

Citing Next Generations, Lawsuits Demand Courts Recognize ‘Mind-Blowing’ Climate Impacts

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by [Deirdre Fulton, staff writer](#)

By caving to industry pressures, environmental regulatory agencies are failing to uphold their obligation to future generations, declared Mary Christina Wood, the author pushing a new legal framework to fight global warming, on the [final episode](#) of *Moyers & Company*.

Wood, a University of Oregon law professor who wrote [Nature's Trust: Environmental Law for a New Ecological Age](#) (2013; Cambridge University Press), advocates an idea called "[atmospheric trust litigation](#)," which takes the fate of the Earth into the courts, arguing that the planet's atmosphere—its air, water, land, plants, and animals—are the responsibility of government, held in its trust to insure the survival of all generations to come.

“If this nation relies on a stable climate system, and the very habitability of this nation and all of the liberties of young people and their survival interests are at stake the courts need to force the agencies and the legislatures to simply do their job.”

—Mary Christina Wood, University of Oregon Law School

“The heart of the approach is the public trust doctrine,” she told her host, longtime journalist and political commentator Bill Moyers. “And it says that government is a trustee of the resources that support our public welfare and survival. And so a trust means that one entity or person manages a certain wealth, an endowment, so to speak, for the benefit of others.

And in the case of the public trust, the beneficiaries are the present and future generations of citizens.”

The theory underpins [lawsuits](#) filed by Our Children’s Trust, which ask for the courts to order state and local governments and agencies to act more aggressively to bring down carbon emissions.

“[I]f this nation relies on a stable climate system, and the very habitability of this nation and all of the liberties of young people and their survival interests are at stake the courts need to force the agencies and the legislatures to simply do their job,” Wood explained.

Environmental laws passed in the 1970s “held a lot of promise” decades ago, she said but they’ve lost what little power they once possessed. Wood continued:

Americans thought they had solved the problem by getting these laws passed. What they didn’t realize was that industries got inside the agencies through various means, through campaign contributions, through pressure on the system over and over again. And so one thing we have to keep in mind is we’re nearing the end of our resources. And there are laws of nature that we have to comply with.

And those laws are supreme. And they determine whether we will survive on this planet. And they will determine the future conditions for our children. And so right now, our environmental laws are out of whack with the laws of nature. They are allowing destruction, whereas they should be structuring society to create a balance with the natural systems that support our lives.

And Wood disagreed with those who argue that climate change is a political issue to be dealt with outside the courts.

“Climate is not just an environmental issue,” she said. “This

is a civilizational issue. This is the biggest case that courts will get in terms of the potential harm in front of them, the population affected by that harm, and in terms of the urgency. Climate is mind-blowing. It can't be categorized any longer as an environmental issue."

In a related feature earlier this year, Moyers spoke to a member of the next generation who is a co-plaintiff in one of the atmosphere trust litigation lawsuits being spearheaded by Our Children's Trust.

"Public trust states that the government is a trustee to protect these natural resources that every living species, including humans, rely upon for our survival, for our well-being," 18-year-old Kelsey Juliana [told Moyers at the time](#). "And so the public trust says, government, we hold you, we trust you to put these resources, air, water, land, you know, to protect them for this generation and for many generations down the line."

Watch the full segment with Wood below:

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Too Big to Fail Banks... Getting Bigger

[Too Big to Fail and Getting Bigger](#) from [BillMoyers.com](#) on [Vimeo](#).

Published on Saturday, June 14, 2014 by [Moyers & Company](#)
Bill Moyers speaks with Anat Admati author of [The Bankers' New](#)

Eight Pseudoscientific Climate Claims Debunked by Real Scientists

✘ [Eight Pseudoscientific Climate Claims Debunked by Real Scientists](#) (via [Moyers & Company](#))

Most people who deny that human activity is warming the planet just dismiss a massive body of scientific evidence as a big hoax. But there's a more sophisticated set of climate "skeptics" who make arguments that, at least to the lay ear, sound...

Advice to Billionaire Perkins: Time to Shut Up!

✘ Thomas Perkins, who is thought to be worth

around \$8bn, made his first startling comparison in a letter to The Wall Street Journal.

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✘ Thomas Perkins, who is thought to be worth around \$8bn, made his first startling comparison in a letter to The Wall Street Journal. There's a rule of thumb in cyberspace etiquette known as Godwin's Law, named after Mike Godwin, the Internet lawyer and activist who first came up with it. A variation of that law boils down to this: He who first compares the other side to Nazis loses, and the conversation is at an end. Unless you're billionaire Tom Perkins, who seems dedicated to digging a deeper and deeper hole for himself.

By now you're probably heard about Perkins's [infamous letter to The Wall Street Journal](#) (whose [editorial page](#) is the rich man's *Pravda* of class warfare) in which he wrote, "I would call attention to the parallels of fascist Nazi Germany to its war on its 'one percent,' namely its Jews, to the progressive war on the American one percent, namely the 'rich...' This is a very dangerous drift in our American thinking. Kristallnacht was unthinkable in 1930; is its descendant 'progressive' radicalism unthinkable now?"

It's astonishing how ignorant (not to mention crude and cruel) the very rich can be. Surely, one of his well-paid retainers could have reminded Mr. Perkins that Kristallnacht was the opening salvo in Hitler's extermination of the Jews, the "night of broken glass" in 1938 Germany and Austria when nearly a hundred Jews were murdered, 30,000 were sent to concentration camps, and synagogues and Jewish-owned businesses were looted and destroyed, many of them burned to the ground. If Perkins thought his puny point survived the outrageous exaggeration, he was sadly mistaken.

Nonetheless, after a stunned world responded, venture capitalist Perkins went on Bloomberg TV to apologize for using the word “Kristallnacht” but [not for the sentiment of his letter](#). “I don’t regret the message at all,” he said. “Anytime the majority starts to demonize the minority, no matter what it is, it’s wrong and dangerous and no good comes from it.”

Perkins also said that he has family “living in trailer parks,” but bragged like some cackling James Bond villain that he owns “an [airplane that flies underwater](#)” and a wristwatch that “could buy a six-pack of Rolexes.” That watch, on [prominent display during the Bloomberg interview](#), is a Richard Mille, a charming little timepiece that can retail for more than \$300,000. At that price, a watch shouldn’t just tell you the time, it should allow you to travel through it, perhaps back to the [Gilded Age](#) or Versailles in 1789, just as the tumbrils rolled in. Here in the office, our \$85 Timex and Seiko watches have crossed their hands over their faces in shame.

That Richard Mille watch triggered TV producer David Simon’s comment on *Moyers & Company* (full show airing next week) that it should be sold and used to open drug treatment centers in Baltimore, the city where Simon was a crime reporter and which served as the backdrop and central character of his classic HBO series *The Wire*. You can watch the complete excerpt here:

By the way, the [other David Simon](#) to whom ours refers is no longer the highest paid American. The title now goes to CBS Chair and CEO Leslie Moonves, who’s getting a [salary of \\$60 million](#), and will always be remembered by us as the man who said of rampant political spending, “Super PACs may be bad for America, but they’re very good for CBS.”

Pity the rich their gluttony; it has made them blind.

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Wendell Berry on His Hopes for Humanity

Wendell Berry, a quiet and humble man, has become an outspoken advocate for revolution. He urges immediate action as he mourns how America has turned its back on the land and rejected Jeffersonian principles of respect for the environment and sustainable agriculture. Berry warns, "People who own the world outright for profit will have to be stopped; by influence, by power, by us."

In a rare television interview, this visionary, author – and farmer – discusses a sensible, but no-compromise plan to save the Earth.

"It's mighty hard right now to think of anything that's precious that isn't endangered," Berry tells Moyers. "There are no sacred and unsacred places; there are only sacred and desecrated places. My belief is that the world and our life in it are conditional gifts."

"We have the world to live in on the condition that we will take good care of it. And to take good care of it we have to know it. And to know it and to be willing to take care of it, we have to love it."

Wendell Berry: Poet & Prophet is a collaboration between Mannes Productions, Inc. and Schumann Media Center, Inc., headed by Bill Moyers, which supports independent journalism and media programs to advance the understanding of the critical issues of democracy for the benefit of the public.

Previously aired October 4, 2013.

Zombie Politics and Casino Capitalism

This week on Moyers & Company, author of [Zombie Politics and Culture in the Age of Casino Capitalism](#)

and scholar Henry Giroux explains how our political system has turned people into zombies – “people who are basically so caught up with surviving that they become like the walking dead – they lose their sense of agency, they lose their homes, they lose their jobs.”

Also on the broadcast, Bill looks at Birth of the Living Dead, a mesmerizing new documentary that examines the singular time in which the classic 1968 film Night of the Living Dead was shot – when civil unrest and violence gave the nation nightmares and zombies were a metaphor for a troubled and distressed American public.

Bill also reflects on his 2003 interview with Nobel-prize winning novelist Doris Lessing who passed away earlier this week in London at the age of 94.

Learn more about the production team behind Moyers & Company.

The Path of Positive Resistance

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Moyers: How Dollarocracy is Destroying America

The money and power behind this week's election results confirm what everyone knows: democracy is under siege. Corporations buy elections with virtually unlimited cash and big media conglomerates reap billions from political advertising.

This week on Moyers & Company, Bill talks to John Nichols and Robert McChesney about America's transformation into a dollarocracy and what we can do to get our political system back on track. Nichols is the Washington correspondent for The Nation and McChesney is a leading professor and scholar of communications and society at the University of Illinois. Their latest book is [Dollarocracy: How the Money and Media Election Complex is Destroying America](#)

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Also this week, executive director of the National Lawyers Guild Heidi Boghosian joins Bill for a conversation on the illicit surveillance strategies used by the government and corporations to track us all. In her book [Spying on Democracy: Government Surveillance, Corporate Power and Public Resistance \(City Lights Open Media\)](#)

, she has collected stories of how public and private sector

surveillance has turned innocent lives upside down and has been used to suppress journalists, whistleblowers and activists.

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The Top Secret Trade Deal You Need to Know About

A cornerstone of President Obama's plan to create more American jobs is a new agreement called the Trans-Pacific Partnership (TPP), referred to by some as "NAFTA on steroids." While negotiations are being carried out in secret and very little about the terms has been leaked, enough is known to worry about its possible effect on trade unions and our copyright and patent laws, not to mention environmental, health and safety regulations.

This week on *Moyers & Company*, Bill discusses the TPP with two perceptive observers of the global economy. **Yves Smith** is an expert on investment banking who runs the [Naked Capitalism](#) blog, a go-to site for information and insight on the business and ethics of finance. **Dean Baker** is co-director of the progressive [Center for Economic and Policy Research](#) in Washington, DC.

Also on this week's broadcast, a preview of **Robert Greenwald's** new documentary, [Unmanned: America's Drone Wars](#). It's release coincided with a first: victims of deadly drone attacks testified at a special briefing for members of Congress. In this week's show we feature clips from the film, which shares testimony, stories and alarming news on the fatal

impact of our drone strategy.

And a Bill Moyers' essay on Obamacare's rocky rollout.

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Why JP Morgan May Be Getting Off Easy

Financial columnist Gretchen Morgenson, author of [Reckless Endangerment: How Outsized Ambition, Greed, and Corruption Led to Economic Armageddon](#)

, says that if the government were really being tough on Wall Street they would bring criminal charges against individuals at US banks.

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