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For the First Time, Supreme Court Is Poised to Retract a Fundamental Right

By Marjorie Cohn

For the first time in U.S. history, the Supreme

Court is poised to take away a fundamental right from more than half of the people in the country. The Court’s December 1 oral arguments in *Dobbs v. Jackson Women’s Health Organization* confirmed what progressives have feared since former President Donald Trump added three radical right-wingers to the court: The six conservatives on the high court are about to gut the fundamental right to abortion. “If this court renounces the liberty interest recognized in *Roe v. Wade*] and reaffirmed in [*Planned Parenthood v.*] *Casey*, it would be an unprecedented contraction of individual rights and a stark departure from principles of stare decisis [duty to follow precedent],” U.S. Solicitor General Elizabeth Prelogar told the Supreme Court. Yet “Justices” Clarence Thomas, Samuel Alito, Brett Kavanaugh, Amy Coney Barrett and Neil Gorsuch appear ready to do just that. And while Chief Justice John Roberts may not be prepared to squarely overturn *Roe* and

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Casey, he signaled his readiness to uphold the Mississippi law that outlaws abortions after 15 weeks of pregnancy, essentially gutting the right of women to choose abortion.

In 1973, *Roe v. Wade* held that abortion was a “fundamental right” for a woman’s “life and future” and states could not ban abortion until the fetus is viable (able to survive outside the womb), which is around 23 weeks of pregnancy. The Supreme Court reaffirmed the “essential holding” of *Roe* in the 1992 case of *Planned Parenthood v. Casey* and said states could only enact restrictions on abortion that do not impose an “undue burden” on the right to a pre-viability abortion.

Although not specifically mentioned in the Constitution, the Supreme Court in *Roe* and *Casey* grounded the right to abortion in the liberty section of the due process clause of the 14th Amendment, which says states shall not “deprive any person of life, liberty, or property, without due process of law.”

Mississippi passed the Gestational Age Act in 2018. It outlaws nearly all abortions after 15 weeks of pregnancy, well before viability. The law contains exceptions for medical emergencies and cases of “severe fetal abnormality,” but makes no exception for

rape or incest. A federal district court and the Fifth Circuit U.S. Court of Appeals blocked Mississippi from enforcing the law because it squarely conflicts with *Roe* and *Casey*. Mississippi petitioned the Supreme Court for review, and it agreed to hear the case.

Right-Wingers Cloak Intent in Neutral-Sounding Language

Mississippi is asking the Court to overturn *Roe* and *Casey* and uphold its ban on abortion after 15 weeks. If the Supreme Court was not inclined to overrule *Casey*, Mississippi’s lawyer Scott Stewart proposed an “undue burden standard, untethered from any bright-line viability rule.”

Solicitor General Prelogar began her argument by saying, “The court has never revoked a right that is so fundamental to so many Americans and so central to their ability to participate fully and equally in society. The court should not overrule this central component of women’s liberty.”

The six conservative members of the Supreme Court cloaked their intentions to curtail the right to abortion in neutral-sounding language.

But their rationalizations for ending or limiting the right of women to control their own bodies were disingenuous.

Kavanaugh said the Court shouldn’t “pick sides” but instead remain “scrupulously neutral on the question of abortion, neither pro-choice nor pro-life.” He asked Prelogar why the Supreme Court shouldn’t leave the decision on whether and when to allow abortion to Congress, the state legislatures and state supreme courts. “Because the court correctly recognized that this is a fundamental right of women, and the nature of fundamental rights is that it’s not left up to state legislatures to decide whether to honor them or not,” she responded.

The “protection of fundamental rights should not be left to legislatures,” wrote Erwin Chemerinsky, dean of the University of California, Berkeley, School of Law, in the *Los Angeles Times*. “For almost a century the Supreme Court has held that personal ‘liberty’ is safeguarded by the Constitution, leading in time to the constitutional right to privacy and reproductive autonomy.”

Julie Rikelman, attorney for Jackson Women’s Health Organization (the only remaining clinic that provides abortions in Mississippi), told the Supreme Court, “Casey and



Roe were correct. For a state to take control of a woman's body and demand that she go through pregnancy and childbirth with all the physical risks and life-altering consequences that brings is a fundamental deprivation of her liberty."

Kavanaugh testified during his confirmation hearing that *Roe* had "been reaffirmed many times over in the past 45 years ... most prominently, most importantly, reaffirmed in *Planned Parenthood v. Casey* in 1992.... That makes *Casey* precedent on precedent."

Yet during the arguments in *Dobbs*, Kavanaugh changed his tune on the importance of "stare decisis." He justified his apparent intent to overrule *Roe* and *Casey* by listing cases in which the Supreme Court had overruled its prior decisions. They involved racial segregation, voting rights, criminal legal rights, the rights of same-sex couples, etc. Most of the cases resulted in the court "recognizing and overturning state control over issues that we said belong to individuals," Sonia Sotomayor retorted.

Barrett callously stated that outlawing abortion wouldn't harm women because they could simply carry a pregnancy to term and then put the baby up for adoption. She cited "safe haven laws"

in which people can anonymously leave their newborn in a safe place. Jackson Women's Health attorney Rikelman replied, "We don't just focus on the burdens of parenting, and neither did *Roe* and *Casey*. Instead, pregnancy itself is unique. It imposes unique physical demands and risks on women and, in fact, has impact on all of their lives, on their ability to care for other children, other family members, on their ability to work." Rikelman also noted that, "It's 75 times more dangerous to give birth in Mississippi than it is to have a pre-viability abortion."

When Gorsuch questioned the workability of the undue burden standard, Rikelman said that "the undue burden test is not at issue in this case. That is the test that applies to regulations, not prohibitions. And the state has conceded that this is a prohibition."

Gorsuch asked about applying the undue burden standard before viability. Rikelman replied that undue burden without viability is tantamount to overturning *Roe* and *Casey* "because the viability line is the central holding of those cases."

Roberts tried to couch his position as pro-choice, saying that women in Mississippi could still choose to have an abortion until the 15th week of pregnancy. "If you think that

the issue is one of choice, that women should have a choice to terminate their pregnancy, that supposes that there is a point at which they've had the fair choice, opportunity to choice, and why would 15 weeks be an inappropriate line?" Roberts asked. "Because viability, it seems to me, doesn't have anything to do with choice. But, if it really is an issue about choice, why is 15 weeks not enough time?"

Plaintiff attorney Rikelman responded, "Without viability, there will be no stopping point." Solicitor General Prelogar warned that "immediately states with six-week bans, eight-week bans, 10-week bans, and so on, would seek to enforce those with no continued guidance of what the scope of the liberty interest is going forward."

Roe and *Casey* are "part of the fabric of women's existence in this country," Elena Kagan declared. Rikelman said that one in four women have had an abortion.

"The right of a woman to choose, the right to control her own body, has been clearly set since *Casey* and never challenged," Sotomayor said. "You want us to reject that line of viability and adopt something different." She noted that 15 justices from differing political backgrounds have affirmed the vi-

ability cutoff since 1992.

Sotomayor nailed it when she asked Mississippi lawyer Stewart, “How is your interest anything but a religious view?”—referring to the debate over when life begins. Alito didn’t pull any punches when he asked Rikelman, “The fetus has an interest in having a life, and that doesn’t change, does it, from the point before viability to the point after viability?” Rikelman said that the viability cutoff “makes sense because it focuses on the fetus’s ability to survive separately, which is an appropriate legal line because it’s objectively verifiable and doesn’t delve into philosophical questions about when life begins.”

Thomas seemed most interested in expanding the criminal liability of women for fetal endangerment to the period before viability.

Looking Ahead

Stephen Breyer quoted from *Casey*: “To overrule under fire in the absence of the most compelling reason to re-examine a watershed decision would subvert the court’s legitimacy beyond any serious question.” Sotomayor concurred, inquiring, “Will this institution survive the stench this creates in the public perception that the

Constitution and its reading are just political acts?.... If people actually believe that it’s all political, how will the court survive?”

On September 1, the right-wingers signaled their intention to gut *Roe* and *Casey* by allowing Texas’s Senate Bill 8 (which outlaws abortion after six weeks of pregnancy) to go into effect with no briefing, argument or consideration by the lower courts. Only Roberts, mindful of the legitimacy of the Roberts court, voted to halt the Texas law at the preliminary stage. SB 8 remains in effect and it has prevented most abortion-seeking people in Texas from securing abortions.

If *Roe* and *Casey* are overturned, abortion would become illegal or severely restricted in about half the states, according to the Guttmacher Institute. Poor people and people of color, who cannot afford to travel to a state where abortion is legal, would be most strongly affected.

“There was a big movement for legalizing abortion before the [Roe] decision. I think people forget that,” Eleanor Smeal, president of the Feminist Majority Foundation, told *The Guardian*. “We talk about back-alley abortion but [women] were dying.” Hospitals closed “septic abortion”

wards, where many poor and working-class people had died from infection and injury after desperate efforts to end pregnancies.

If the Supreme Court retracts the right to abortion, other rights not specifically enumerated in the Constitution are also in jeopardy, including the rights to contraception, homosexual conduct and same-sex marriage.

The Supreme Court will issue its decision by the end of June 2022, a little over four months before the midterm elections. A ruling that guts *Roe* and *Casey* will likely motivate voters, 75 percent of whom told a Washington Post/ABC News poll that abortion decisions should be “left to the woman and her doctor” and not “regulated by law.”

The Publication of Origin for this article is *Truthout*.

Marjorie Cohn is professor emerita at Thomas Jefferson School of Law, former president of the National Lawyers Guild, and a member of the bureau of the International Association of Democratic Lawyers and the advisory board of Veterans for Peace. She served as a rapporteur for the International Commission of Inquiry on Systemic Racist Police Violence Against People of African Descent in the United States.





By Laura Finley

dents have many misconceptions about the scope and nature of the problem. I believe they are not alone, and that these misconceptions that many others may hold work against the development of thoughtful and effective policy. Although whole volumes can and have been written about this, I share here just a few observations.

the U.S. annually. According to the CDC, more than 45,000 people were killed by gun violence in the U.S. in 2020, an increase in recent decades. This is an average of more than 120 gun-related deaths per day. It includes a 30 percent increase in homicides from the previous year. Between 2015 and 2019 there were 2,606 gun deaths by law enforcement alone. These numbers should be shocking, with U.S. gun-related homi-

Second, most are unaware that the biggest percentage of gun-related fatalities come from suicide. Nearly two-thirds of deaths by gun are suicides, an average of approximately 64 per day. Likewise, accidental injuries and deaths are far more frequent in the U.S. than in other wealthy countries. A study by researchers from the University of Pennsylva-

Third, the cost of gun violence is astronomical. The U.S. spends nearly one billion dollars annually on im-

Fourth, while mass shootings typically dominate the conversation about gun control, they represent less than three percent of annual gun-related deaths. Further, the primary reason for mass



shootings in the U.S. is domestic violence. Similarly, much attention has been paid to active shooter situations, with some potentially problematic policy implications, yet these represent just one percent of gun deaths.

Fifth, while many emphasize gun deaths in big cities like Chicago, approximately half of homicides by gun occur in suburban and rural areas. In addition, gun injuries are widespread and not exclusive to big cities. While Black males are disproportionately victims of intentional shootings, White males in rural communities are overrepresented in suicide by gun.

This is not an exhaustive list of misconceptions, nor does it offer solutions. My hope in teaching and writing about this is that, if we all discuss real data, perhaps then we can identify more appropriate policies and practices, which might include gun control, educational programs, mental health assistance and more. **Z**

Laura Finley, Ph.D., syndicated by PeaceVoice, teaches in the Barry University Department of Sociology & Criminology and is the author of several academic texts in her discipline.

vs. COP26: Time for Politicians, Billionaires to Listen

By Ramzy Baroud

Of all the speeches and political grandstanding at the 2021 United Nations Climate Change Conference in Glasgow (COP26), the words of Mexican President, Andres Manuel Lopez Obrador, were the most profound and least hypocritical.

Lopez Obrador raged against the “technocrats and neoliberals”—world leaders who hold the future of humanity in their hands. This was a direct reference to leaders of the powerful countries that “increase their fuel production, at the same time that they hold summits for the protection of the environment,” while arriving in Glasgow on private jets.

Indeed, hypocrisy continues to define what is meant to be a collective global fight against climate change and its ravaging, often deadly consequences.

Over-consumption, inequality and unchecked capitalism were hardly the defining keywords at the COP26.

Such references were largely made by “radical” and “leftist” environmentalists outside the conference halls. Pointing out the obvious has sadly become a radical act.

Inside the posh summit halls, it was politics as usual, though concealed as virtuous concern for the fate of all humankind.

“It’s one minute to midnight on that doomsday clock and we need to act now,” British Prime Minister Boris Johnson said, using a forceful and dramatic tone. He himself had admitted to the futility of past exercises of a similar rhetoric of the past. “I was there in Paris six years ago when we agreed to net zero (emissions) and all those promises will be nothing but blah, blah, blah.”

For his part, French President Emmanuel Macron lashed out at the “big emitters, whose national strategies are not in line with our 1.5°C objectives,” stating that “too many of us make commitments here and then sign trade agreements that do exactly the opposite.”

These leaders were not the exception. But others, the likes of U.S. President Joe Biden, lashed out at specific countries, particularly U.S. global competitors in trade and political influence. His style of speech was distinctly different from Johnson’s and Macron’s. “The fact that

The People

China, trying to assert, understandably, a new role in the world as a world leader, not showing up? Come on,” he said, following that with a jab against “Putin and Russia.” That is, in itself, a sad commentary; Biden had traveled thousands of miles merely to settle some trivial political scores.

Such futile political rhetoric accentuates our current dichotomy as we face the repercussions of our own abuse of the environment. On the one hand, we do need leaders who are capable of appreciating the gravity of the situation while, on the other hand, international politics has often proven to be the cause of problems and rarely the solutions.

So, how do we resolve this riddle?

The manifesto of Climate Action Network (CAN), Europe’s leading NGO coalition fighting dangerous climate change, offers some clues: “A sustainable, just, resilient society over the long term needs a proactive approach that is holistic, value-based and people-centered, addressing existing inequalities and power imbalances.”

That is definitely the starting point of a serious conversation on the environment. The self-serving logic of politicians and billionaires can only make us sink deeper in

the unrelenting quagmire.

Amazon founder, Jeff Bezos who also arrived at the summit on his private jet, pledged to invest \$2 billion for climate change by 2030, after receiving an “epiphany” during his 10-minute space “expedition.” “I was told that seeing the Earth from space changes the lens through which you see the world. But I was not prepared for how much that would be true,” he said in his speech.

Of course, for the likes of Bezos, such generous offers are quite beneficial. It further contributes to their successful business brands, while deflecting criticism that capitalism, limitless consumerism—thus incalculable, often undeserved amassing of wealth—have pushed our environment to the point of desperation.

However, can the people who have originated the problem be the very individuals who fix it, without even acknowledging their role in the crisis in the first place? Never.

“Enough hypocrisy and fad,” Lopez Obrador said, before attending the Glasgow summit. The Mexican leader, often dubbed as “populist” by the likes of the *Economist*, Reuters and others, has pointed precisely to the ailment that resulted in the current environmental impasse. “We

must fight the massive monstrous inequality that exists in the world,” he said.

The truth is this: the answer to the intensifying growing environmental crisis lies in our own hands, not those of politicians. The latter will only act if we raise our collective voice and pressure them to do so.

According to the latest report issued last August by the Intergovernmental Panel on Climate Change (IPCC), “human influence has warmed the climate at a rate that is unprecedented in at least the last 2,000 years.” All the fiery speeches, fancy summits and numerous political pledges have done very little to reverse this dismal and worsening trajectory.

Expecting COP26 to save the world is wishful thinking. Our fate is truly in our own hands. It always has been. It is high time for politicians to stop talking and, for once, truly listen. **Z**

Ramzy Baroud is a journalist and the Editor of *The Palestine Chronicle*. He is the author of five books. His latest is *These Chains Will Be Broken: Palestinian Stories of Struggle and Defiance in Israeli Prisons* (Clarity Press). Dr. Baroud is a Non-resident Senior Research Fellow at the Center for Islam and Global Affairs (CIGA) and also at the Afro-Middle East Center (AMEC). His website is www.ramzybaroud.net.



How the Wealthiest Countries Schemed to Avoid Economic Commitments at COP26

By Sonali Kolhatkar

Heads of state from the world's wealthiest nations gathered for the first time in person since the start of the COVID-19 pandemic at the recent G20 summit meeting in Rome, Italy. The two-day meeting culminated in a grand dinner at the Quirinale Palace, where the evening's menu featured salmon with dill, pumpkin risotto, sea bass fillets, tomato and celeriac puff pastry, and for dessert, a "delicate" steamed mandarin cream. Guests sat around a large formal dining table in a high-ceilinged palatial room with an impressive crystal chandelier and window dressings of tasseled red drapes.

The dinner was the modern-day equivalent of "let them eat cake," the phrase (inaccurately) attributed to the epitome of frivolous lux-

ury by the ruling class (and the last queen of France before the French Revolution), Marie Antoinette. The leaders of the G20 nations, who had gathered under the banner of "People, Planet, Prosperity," appear to have disproportionately focused on the third rung of their agenda and limited its scope to the prosperity of elites like them. On the three critical issues of climate change, global corporate taxation, and COVID-19 vaccines, the world's wealthiest nations looked out for themselves at the expense of the rest of the world.

In contrast to the United Nations General Assembly, which represents all the world's nations, the G20 is a self-selected private club of the top tier of global wealth, only one step below the even-more-exclusive G7 club. Its members are mostly economic powerhouses, with a handful of exceptions of developing nations such as India, China, South Africa, Mexico, and Argentina.

Proudly proclaiming that G20 nations "account for more than 80 percent of world GDP" and "75 percent of global trade," the club sets the rules of global finance. Summit host Mario Draghi, the Italian prime minister, said the 2021 gathering demonstrated that multilateral decision-making is once

more possible, declaring, "We have succeeded, in the sense of keeping our dreams alive," with no mention of how self-serving the exclusive club really is.

Although the 26th meeting of the United Nations Conference of Parties (COP) in Glasgow, Scotland, is currently generating more news headlines than this year's G20 summit, wealthy nations made many of their preliminary decisions on climate change at their club meeting before the global climate gathering. While they came to agreement on a handful of issues, such as cutting off funding to coal plants, and getting to "net-zero" emissions in a few decades, climate advocates slammed the pledges as "the bare minimum." Draghi admitted, "It's easy to suggest difficult things. It's very very difficult to actually execute them."

Eric LeCompte, executive director of Jubilee USA Network, explained to me in an interview that developing countries are suffering from the fact that "their natural resources were taken during the industrialization period that took place in Europe and the United States in the 1800s and the 1900s, fueling the climate crisis."

Most of these same nations were left out of the recent climate discussions by the



G20, as they are too poor to be considered members of the exclusive club. It remains to be seen if these nations will be able to extract greater commitments at the COP26 meeting.

LeCompte reflected, “it seems right now that there is a lot of despair among countries in terms of if it’s going to be possible to fulfill” pledges like a \$100 billion financing pledge to help poorer nations

combat climate change. Indeed, UN Secretary-General António Guterres declared on Twitter as the summit ended, “While I welcome the #G20’s recommitment to global solutions, I leave Rome with my hopes unfulfilled.”

In addition to their shamefully insufficient climate pledges, G20 leaders congratulated themselves on tackling the issue of corporate tax evasion. The grand agree-

ment they came to was a minimum 15 percent tax rate for wealthy companies. Hailed as a historic deal, the goal was to ensure reliable tax revenues from big corporations that chase tax havens offering lucrative terms. U.S. Treasury Secretary Janet Yellen declared that the agreement would “end the damaging race to the bottom on corporate taxation.”

LeCompte commented that

the 15 percent minimum rate was “certainly progress but falls short of the more ambitious calls of the Biden administration earlier on of 27-28 percent.” And, shockingly, it exempts digital technology corporations largely based in the U.S., like Google, Facebook, Amazon, and Apple, from being subject to this bare-bones rate. The U.S. essentially lobbied the G20 on behalf of these major compa-

nies to carve out the loophole. LeCompte explained that “this agreement really only supports and helps the wealthy countries.” While the United States would raise an additional \$60 billion in revenues if the agreement is actually adopted, developing nations would not see much of an increase in revenues and are particularly impacted by the tax exemptions for digital technology companies. Even

the *Wall Street Journal* admitted that the G20 tax deal “makes rich countries big winners.”

The G20 nations are also disproportionate beneficiaries of COVID-19 vaccine technology. Draghi opened the summit’s proceedings by acknowledging that the world’s wealthiest nations have vaccination rates of about 70 percent while only 3 percent of residents in poor nations have

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been vaccinated. He called such a gap, “morally unacceptable.”

Indeed, LeCompte shared that “the crisis in many developing countries is really horrific,” and that “most countries are experiencing economic loss because of not having access to vaccines.” Ahead of the summit, he expected the G20 to offer a concrete plan for financing and distributing vaccines to the world’s poorest nations. And yet, at the summit, “they didn’t do that,” said LeCompte. Instead, he said that “they put forward a process in order to do it.”

That process was essentially to create a task force, which, according to a statement signed by G20 leaders, is “aimed at enhancing dialogue and global cooperation on issues relating to pandemic prevention, preparedness and response.” One advocacy group, Global Citizen, dismissed such demonstrations of lip service, saying, “It’s no longer the time for statements of intentions. Now is the time for our leaders to act.”

Among the only pandemic-related achievements at the G20 was a deal that the U.S. arranged for the African Union to buy 33 million doses of the Moderna vaccine originally intended for sale to the U.S.—an embarrassingly low bar for success on vac-

cine equity.

While the G20 leaders and their spouses enjoyed their fine dining experience at the culmination of their two-day meeting, it became clear that the summit was little more than an exercise in grand pontifications of multilateralism. Like the erstwhile top echelons of pre-revolutionary French society, the world’s wealthy nations remain out of touch with reality. **Z**

This article was produced by Economy for All, a project of the Independent Media Institute.

Sonali Kolhatkar is the founder, host and executive producer of “Rising Up With Sonali,” a television and radio show that airs on Free Speech TV and Pacifica stations. She is a writing fellow for the Economy for All project at the Independent Media Institute.

Glasgow’s “Conference of the Polluters” again confirms that global arson needs local fire extinguishers

By Desmond D’Sa and Patrick Bond

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The United Nations COP26 Glasgow Climate Pact signed on November 14 is another confirmation of what we learned in Durban in 2011, at the 17th UN climate summit. As expressed by Indigenous activist Ta’Kaiya Blaney (from the Tla A’min Nation in western Canada): “COP26 is a performance. It is an illusion constructed to save the capitalist economy rooted in resource extraction and colonialism.”

Swedish youth leader Greta Thunberg was also clear: “The COP26 is over. Here’s a brief summary: Blah, Blah, Blah. But the real work continues outside these halls. And we will never give up, ever.”

The climate activists are not being critical just for the sake of it. These half-dozen concrete demands were what we believe the Glasgow COP26 could have delivered—but didn’t:

- Cut greenhouse gases: adopt sufficiently ambitious and binding global greenhouse gas emissions reduction requirements so as to keep temperatures below 1.5C, ensure the cuts are fairly distributed, impose accountability mechanisms including substantial penalties, and incorporate military,



maritime and air-transport sectoral emissions;

- Transition gracefully: ensure job-rich “Just Transitions” from carbon-addicted economies for all affected workers and communities in what, during decarbonization, become radically transformed—and increasingly localised, public- and worker-controlled systems for energy, transport, tourism, agriculture, urbanization, production, consumption and disposal;
- Redress social injustices: empower oppressed constituencies in racial-justice, Indigenous, Global South, feminist, LGBTQI and especially youth communities, and provide formal rights for nature, for climate migrants and refugees, and for future generations;
- Manage green technology as a global public good: allow dissemination of climate-friendly technology and localized production techniques without Intellectual Property restrictions, commit to universal clean-energy and public transit access, adopt far-reaching agricultural and

food-sovereignty reforms, avoid tech-fix “False Solutions” based on geoengineering fantasies, timber-plantation sequestration, dangerous genetic modification or nuclear energy, and prevent damaging “extractivist” supplies of Green Economy mineral inputs that wreck local ecosystems;

- Leave fossil fuels underground: compel owners or managers of oil, gas and coal reserves to cease new exploration (and most current extraction), simultaneously revalue their “unburnable carbon” accordingly—to be accounted as “stranded assets”—and end trillions of dollars worth of annual government fossil fuel subsidies;
- Finance planetary and social survival: apply carbon taxation and pricing judiciously (not with regressive results, such as the taxes revolted against by working-class French and Ecuadoreans in 2018-19), dispense with failed emissions trading and offset gimmickry, replace debt-based finance with grants, and honor historical respon-

sibilities for the “climate debt” that large emitters owe so as to fully cover “loss and damage” reparations, costs of climate-proofing adaptation and resilience, and compensation for the low-emissions countries’ use of carbon space now precluded from being utilised, thanks to high-emitter overuse.

This year, unlike others, the Glasgow summit did give some lip service to a few of these. But they were tokenistic mentions, without substance. Most such demands are considered outside the realm of reasonable discourse in the hallowed halls of the Conference of Polluters.

So it was typical, at the last moment, that an unholy alliance of the U.S., China and India pushed for “phase down”—not “phase out”—language on coal, a stance supported by South Africa’s delegates. The imperial-subimperial alliance in these UN Conferences of Polluters is the most debilitating combination of state powers in world history.

Another example is the much-celebrated finance deal that South Africa’s power utility Eskom arranged with the U.S., UK, Germany and France: \$8.5 billion in additional debt that its chief exec-





utive, Andre de Ruyter, wants to impose on future generations. The money will go, in part, to convert some power plants from coal-to-renewable energy, but also coal-to-methane, increasing our reliance upon imports from the war-riddled Mozambique gas fields.

What the imperial powers making these new “concessional” (slightly lower-interest) loans—yet inappropriately in hard currency, hence more expensive as our Rand declines—want most is repayment of Eskom’s \$25 billion in “Odious Debt”: the 2010s loans for coal-fired power plants Medupi and Kusile even though boiler-maker Hitachi’s blatant corruption of the African National Congress was well known to lenders like the World Bank, BRICS New Development Bank and the West’s export-credit agencies.

The Climate Justice Tradition

The global climate justice movement dates to the early 1990s when activists fighting environmental racism and contesting inherited foreign debt teamed up in sites like North Carolina and Quito, Ecuador. At the 2002 Johannesburg World Summit on Sustainable Development

protests, and again in 2004 at the Durban Group for Climate Justice conference, South Africans have been intimately involved in movement building.

We were initially prodded into climate consciousness by the great poet and Durban resident Dennis Brutus (1924-2009), by Sajida Khan (1958-2007) who died fighting a “Clean Development Mechanism” fund at Durban’s Bisasar Road Landfill, and by Durban-born international leader Kumi Naidoo, who headed Greenpeace International.

We have learned more about the combination of villain and victim status in KwaZulu-Natal province:

- Among our country’s worst emissions are the local poisons and greenhouse gases emanating from Africa’s largest petroleum-refinery and petro-chemical complex, where starting in 1995, the South Durban Community Environmental Alliance has battled onshore pollution, offshore oil and gas drilling (most recently by irresponsible multinational corporates Total, Shell and Sasol) and ever-leaking petrol pipelines.
- In October 2020, in the village Somkhele—

close to the iMfolozi wilderness area at Africa’s oldest nature reserve, where white rhinos were saved extinction—the heroic role of Fikile Ntshangase fighting coal mining expansion led to her assassination, as the mining house Tendele Coal continues damaging both the global climate and local ecology and society there.

- In Durban North’s Cornubia suburb, in July 2021, the dangers of carbon-intensive fertilizer dependency by agricultural corporations was unveiled when arson, national government’s “fast-track” foreign direct investment attraction gimmickry (for the Mumbai-based firm UPL), and non-existent provincial and municipal environmental regulation together caused catastrophic chemical reactions.

South Africa’s oil, gas, petrochemicals, fertilizers, coal and many other extractive-industry “Minerals-Energy Complex” activities must be rethought—and in the process, a genuine Just Transition for workers is essential. One reason is that any full-cost accounting would render these investments as un-



Photo by Koca Vehbi/Shutterstock

economic, because there are enormous levels of harmful hidden subsidies.

The International Monetary Fund (IMF) issued a report on such subsidies in September. Although the institution is notoriously unreliable (with a Managing Director who was recently found guilty in an internal World Bank investigation of manipulating data on behalf of China), it conservatively estimates that \$50.6 billion of annual fossil fuel subsidies are provided by South Africa. This occurs in part through allowing local pollution to kill thousands, and in part because the cost of greenhouse gas emissions is \$60 per ton, the IMF reckons.

Yet this is a vast underestimate, because recent peer-reviewed research on the Social Cost of Carbon suggests a much higher amount of damage, given climate-destructive feedback loops not previously factored in. As University College London’s research office summarized, “when taking more robust climate science and updated models into account, this new study suggests that the economic damage could in fact be over \$3,000 (R56 000) per tonne of CO2.”

Defaulting on Climate Debt

Because the South African economy emits more than 500 million tons annually, the full cost of local capitalism is actually more than three times the Gross Domestic Product, using this new measure. Our elites are racking up a massive climate debt to future generations, to the African continent where we have massively overpolluted, and to poor people in places like South Durban who have been climate-catastrophe victims.

For example, between the two cyclones that devastated Mozambique in 2019—Idai and Kenneth—South Durban witnessed a “rain bomb” on April 23. The storm dumped 160 mm in 24 hours, more than 50% more than the prior record of 107 mm in October 2017.

Given minimalist climate “adaptation” policies in Durban and down the South Coast—such as rudimentary stormwater drainage and flood protection—at least 71 people died in that storm. The dead were mainly women and children, including many trying to shelter within poorly-built municipal-planned houses that collapsed or shacks that fell into swollen rivers.

The Durban municipality’s accounting of the physical losses to housing alone—not mentioning the priceless lives

lost—was \$43 million, but only \$6 million was delivered to victims (not including the city’s notorious corruption). Thousands hit hard by the rain bomb were never compensated, even though the Global North (including within South Africa) did the damage.

The ability of capitalism to sneak out of what should be “climate reparations”—i.e., restitution mandated by so-called “polluters pay” principles—was again on display in Glasgow. To be sure, there was slightly better Glasgow Climate Pact language this year on “Loss and Damage,” and rhetorical acknowledgment of rich-country failure to compensate poor countries (even the inadequate \$100 billion annual payment promised in 2009).

But the major financing problem remains the climate-debt default stance of the United States and European Union. As Biden Administration climate negotiator John Kerry put it as Glasgow got underway, “Obviously, the United States remains concerned about not opening up some legal track with respect to liability, and we don’t intend to do that.”

In that case, like Blaney and so many others, we don’t intend to offer any legitimacy to the Conference of Polluters. And we know, as Thunberg

argues, we must redouble our efforts to do real work: halt the polluters as we see them at the coalfaces here in South Africa, and start Just Transition planning and so many other climate-emergency re-

sponses, from the grassroots, powered by the values of justice.

Desmond D’Sa coordinates the South Durban Community Environmental Alliance.

Patrick Bond is professor of sociology at the University of Johannesburg.



Photo by Bruno Mameli/Shutterstock



Protests Outside of COP26 Offered More Hope Than the Summit

Noam Chomsky & Robert Pollin interviewed by C.J. Polychroniou

C.J. Polychroniou: COP26, touted as our “last best hope” to avert a climatic catastrophe, has produced an outcome that was a “compromise,” according to United Nations Secretary General António Guterres, while activists conducted a funeral ceremony at the Glasgow Necropolis to symbolize the failure of the summit. Noam, can you give us your analysis of the COP26 climate agreement?

Noam Chomsky: There were two events at Glasgow: within the stately halls, and in the streets. They may have not been quite at war, but the conflict was sharp. Within, the dominant voice mostly echoed the concerns of the largest contingent, corporate lobbyists; rather like the U.S. Congress, where the impact of lobbyists, always significant, has exploded since the 1970s as the corporate-run neoliberal assault against the general population gained force. The voice within had some nice words but little substance. In the streets, tens of thousands of protesters, mostly young, were desperately calling for real steps to save the world from looming catastrophe.

The outcome of this conflict will determine the course of history—or more precisely, will determine whether future human history will be “nasty, brutish and short” (to lift philosopher Thomas Hobbes’s words) or full of promise and opportunity.

The conflict is nicely encapsulated in a report of Brazil’s National Institute of Space Research. It is dated October 27, just a few days before COP26 opened, offering space for fine words and eloquent promises about saving the Amazon forests, a precious resource for Brazil’s future, and the world’s.

The Institute reported that “the area defor-

ested in Brazil’s Amazon reached a 15-year high after a 22% jump from the prior year, [an outcome that] flies in the face of [the Jair] Bolsonaro government’s recent attempts to shore up its environmental credibility,” to put it politely.

It was put less politely by spokespersons for Brazilian and international environmental organizations. One said, “We are seeing the Amazon rainforest being destroyed by a government which made environmental destruction its public policy.” Another said: “This is the real Brazil that the Bolsonaro government tries to hide with fantastical speeches and actions of greenwashing abroad. The reality shows that the Bolsonaro government accelerated the path of Amazon destruction.”

Within the halls there were many “fantastical speeches,” while the outside world revealed much that “flies in their face.” Within, there was great enthusiasm about the \$130 trillion that will be provided by financial institutions to rescue us. U.S. chief negotiator John Kerry was exultant that the market is now on our side.

He might be right, if we understand the phrase “the market” to refer not to the “fantastical” concept that is conjured up in public discourse but to the real world market: What Robert Pollin and Gerald Epstein call the neoliberal “bailout economy.”

How the holy market works in this case is outlined by political economist Adam Tooze. Lending by the holders of the rescue package of \$130 trillion “will not be concessional,” he writes.

“The trillions, Kerry insisted to his Glasgow audience, will earn a proper rate of return. But how then will they flow to low-income countries? After all, if there was a decent chance of making profit by wiring west Africa for solar power, the trillions would already be at work. For that, Larry Fink of BlackRock, the world’s largest fund manager, has a ready answer. He



can direct trillions towards the energy transition in low-income countries, if the International Monetary Fund and the World Bank are there to ‘derisk’ the lending, by absorbing the first loss on projects in Africa, Latin America and Asia. Even more money will flow if there is a carbon price that gives clean energy a competitive advantage.”

“It is a neat solution,” Tooze adds: “The same neat neoliberal solution that has been proffered repeatedly since the 1990s. The same solution that has not been delivered.” And won’t be delivered unless the friendly taxpayers (excluding the rich, who are granted ways to exempt themselves) perform their neoliberal duty in the “bailout economy.”

Others added their own interpretation of the lofty rhetoric within the halls. Not least Washington. “We must seize this moment,” President Joe Biden declared in Glasgow. On returning home, he “opened the largest oil and gas lease sale in U.S. history,” carrying out a program set in motion by former President Donald Trump.

In defense, the administration held that it was obligated to proceed because of “a preliminary injunction issued by a federal judge in June, saying that its proposed pause on new leases would be illegal.” Environmental groups point out a variety of options, but the main conclusions stare us in the face: The reigning institutions, whether federal or judicial, are unwilling to take the steps needed to save us from catastrophe.

Threats will mount when, as seems likely, the denialist party storms back into power, having successfully blocked government programs that would help the population but bolster their political opposition, along with a flood of lies about saving innocent little children from the “critical race theory” villains who are teaching them that they are by nature brutal oppressors, and whatever other hysteria they can whip up.

As Trump took over sole possession of the Republican Party, the percentage of Republicans who regarded global warming as a “serious problem” declined from 49 percent to 39 percent while, “The proportion of Democrats who see climate change as an existential threat rose by 11 points to 95 percent over seven years.” It’s not hard to imagine how the wrecker and his minions will gleefully exploit the renewed opportunity to race as quickly as possible toward irreversible tipping points, while enriching their corporate masters.

The “last, best hope” in Glasgow was not the conference of 120 world leaders, but the competing event that was taking place in the streets outside. They are the ones who can compel the powerful in government and corporate headquarters to act expeditiously to use the options available to avert the race to destruction and to create a better world.

Can we draw hope from the promise made by the countries meeting in Glasgow to “revisit and strengthen” new plans by the end of 2022, or should we interpret this pledge as another way on the part of world leaders to just keep kicking the can down the road?

Chomsky: There were a few positive developments within the halls in Glasgow, though far short of what is urgently needed. The question of how to interpret the pledge brings to mind Karl Marx’s 11th thesis on Ludwig Feuerbach: The task of those committed to decent survival is not to interpret the pledge but to act to ensure that it is more than pious verbiage.

Bob, first what’s your own assessment of the key outcomes from COP26, and what do you make of the position of those countries which were fiercely opposed to calls for the inclusion of fossil fuels in any final agreement and phasing out coal and fossil fuel subsidies?

Robert Pollin: The first thing to say about the COP26 conference is that it demonstrated, yet again, the breathtaking capacity of high-level diplomats to discuss issues of human survival almost entirely disconnected from reality. For example, it was considered an achievement of the conference that, for the first time, the burning of fossil fuels to produce energy was officially recognized as a cause of climate change. The only way that we can consider this progress is in relationship to the flat-out absurdity that the previous 25 COP agreements had all failed to acknowledge the long-established reality that burning fossil fuels is responsible for producing about 75-80 percent of the greenhouse gases causing climate change.

Beyond this measure of “progress,” the COP26 diplomats still wrangled over whether they objected, full stop, to governments providing fossil fuel subsidies or rather, whether they objected only to fossil fuel subsidies that are “inefficient,” whatever that means. Not surprisingly, the final document ended up only opposing “inefficient” subsidies. Similarly, at the very end of the meetings, China and India managed to substitute a reference to “phasing down” coal rather than the original text that referred to “phasing out” coal.

Amid such word-parsing exercises, the underlying reality is that, even with all the pledges made at the last major COP conference, COP21 in Paris in 2015, almost nothing has been accomplished in terms of reducing CO2 emissions. Thus, in its 2021 “World Energy Outlook,” the International Energy Agency (IEA) projects that, according to its “stated policies” scenario—i.e. a scenario that takes account of all government pledges made at Paris along with what they have actually accomplished relative to these pledges—global CO2 emissions will not fall at all as of 2030 and will fall by less than 6 percent as of 2050, from 36 billion tons of emissions today

to 33.9 billion tons as of 2050. This, again, is within the context of the Paris agreements, in which all 196 countries committed to stabilizing the global average temperature at 1.5 degrees Celsius (1.5°C) above pre-industrial levels. To succeed in stabilizing the global average temperature at 1.5°C above pre-industrial levels, the Intergovernmental Panel on Climate Change has established that global CO2 emissions must fall by 45 percent by 2030 and reach zero emissions by 2050.

All of this tells us that we will never move on to a viable climate stabilization by relying on the words or pledges agreed to in any such diplomatic documents. The only way to move seriously onto a viable climate stabilization path is through grassroots political organizing that forces governments to take actions that they will otherwise never take. If there was any good news out of COP26, it is that political organizers were in the streets in Glasgow in full force and could not be ignored.

Their presence did force some concessions into the final document: About half of the nearly 200 country delegations agreed to cut methane emissions by 30 percent as of 2030. The full body pledged to end deforestation by 2030. The full body also acknowledged “with deep regret” that the rich countries that are responsible for the climate crisis have not fulfilled their financial pledges to support green transition programs in low-income countries. It remains an open question as to whether this “deep regret” will lead to serious financing commitments that will actually be met.

Why is the transition to clean energy so slow? Is it a question of lack of investments and technological know-how, or something else?

Pollin: By some metrics, the transition to clean energy is proceeding fairly quickly. For example, as of 1985, solar energy provided less than 0.01 percent of the world’s electric-





Photo by Christina Richards/Shutterstock

ity supply. By 2020, that figure is up to 3.3 percent. This is an increase of nearly 3,000 percent in 35 years. Of course, we are starting in 1985 with a miniscule base of solar production. More importantly, the level of solar supply can't remain stuck in the range of 3 percent of electricity in order to meet the climate goals. It rather needs to be in the range of 60-70 percent as of 2050.

A major factor that had prevented the expansion of clean renewable energy from expanding more rapidly had been cost. As recently as 2010, the average cost globally of producing a kilowatt of electricity through solar energy was 38 cents. As of 2020, the average cost had fallen to less than 7 cents. Meanwhile, the comparative average cost for fossil-fuel-generated electricity has remained stable over this decade at between 5-15 cents per kilowatt hour. In other words, solar is now fully cost-competitive with fossil fuels, which had not been true previously. Both onshore and offshore wind are also now fully cost-competitive with fossil fuels. As such, when we include energy efficiency investments along with those for renewable energy, the overall result is that this clean energy infrastructure can deliver both a zero emissions economy and lower energy costs.

Even with renewable energy costs dropping sharply, several critical issues still remain outstanding. One is the intermittency of solar and wind power supply—that is, the sun doesn't shine at night and wind doesn't blow all day everywhere. So transmission and storage questions do need to be addressed—for example, how to deliver wind-powered electricity reliably and at low cost from a farm in Western Pennsylvania to the center of Philadelphia? A lot of progress is being made toward resolving these issues. But also keep in mind that we don't need to solve them completely right now, before we can proceed with the clean energy transition. We aren't going to

eliminate the use of fossil fuels next week, no matter what. We have roughly two decades to develop the transmission and storage technologies that we will need to operate the global economy on 100 percent renewable energy supply.

Another challenge with building the renewable energy infrastructure is land use. This is a serious question that has emerged in many places. Where do we site the wind turbines and arrays of solar panels without wrecking neighborhoods or natural environments? Part of the solution is to make as much use as possible of artificial surfaces—such as putting solar panels on rooftops or building solar canopies in parking lots. Such measures are becoming increasingly viable, with the costs of even residential solar installations now also reaching cost parity with both fossil fuels as well as utility-scale solar farms. A similar pattern is also occurring with offshore wind platforms.

Broadly speaking then, the technology, intermittency and land use issues are being addressed effectively despite inadequate levels of government support. Still, we need to find the funds to build this global clean energy infrastructure. That is going to require something like 2.5-3 percent of global GDP per year, i.e., about \$2.5 trillion next year, then averaging about \$4.5 trillion per year between now and 2050, according to figures in our book, *Climate Crisis and the Global Green New Deal*.

What was clear from COP26 is that government funding at sufficient levels will never be forthcoming without political struggles. This is despite the fact that the 2.5 percent of GDP that is required can be provided readily through some financing combinations that we have discussed previously. For example, converting all existing fossil fuel subsidies into clean energy subsidies, transferring only 5-10 percent of military spending into clean

energy investments, or having the major central banks purchasing global green investment bonds. Such bond purchases could be in the range of 2 percent of the bailout injections that the Federal Reserve injected into Wall Street to prevent a financial collapse brought on by the COVID recession.

Democratic Rep. Alexandria Ocasio-Cortez said that people shouldn't expect international climate summits like COP26 or governments to solve the climate crisis, but at the same time defended the Green New Deal plan. How do we realize the goals of the Green New Deal from below? This is a question addressed to both of you.

Chomsky: How was the New Deal realized, or any other step forward in human history? Virtually without exception by dedicated persistent activism. This time will not be different.

Elements are there. Thanks in no small part to Bob Pollin's active engagement, backed by sound analytic work, unions are taking up the cause. That includes the United Mine Workers, proceeding well ahead of coal baron Sen. Joe Manchin, a congressional champion-in-receiving-funding-from-fossil-fuel-industries who is cooperating with rock-solid Republican opposition to steps to reverse the race to destruction.

There's ample precedent for organized labor taking the lead, as it did in bringing the New Deal to fruition. One of the earliest environmental activists was Tony Mazzocchi of the Chemical and Atomic Workers International Union, workers who are the most immediate victims of poisoning the atmosphere. His efforts to form a Labor Party failed, and it's not easy in the rigidly monopolized U.S. political system, but there are ways to progress even in this domain. There are encouraging signs that labor is reviving from the bitter 40-year



Photo by Holli/Shutterstock

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ful platform for committed and effective organizing. The diplomats that argued last week over what may constitute “inefficient” fossil fuel subsidies will then be forced into finally seeing the reality before their eyes. **Z**

Note: This transcript has been lightly edited.

The Publication of Origin for this article is Truthout.

C.J. Polychroniou is a political scientist/political economist, author, and journalist who has taught and worked in numerous universities and research centers in Europe and the United States. Currently, his main research interests are in U.S. politics and the political economy of the United States, European economic integration, globalization, climate change and environmental economics, and the deconstruction of neoliberalism’s politico-economic project. He is a regular contributor to Truthout as well as a member of Truthout’s Public Intellectual Project. His latest books are *Optimism Over Despair: Noam Chomsky On Capitalism, Empire, and Social Change* (2017); *Climate Crisis and the Global Green New Deal: The Political Economy of Saving the Planet* (with Noam Chomsky and Robert Pollin as primary authors, 2020); *The Precipice: Neoliberalism, the Pandemic, and the Urgent Need for Radical Change* (an anthology of interviews with Noam Chomsky, 2021); and *Economics and the Left: Interviews with Progressive Economists* (2021).





The Redwood Coast: Dispatches from a Forest in Distress

By Cal Winslow

“These great teeming ecosystems—these cathedrals of nature—are the lungs of our planet,” said Prime Minister Boris Johnson of Britain in describing the pact at COP26. “Blah, Blah, Blah, Blah,” said Greta Thunberg in a retort that could not have been truer.

Nevertheless, it has hardly ever been so important as now to get forests, deforestation, restoration onto our climate change agenda. And it’s good news that President Biden’s infrastructure bill includes millions for trees—for “tree equity.” In the House “Social Safety Net and Climate” bill just passed, \$26 billion is earmarked for forest restoration.

The simple point here is that trees are good for the environment. Trees store carbon. Here’s John Reid and Thomas Lovejoy in a *New York Times* op-ed: “It’s a matter of simple biology. Through photosynthesis, trees and plants absorb carbon dioxide from the atmosphere, and the carbon becomes part of the plants and soil. Large forests tend to be ecologically healthy, and this healthy biology results in carbon storage on a gargantuan scale. Intact forests around the world absorbed around 28 percent of all carbon dioxide emissions from 2007 to 2016, a huge reduction in the accumulation of the planet-warming gas in the atmosphere.”

The focus on forests until now, however, has been on the tropical forests of the south; and while this is entirely justified, it overlooks the great northern boreal forests, in this case for us it means the massive Pacific coastal temperate rain forest that stretches from northern California to the Alaskan Panhandle.

These forests retain the capacity to store vast amounts of carbon, despite having been savagely logged repeatedly for 150 years;

western Washington and Oregon today are essentially tree farms on 30-year rotations. British Columbia, with its massive reserves is following suit. In Alaska, the 16 million acre Tongass National Forest is contested terrain—its fate dependent upon which party is in power in Washington, DC.

So we are losing the battle to save the forests; still, the war might yet be won. The old growth might be mostly gone, but much second growth is intact. Moreover, these forests, left alone, will recover. Crucially, Professor William Russell from San Jose State University, a scientist who has devoted his career to studying redwood restoration, tells us: “Coast redwood forests are extraordinarily resilient, and can recover from nearly any disturbance as long as natural successional processes are given an opportunity to develop.” So the fight continues on many fronts, as it must.

In California, CAL FIRE (the state’s Department of Forestry and Fire Protection, the fire department of the California Natural Resources Agency responsible for fire protection in various areas under state responsibility totaling 31 million acres, as well as the administration of the state’s private and public forests) resists these findings, usually with the claim that logging big trees makes room for many small trees and that this is better for carbon sequestration. CAL FIRE foresters and the loggers they hire often sound like climate change skeptics, if not deniers. But the results of an important new study, published by Humboldt State University (HSU) and the Save the Redwoods League, should put an end to this. Seeking to understand how redwoods respond to rising temperatures, hotter droughts, and other factors associated with climate change, Save the Redwoods League launched a research partnership with Humboldt State University in 2009. Their most recent findings are published in the latest edition of *Forest Ecology and Management*.

According to Steve Sillett, the HSU Professor and lead author of the new study: "... the recent results improve our understanding of the carbon storage capacity of the state's treasured old-growth forests, they also reveal that individual redwood trees can maintain high rates of productivity for well over 1,000 years. Just as exciting is the fact that younger redwood forests can accumulate biomass at rates even faster than old-growth stands—with trees surpassing 200 feet tall in less than a century. Our research shows that investing in redwoods' restoration—in particular helping to set second-growth forests on the trajectory to old-growth characteristics—would have tangible carbon benefits."

I'm writing from the "Redwood Coast" at the southern tip of this great forest, a place where coastal redwoods predominate. The redwood is of course iconic, its great height, its ability to resist fire, its longevity—old growth redwood live 2,000 years and longer, and sequester more carbon than any other tree on earth—by far (except perhaps its close cousin, the Sequoia). Thriving on cool, foggy summers in what has been fire country, and stretching in a narrow band from Santa Cruz to the Oregon border, the ancient forest was one of the wonders of the natural world. Alas, this forest too fell victim to the axe, the saw and the chainsaw. Three, perhaps four percent of old growth has survived. Nevertheless, in these forests there remain places of beauty, awe inspiring groves of second growth, places with near full canopy, sheltering garden like meadows below—needles, trillium, rhododendron, actual "cathedrals of nature."

Here along the Mendocino Coast the groves are mostly second growth. Still they are cherished by those who know them, above all the original inhabitants, the Pomo people who consider them sacred, the habitat of their ancestors. But also by coastal residents, who hike in them, walk their dogs in them, ride

their bikes in them, find mushrooms and inspiration and solace in them. Regardless, the loggers and the corporations that hire them are not satisfied and we find ourselves in a battle to save these remnants.

Our grievances may seem trifling to some—certainly, the corporations both private and public make them out to be just that. Yet, in microcosm, they reflect the existential crisis our earth confronts. And, alas, it seems to make no difference that we are in California, the deepest of blue states, where politicians from the governor straight down to local councilors, democrats almost all, preach lofty goals, conservation, 30X30, while promising change and extolling the public to do our share. Confronted with real choices, however, they fall silent, unwilling to defy an industry that has long dominated our forestlands and so logging continues, at great profit.

"Enchanted Meadows" is a small place several miles up the Albion River from the Mendocino Coast—accessible by canoe or a long hike in. It is a place of rare beauty where the earth flattens out in a tidal flood plain and the river is quiet and grass and reeds and cat tails flourish as do some big trees—as well as all manner of flowers, also birds, salmon, red legged frogs, blue heron and the occasional black bear. It exists today as the result of a protracted battle in the 1990s between the Louisiana Pacific Corporation and local residents and their supporters, a "community uprising." The defenders won and have had control of the meadows—a "sanctuary" to this day. (We need to remember the victories.)

Now there are new owners, the Mendocino Redwood Company (MRC), the largest of Mendocino timber companies with 228,000 acres of redwood forestland (440,000 more in Humboldt County). MRC is owned by the Fisher family of San Francisco, owners of the GAP, people with deep pockets, and powerful players in San Francisco politics. Today,



they're logging in the Albion River watershed again, seeking out the big trees, and cutting right up to the edges of the Meadows, never mind the negative impact of this on the delicate ecology of a unique meadowland. The money, of course, is in the big trees (as is the carbon), and there's lots of money to be made in timber today. The defenders of the meadows have taken MRC to court; the outcome is not yet clear.

Faulkner Park is 40 acres of redwood forest land just off California Route 128, 20 miles from the coast near Boonville in the Anderson Valley. It was given to Mendocino County in the 1930s. In a region often overwhelmed with tourists, the park, according to Janet Boonyagarn, is a locals' park; generations have gone there for picnics, to walk the dog, just to hang out or cool off on a hot summer day. It includes a scattering of old growth redwoods, as well as other big trees. A county road runs through the park as do Pacific Gas and Electric (PG&E) transmission lines. These lines follow the county road. After years of little or no PG&E activity, residents were shocked this past summer to find men in the park marking trees—including 50 or 60 of the biggest trees. The marked trees are to be cut as part of PG&E's "enhanced vegetation management" program. Residents have organized a coalition to save the trees. They have asked for the lines to be undergrounded (the best way to stop starting fires). This, however, is another David and Goliath undertaking; thus far, the outcome remains unclear. PG&E is the giant utility in northern California, providing gas and electricity to some 5.2 million households. It is an investor-owned utility with publicly traded stock based in San Francisco. In 2019 its market capitalization was \$3.242 billion. It is perhaps best known, and hated, for having started several of the massive fires of the last three years, including the fire that destroyed the town of Paradise, killing 85

people. Its antiquated transmission lines were also responsible for the largest fire ever in our county, the Mendocino Complex fire of 2018 which burned nearly 500,000 acres. Bay Area residents will remember PG&E's gas explosion in 2010 that killed eight people in San Bruno, just south of San Francisco.

In response to an angry public, PG&E has promised reform, though thus far this has meant not replacing the existing lines with safer ones, let alone undergrounding them; instead it pursues its enhanced vegetation management program. And the state has given the corporation a green light to do just about anything in the name of reducing fire risks. PG&E is exempt from CEQA (the California Environmental Quality Act), public comment requirements and other procedural regulations, for what they're worth. So it too is cutting trees. The logging itself is outsourced, locals typically are awakened to hear the sound of chainsaws in their backyards—then confronted by a crew of youngsters, rarely local. More likely these men work for a "tree service," increasingly outfits from Texas or Tennessee, young men who in the words of Harry Vaughn, a Humboldt land owner, "can't tell the difference between a redwood and a tanoak." More, important, PG&E has been given a pass to clearcut its way along wherever its lines go. This includes what is now a clearcut pathway right across the 48,000 acre Jackson State Demonstration Forest, a state-owned forest that lies just west of coast, adjacent to Fort Bragg and the hamlets of Caspar, Mendocino and Little River. Of interest, by law PG&E can pass maintenance expenses on to the rate payers; capitalization (adding new lines, etc.) cannot.

Jackson Demonstration State Forest is by far the largest of California's state forests. It stretches across the coastal mountains between Fort Bragg on the Coast and the inland town of Willits. This was once the heart of the



redwood forest, though grand firs, hemlock, madrone, and oak woodlands have flourished as well. The first logging began here in 1862. Today, this forestland, public land, is not so different from that of the commercial lands that surround it. It is a patchwork of young, severely disturbed forest land, criss-crossed by logging roads and the remnants of a variety of clear cuts—plus groves of 100-year-old redwoods, majestic, inspiring in their own way. The original idea had been to undertake “scientific,” sustainable forestry, but has yet to be effectuated. Instead, the California Department of Forestry and Fire Protection (now CAL FIRE) has come to do little more than manage logging, relying on Jackson State as a reliable money-maker; it outsources to local, entirely conventional logging outfits, receiving in turn a steady income stream. All this of course is fiercely contested by CAL FIRE. Locals invite skeptics to come take a walk in these woods and see for themselves (short of that, the website of the Mendocino Trail Stewards—<https://www.mendocinotrailstewards.org>—is well worth a visit).

Mendocino environmentalists have challenged CAL FIRE’s management practices since the 1990s. Vince Taylor’s lawsuits 20 years ago effectively stopped logging for nearly a decade, and things had been mostly quiet since then, as CAL FIRE revised its management plans. It was a shock, then, when coastal residents learned this past spring that the “Caspar 500,” a timber harvest plan (THP) on the far western slopes of the forest, had been approved and other THPs were coming on board. Trees were marked and cutting was set to start.

The response has been dramatic, certainly considering the size of the coastal population (Westport to Elk)—perhaps 15,000. The opposition to the plan is widespread and also diverse—ranging from bands of Pomo Indians to school kids from the village of Mendocino.

In May, two tree sitters set up shop in a grove of giant trees, one in the “Mama Tree.” Since then, there have been blockades, invasions of sites to be logged, as well as appeals to local, county and state representatives. More than 50 northern California university environmentalists and forest scientists petitioned Governor Newsom to “stop the logging.” Taken all together, this seems to have been successful in forcing Anderson Logging, a local outfit, to cease cutting and move to a somewhat more remote edge of the forest. But there, too, this was obstructed by protesters, on foot and on bikes, as well as by random holiday hikers who wandered unknowingly into “closed” areas. The activists used whistles to let the workers know that they were there, well knowing the danger this implied for all. So, on Monday, June 21, facing increasing pressure, CAL FIRE announced a “pause” in logging the “Caspar 500” section of the forest, its intention being to “further engage with our local community.” This was a victory.

This movement has been empowered by two important breakthroughs. First, the tribal leaders of the Coyote Band of Pomo have organized a coalition of the separate bands of Pomo to oppose the renewed logging in the forest, based on their rights as legal governmental entities. The forest to them is a sacred place, as it has been for thousands of years, a place still home to ancient relics and practices. On September 23, Wade Crowfoot, state Secretary of Resources, attended a California Tribal Chairpersons meeting where Michael Hunter, Tribal Chair of the Coyote Band of Pomo, challenged Crowfoot on CAL FIRE management practices. He called on Crowfoot and the Governor to intervene and stop the logging in Jackson. Hunter’s message was, “Jackson State was where our people lived until they were pushed out of the redwoods... we have many archeological sites there that are supposed to be protected. But CAL FIRE



doesn't protect them." Hunter called for a moratorium on logging and the transfer of management of the forest to State Parks and the tribes. Crowfoot was non-committal.

Second, for the first time, the county's Board of Supervisors has stepped in. At its November meeting, on a motion introduced by Supervisors Dan Djerde and Ted Williams, the Board voted unanimously to urge "Governor Newsom and the State's Natural Resources Agency to include any climate impacts of commercial logging on State lands in drawing up the plan to protect 30% of California's land use and coastal waters by 2030, and to publish a science-based report that evaluates carbon sequestration capacity and wildfire resiliency of current management practices, as well as alternate management scenarios, of Jackson Demonstration State Forest."

These are signs of hope.

More, we're not alone. Powerful lessons continue to come from the streets of Glasgow. So the struggle continues.

Still we need all the support we can get. **Z**

Messages of support can be sent to: info@mendocinoinstitute.org

Cal Winslow's latest book is *Radical Seattle, The General Strike of 1919*. He is Director of the Mendocino Institute. He lives with his family near Caspar on the Mendocino Coast.