A Call to Action: The Necessity Defense

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Earth's climate may be spinning out of control due to greenhouse gas emissions, resulting in extinction rates not seen for possibly tens of millions of years. Why? Great numbers of humans have recently become habituated to technological convenience. Despite such an obvious truth, the reality has been successfully packaged and sold as progress for all too many of us, included the "educated."

There is practically no leadership to address the climate crisis to get at root causes. Fortunately, this is being addressed by the Peak Oil movement which recognizes the urgent need to cope with "energy descent." Meanwhile, most unfortunately, the funded environmental movement keeps pushing a half-baked technofix-approach for both global warming and to replace petroleum.

If governments protected our long-term interests, drastic action would be taken immediately. Such as: a plan to counter global warming would include the armies of the world being deployed to plant trees. This would be only marginally successful in many areas because of climate distortion and depleted water supplies due to overpopulation and mismanagement. But it would be worth the effort if all-out reforestation were combined with defending life's diversity.

The bought-and-paid-for federal, state and local governments in the U.S. and elsewhere prevent even the most sensible, easy changes to start moving away from destructive fossil fuel use and deforestation. For example, there could be a quick conversion of two-way streets into one-ways that rely on fewer lanes. This would cut down on driving and pollution for two reasons: (1) space would be freed up for bike lanes or bike paths, sidewalks, buses and light-rail, and (2) whenever a lane for cars is removed, car traffic is reduced on such a road as the lane is given over to other modes of transportation. Additionally, some paved land could be reclaimed for planting fruit trees.

Don't hold your breath for such programs. But it may not take long to see $10-a-gallon gasoline and - far more frightening - sudden and extreme food shortages. These are the main shocks that will change our ways. Planning and implementing wiser land use will be tough in future due to lack of resources, but the longed-for "political will" will finally be there. Soon we will have to cease competing for the best spot at the pig-out trough for dwindling oil.

China is getting increased attention from the oil-jazzed White House. World politics and

additional conflict through heightened, deadly competition are of concern, but is the solution on "the highest levels" being left to fossil fools? - "…[W]e need to expand sources of supply" of oil, according to Robert Zoelick, the State Department's deputy secretary and point man on warning China's leadership. Actually, Mr. Zoelick, we need to cut oil use and energy use generally and see how we may help the rest of the world do the same. Global oil production is peaking, and the climate cannot take any more abuse.

Mainstream coverage of the climate crisis is not yet getting down to brass tacks. Ideas that would make a big difference are suppressed, such as giving up one's car and doing without the extra plastic bags we grab to toxify our environment. Therefore, it comes down to either a grassroots movement to implement such changes for sustainable living, or just waiting for petrocollapse or something equally sweeping.

Let there be a call to action for everyone to consider immediate direct action on behalf of the world's climate. If a small percentage of people actually do it, this would bring the polluting economy to a grinding halt. Due to the nature of our Humpty-Dumpty infrastructure and lack of self-sufficiency, global economic collapse will be permanent. The cheap oil to fuel the scope and levels of today's trade is already mostly gone, and so a new economics and politics will emerge. Granted, a message or goal that would sacrifice industry as we know it - along with the global economy - is an impossible message or goal for the present powers that be. This does not mean the idea is premature, except in terms of widespread acceptance.

To decide if there really is a choice anymore between sitting on our hands, while allowing the techno-dominators to forever adjust the controls of the Titanic, or embrace a cultural revolution to abandon the fossil-fueled road to hell, we must analyze any reforms of the system as to their effectiveness and not just for their politically doable attributes.

This call to action suggests that the special times we live in demand that we address "the impossible": Do we pull the plug on an apparently essential source of survival, the present economy? For some, that dependence does not apply so much. Whose ox would be gored?

Is it possible for a small minority of people to change the course of history? It has happened over the millennia. Yet, the resistance to change and the powerful inertia of the status quo may mean we can only wait for modern society to be hit

hard by petrocollapse or climate change, and then see the economy and social-political system rapidly unravel.

Why is there so much acquiescence to the killing of our biosphere? One explanation is our mental condition as people far from free:
The idea that we are slaves does not quite ring true to those who don't see employers, for example, as slave owners. But when we see society as the slave master, then we are indeed slaves. How we free ourselves of dominant society may seem an insurmountable question, but it is already practiced by some and could be done by millions tomorrow. In so doing, the machinery of climate change would be monkey wrenched: peacefully and in everyone's interest but for the few who cannot see beyond their gold-encrusted noses.

As Culture Change readers know, my prediction is for an "Ecotopian" outcome in many parts of the ravaged industrial world that will feature bioregional economies and political independence.

If it were not for the alarming pace of climate change, one could wait for the terminating of industry's altering of our precious world, through inevitable petrocollapse. But the race between complete climate disaster and petrocollapse seems to be getting closer and closer in favor of the climate's collapse. To at least make the race a tie, there is scientist James Lovelock's warning of permanent devastation through warming aided by the cessation of industrial soot in a cloud that is temporarily keeping some solar heat out (the "global dimming" effect).

There is no doubt that "economic activity" such as fossil-fueled manufacturing is the greenhouse problem, and that a strong enough downturn in business-as-usual gives the Earth's ecosystem a reprieve from the onslaught of climate-changing gases. Industry is to blame, but who is stopping industry? Only a madman would, but madmen would rather babble on the street in rags. (Maybe they know something we don't know.)

The economy is going to collapse anyway, as it depends on infinite growth even in the face of certain and devastating energy shortage in the near future. The trouble is, as mentioned, the Earth's climate is careening out of control and we cannot delay in saving it if we can. There is also the moral imperative, as the polar bears and walruses should not drown and be driven extinct by our trips to Walmart to buy electronic crap shipped around the Earth.

The gravity of climate change is not felt by those who remain ignorant of positive feedback loops for accelerating warming. Just as critical and little-known, unfortunately, is that the 50+ years lag time of greenhouse gases' effect on the global climate means the already strong manifestations of climate distortion -- rapidly intensifying -- are in large part from what industrial society was doing up until World War II and shortly afterwards, because of the role of the oceans.

The ecosystem is no longer simply under attack by civilization, technology and overpopulation. Earth is being killed. As folksinger U. Utah Phillips says, "The Earth is not dying. It is being killed. And those killing the Earth have names and addresses." However, it is you and me doing the killing as well, not just "them." And you and I can set out to stop greenhouse-gas emissions right now.

One attempt to deal with the emergency was offered in 2003: The Global Warming Crisis Council. The role and operation of the Council seemed of interest to a large internet audience, but material support was lacking and all we managed to do is establish the listserve gwcc at riseup.net [send an email to wsb70@comcast.net to join].

Laws such as trespass for tree-sitting (e.g., Julia Butterfly at L.A.'s South Central Community Farm) have started to be broken to defend the climate - not to terrorize, but to nonviolently prevent the terror of climate disaster - in the spirit of having to break some eggs for the sake of an omelet. Is that how far we have sunk to assure a livable future? The very thought of uncivilized behavior that does not wait for the next several elections to give Tweedle Dee a chance to compromise less than Tweedle Dum is enough to give up on the concept of nice society.

There are many activities that should be called eco-terrorism, such as wasting energy (be it legal or not). Some would say a freeway with its pollution is a creation of eco-terror. Small tiny eco-terror crimes (misdemeanors?) might be the neglect we commit when we leave lights on needlessly or buying a new appliance to cheer us up. But just because we think we need light or some appliance, does this hurt the environment any less?

What has been called eco-terrorism has been also described as environmental activism: burning SUVs. It is eco-terrorism, just as many polluting actions (for whatever purpose, can one say?) constitute eco-terrorism. Burning a car for whatever reason can't help Mother Nature. The government happens to be selective on what it calls eco-terrorism (never the legal corporate pollution), but this is all semantics and does not seem to lead people to higher consciousness or helpful action to defend the Earth and its climate. The accusation of eco-terrorism is currently being leveled at several activists in Western states, even though almost everyone involved is apparently nonviolent or simply targeted to perhaps stifle activism in the direct-action environmental movement (e.g., Greenpeace, Earth First! and many smaller groups).

What’s crazy is that some material things are deemed to be "above the Earth" in terms of a right to use them (e.g., engaging in fossil-fueled foolery, while Rome burns).

The Necessity Defense

Acting in self defense by stopping climate destruction is probably going to be affirmed as acceptable to some jury, provided the jury acts as it really can and ignores the judge, as is really legal. Besides juries being misinformed and intimidated, one problem is that judges almost always deny the use of The Necessity Defense, a neglected pillar of the nation's justice since common law. However, The Necessity Defense is used effectively here and there (read on).

Immersed as I was for years in the details of stopping pollution, and later in the details of discovering and promoting sustainable living, I am not alone in wondering today how no one seems to acknowledge the elephant in the room known as climate destruction. The average person everywhere knows by now it is real, and the only difference of opinion is how much help "the scientists" can be. Still, hardly anyone does anything to stop one's own arguably criminal conduct. Anyone using a television or other energy-dependent contraption is not innocent in our collective crime. Is it a whole culture - the dominant one - that is guilty, or is humanity and a plague upon Gaia?

Students in the U.S. today are pathetically apathetic, gutless and weak minded; they basically limit their politics to school-government elections. The young people mainly just want their techno-goodies such as cellular phones and other junk for the landfill. They don't even care much about their health. In the "radical" U.C. Berkeley neighborhood, the closer a restaurant is to campus the less likely it is to serve brown rice, while restaurants in the rest of Berkeley have enough old hippies to justify including it on the menu.

The state of the environmental movement is as disappointing as the nonradical mood of today's students. The funded environmental movement - the groups with staffs and budgets for major advertising and other projects - has not been participating in the Peak Oil awareness movement. Instead, the funded environmental groups' response to oil war and petroleum's toxic, climate-changing role in our imperiled world is a technofix of renewable energy. This is because curtailment of energy use is not a fundable approach, and the funders would object that massively cutting consumption threatens their Wall Street holdings.

The funded environmental movement fails to face the threat of industry seriously when their solution is a slightly cleaner version of business-as-usual. An example of this is the JumpStartFord campaign. Rainforest Action Network, Global Exchange and The Ruckus Society want people to demand that Ford Motor Company clean up its gasoline-guzzling ways by offering consumers "zero emission vehicles" and "petroleum free" engines. However, these attributes are impossible and the campaigners know it. Rather than put energy into fighting road construction and other paving, or creating a campaign for car-free living, these groups pretend that cars of any propulsion mode won't still kill pedestrians, passengers, and animals in the way. (That's almost half a million U.S. citizens per decade and one million animals a day on U.S. roads.) These groups know that: car dependence causes more urban sprawl characterized by asphalt paving; asphalt, tires and plastics in cars are petroleum that so-called zero-emission vehicles need, and most of the air pollution caused by cars is not out of the tailpipe (due to the energy involved for mining the car components and the manufacturing process). The JumpStartFord campaigners have been told these things by Culture Change and Ecocity Builders, but the response has been obfuscation and lip service as the deep issues are not addressed.

So, when the heads of environmental organizations are for cars (as well as bikes and trains, admittedly), and they justify the construction of parking garages as long as they have "green" features, we see a "disconnect from reality" or intellectual dishonesty. A call to action would involve reinventing environmentalism. In truth, it is up to everyone to get active and stop murdering the Earth's biosphere.

Parking garage construction takes place in the most "progressive, green" cities in America's "Ecotopia" region: Berkeley, Eugene and Arcata. On March 13, the Eugene City Council voted to construct another downtown parking garage that nearly one hundred citizens actively opposed in person with comments and pleas. Two council members who voted for it are some of the most knowledgeable people in city government on the topic of Peak Oil. Is there unlimited time to do more education and campaigning to get more reasonable and less "influenced" pro-polluting business council members elected?

When the U.S. Democratic Party tries to gather support by referring to Tom DeLay's "dirty money," this ignores the fact that corporate funding of Democrats means money as dirty as that going to Republicans in greater quantity. We are all complicit in killing the Earth's biosphere, but there are those who refuse to see.

Specifics on The Necessity Defense

The Necessity Defense is oft referred to in the example, "One may go upon the land of another to extinguish a fire and avoid being found guilty of trespass." Four elements that the law would require to allow the use of necessity defense arguments in court are:

1. A defendant was faced with a choice of evils and chose the lesser evil.

2. A defendant reasonably anticipated a cause-and-effect relationship between his conduct and the harm avoided.

3. A defendant acted to prevent imminent harm.

4. There were no legal alternatives to violating the law.

For the climate's physical defense, one could be (1) choosing the evil of stopping a driver from using a vehicle by disabling it, so as to prevent a great evil of climate destruction, (2) knowing that he or she anticipated the certain stoppage of pollution from his or her conduct, (3) acted to stop the harm caused by the vehicle because just talking or writing about it were too slow, and (4) there was nothing else but to violate the law that says a driver's ignition keys cannot be seized and dropped down the nearest storm drain.

This approach could be used in much larger actions involving the citizenry. And, until the Bill of Rights is further eviscerated, there is a non-legalistic but Constitutional approach that could involve many in challenging the global warming machinery of industrial, corporate government:

Challenging government and the global economy

If a grassroots movement swelled to sufficient numbers of protesters, civil disobedience and nonviolence could challenge business-as-usual. Picture the next climate-change caused disaster that alarms and angers a large number of people. Picture them mobilizing in numbers similar to the February 15, 2003 demonstrations against the impending invasion of Iraq. If when arrested for "failing to disperse" (or other unconstitutional order), they engaged in noncooperation and did not sign a ticket or in any other way acknowledge jurisdiction, they could demand under habeas corpus to be taken to a magistrate immediately or to be set free. Although the government does round up people and violate their rights, as happened at the Republican National Convention in New York in 2004, enough people to be dealt with can blossom into greater numbers of participants and supporters than the authorities can handle. In such situations unprecedented social and political change is possible.

Gandhi led people in their own self interest to save their economic viability, whether it was for their obtaining salt or for weaving their own textiles. Nonviolence was coupled with noncooperation in order to defeat the racist empire of exploitation, the British.

Today, people who are engaged in crimes against the climate prefer, in effect, to commit violence and cooperate with the enemy, even when the violence is in effect directed at ourselves and the enemy is the dominant culture of exploiting nature to death. Most likely, a public brainwashed to consume and to believe its nation is the apex of a great thing called civilization will do nothing different until forced by changing circumstances. Hunger in the belly, or the prospect of it from lack of fuel, may always disturb the population more than the repeated instances of coastal cities being flooded. However, people tend to follow compelling leaders or a mass of citizens addressing urgent conditions, as public action can be contagious and exhilarating.

This Call to Action points to the need to act in the face of certain, proven threats to our individual and common survival. The things that one can do individually or in affinity groups or municipalities are unlimited, if climate protection and closer communities become the urgent goals of our time. If getting arrested is not one's cup of tea, there is always the subversion of the global pollution economy through maximizing local self-sufficiency. We are running out of time and it may already be too late for the climate and nature as we have known them. The planet will endure, but biological evolution is being erased as the Earth’s geological evolution is in reverse with today’s quantities of carbon and other greenhouse molecules entering the atmosphere.

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Climate stories' links:

"Extreme global warming likely by end of century"
mongabay.com

news.mongabay.com/

"Meltdown fear as Arctic ice cover falls to record winter low"

www.guardian.co.uk/

Further reading:

James Lovelock's Gaia's Revenge:

www.climateark.org

Ernest Callenbach's Ecotopia:

http://en.wikipedia.org/wiki/Ecotopia

Earth First! Journal:

earthfirstjournal.org

Legal arguments for using The Necessity Defense:

www.trosch.org/

Amy Carter, Abbie Hoffman and other defendants used "the defense of necessity: the necessity of stopping covert actions of terrorism" by U.S. govt. in Nicaragua. See

old.valleyadvocate.com/

The Cuban 5:

www.mtholyoke.edu

The QB6:

www.transalt.org/

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Global Warming Crisis Council listserve can be joined by emailing;

"Raging Grannie (Wanda B)" wsb70@comcast.net