the international community to create a climate treaty?

Gov: No.

Citizen: Have you stopped fighting wars waged to further the interests of the fossil fuel industry?

Gov: No.

Citizen: Have you provided training for green jobs?

Gov: No.

Citizen: Have any of your efforts actually reduced the emissions of the country?

Gov: Yes, only one. We deregulated the financial industry to the point that it ruined the global economy, which temporarily reduced emissions.

Citizen: By not seriously addressing the threat of climate change, you have clearly failed in your legal and moral commitment to establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity.

Judge: United States Government, how do you defend yourself against this claim?

Gov: In my defense, I was founded as a republic of human beings. That founding purpose was linked to a government of the people, for the people and by the people. Since then, I have been taken over by corporations. Every politician is elected with corporate money and support. I hear from several corporate lobbyists for every one citizen. Even when I pass laws like a moratorium on deep-water oil drilling, it is overturned for infringing on the rights of oil corporations. It is my corporate masters who have prevented me from acting to defend my people against climate change. The oil, gas and coal corporations have condemned our children to an unlivable future.

Judge: (gavel) Fossil fuel corporations have been alleged to have corrupted the government and condemned our children to an unlivable world. Shall the fossil fuel industry stand in defense of these crimes? (yes...) Fossil fuel industry please take the stand. State your name and age.

Fossil: We are the corporations, age 124.

Gov: Please describe you background.

Fossil: We are the accidental, bastard children of the fourteenth amendment. We became people

with full rights in 1886 through an offhand comment by one man, Supreme Court Chief Justice Morrison Waite.

Gov: What role have you played in the United States' attempts to deal with climate change?

Fossil: We have killed or watered down every legislative attempt to reduce carbon emissions. We have also confused the public into thinking that there is still a scientific debate about the reality of climate change.

Gov: How did you prevent those legislative efforts to reduce carbon emissions?

Fossil: We buy congresspeople with campaign contributions. In some cases, we've organized front groups that pretend to represent unpaid citizens or we forge letters from civil rights groups.

Judge: Given the catastrophic impacts of climate change on billions of people, how are your actions conscionable?

Fossil: (pause) Um, excuse me you honor?

Judge: How do you justify those actions?

Fossil: We make our profits by externalizing our costs onto others. Dealing with the climate crisis would require the market price of fossil fuels to reflect their true cost, which would cut into our profits. We were simply protecting our profits.

Judge: But how do you justify those actions as morally just?

Fossil: (pause) Your honor, we are corporations. We're institutions; we don't have consciences. Our only moral is to make a profit.

Judge: If you have no conscience or ability to make moral judgments, then how can you participate in the government?

Fossil: Legislatively, it seems to have been an accident. The 14th Amendment was intended to ensure the rights of people regardless of race, but we used it to gain human rights for corporations. Supreme Court Chief Justice Morrison Waite agreed with us in 1886, and that has been used as precedent ever since. Once it was established that corporations are people, we were able to expand our rights. Now we can even buy whole elections.

Gov: How did you come to play this role in the government?

Fossil: We had to get citizens out of the way first. A democracy of active, educated citizens could never be for sale. So we replaced citizenship with consumer-ship. We provided a steady stream of consumer goods, the endless pursuit of which serves as a distraction, a sedative, and a security blanket. Once citizens abdicated their role, the political system was left in our hands.

Gov: But your army of lawyers and lobbyists fought for that extension of corporate rights, which

has never been validated by the citizenry or their representatives. How can you claim citizen consent for your control of the government?

Fossil: It has been 124 years since the loophole in the 14th Amendment of the Constitution was revealed that gives us the rights intended for a real person, and we have been steadily expanding those rights ever since. Article 5 of the Constitution lays out the way in which citizens can amend the constitution through a constitutional convention, but that has not happened in those 124 years. The United States Citizens have consented to our control of government through their inaction.

Judge: (gavel) It is alleged that the citizens of the United States have failed in their duty to hold their government accountable to its purpose and to hold corporations within their appropriate roles. Shall the citizens stand in defense of this crime?

Jury: "Yes!"

Judge: please take the stand on behalf of all citizens

::citizen [wearing a mirror] takes the stand::

Judge: What rights do you as citizens have to hold the government and corporations accountable?

Citizen: Our rights as citizens are natural and inalienable. "We the people" granted power to the government through the Constitution. We decided what a government should or should not do. Corporations in turn got their rights from the government.

Judge: So you as citizens have an inherent authority over the government. The most basic form of that authority is voting. How many of you vote?

Citizen: About half of us vote for the President; around 35% vote in other races. But many of us feel like we don't have very good options to vote for, your honor.

Judge: Then surely more of you vote in primary races to try to get good candidates. How many of you vote in primaries?

Citizen: Ooh, actually only about 20%.

Judge: Well then how many of you run for office yourselves?

Citizen: Very few, maybe 0.6% have ever tried.

Judge: Do you at least let your officials know what you want? How many of you have written letters to Congress?

Citizen: 10 percent.

Judge: Ever? Only 10 percent of you have EVER written a letter to Congress?

Citizen: Yes.

Judge: Okay... well there are many ways to hold your government accountable. How many of you participate in protests?

Citizen: Maybe 2 or 3 percent.

Judge: National strikes?

Citizen: That's more of a French thing.

Judge: Street theater?

Citizen: Only the weird ones, your honor.

Judge: Okay, nearly all successful social movement in this country has used civil disobedience to pressure the government to act. How many of you engage in civil disobedience?

Citizen: Just a few, your honor. Very few.

Judge: And how many of you have called a constitutional convention to regain your rights and reign in corporate power?

Citizen: None of us, your honor.

Judge: It seems that you as citizens have done very little to hold your government accountable for failing to defend a livable future. How can you defend your inaction in the face of the climate crisis?

Citizens: Well a lot of us have been taking action to deal with the climate crisis. Most of us have changed our light bulbs, many of us are buying less meat, some of us are trying to drive less...

Judge: Wait, wait, wait...all those things are CONSUMER actions. You're here on the stand as CITIZENS.

Citizen: Oh, right, I forgot there was a difference.

Judge: So you have done very little as citizens. Is this because you think your government is doing fine without you?

Citizen: No, 90 percent of us think our country is going in the wrong direction.

Judge: Then why are you complacent? Don't you understand the catastrophic consequences that your inaction will have on my generation?

Citizen: Well no, actually, many of us are ignorant about the reality of climate change because the corporations have confused us with misinformation. Only half of us even realize the climate crisis exists and only 10 percent really understand it.

Judge: So that 10%, 30 million people, how many of them are fulfilling their responsibilities like civil disobedience, running for office, calling a constitutional convention?

Citizen: Well, still almost none.

Judge: Then that is negligence. Ignorance is only an excuse for the ignorant. Change has always come from a small group of committed people, and in this country the character of that change is determined by the action or inaction of the citizens. Corporations get their rights from the government and the government gets its rights from you, and you have been negligent.

Judge: I have heard enough. ... We have had four defendants answer for their actions today. First, Tim DeChristopher. Jury, do you find Mr. DeChristopher guilty of acting unjustly at the BLM oil and gas auction?

Next, the United States Government. Jury, do you find the United States Government guilty of neglecting its duty to defend its citizens from climate change? (If guilty) You are sentenced to be a democracy, subservient to the will of the citizens.

Next corporations. Jury, do you find the corporations guilty of inappropriately coercing the government? (If guilty) You are sentenced to return to the role you played for the first 100 years of this country, as institutions without the rights of human beings. You are to serve the public good and are subject to the will of the citizens.

Finally, the citizens. Jury, do you find the citizens responsible for holding the government and the corporations accountable to acting in accordance to the interests and values of the people? You as citizens are sentenced to determine your own fate, and our fate, as children, hangs on your choice.

(revolution)

end.

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