

## Obstruction of Justice

“You’re Hannah, right?” Hannah Morgan, a 20-year old from Appalachia, Virginia, was one of 11 protesters in handcuffs early Monday morning September 15 at the construction site for a coal-fired power plant being built in Wise County Virginia by Dominion Power. The handcuffs were applied by the police, but the questioner, it turns out, was from Dominion Power.

“Mumble, mumble, mumble”, the discussion between police and the Dominion man were too far away to be heard by the young people. But it almost seemed that the police were working for Dominion. Maybe that’s the way it works in a company town. Or should we say company state? Virginia has got one of the most green-washed coal-blackened governors in the nation ([http://www.columbia.edu/~jeh1/mailings/20080529\\_DearGovernorGreenwash.pdf](http://www.columbia.edu/~jeh1/mailings/20080529_DearGovernorGreenwash.pdf)).

It seems Hannah had been pegged by Dominion as a “ringleader”. She had participated for two years in public meetings and demonstrations against the plan for mountaintop removal, strip mining and coal burning, and she had rejected their attempts to either intimidate or bargain.

“Bargain?” What bargain is possible when Dominion is guaranteed 14% return on their costs, whether the coal plant’s power is needed or not. Utility customers have to cough this up, and they aren’t given any choice. The meetings and demonstrations were peaceful. Forty-five thousand signatures against the plant were collected. But money seems to talk louder.

Dominion’s “mumble, mumble” must have been convincing. Hannah and Kate Rooth were charged with 10 more crimes than the other 10 defendants. Their charges included “encouraging or soliciting” others to participate in the action and were topped by “obstruction of justice”. Penalty if convicted: up to 14 years in prison. [Why does this remind me of Tom Joad in “Grapes of Wrath”?]

“Obstruction of justice??” My first thought was that this case might help draw attention to the inter-generational injustice and inequity of continued building of coal-fired power plants. Is the Orwellian double-speak in the charge of “obstruction of justice” not apparent?

Executives in the coal and other fossil fuel industries are now aware of the damage that continued coal emissions causes for present and future life on the planet. Yet their response is to promote continued use of coal, and in some cases even encourage contrarians to muddy the issue in the public’s mind. Their actions raise issues of ethical responsibility to the young and the unborn, and a question of legal liability, it seems to me.

Mountaintop removal is not the only potential source of energy. The governor of neighboring West Virginia asserted that if there were an alternative energy source, they would not need to continue strip mining. A case has since been made that over time wind power on the mountaintops could provide more power than coal (<http://www.coalriverwind.org/>), but if the mountaintops are removed for coal mining, the wind quality becomes less useful for power generation. The governor has not taken up the suggestion of wind instead of coal.

In Wise County the defense case is even stronger than at Kingsnorth in the United Kingdom ([http://www.columbia.edu/~jeh1/mailings/20080910\\_Kingsnorth.pdf](http://www.columbia.edu/~jeh1/mailings/20080910_Kingsnorth.pdf)), because of demonstrable local effects of strip-mining. Twenty-five percent of Wise County is already devastated by mountaintop removal. Health problems of local residents associated with coal dust have been well documented (<http://www.uvawise.edu/gmec/AnnualReport2007/annualreport2007.pdf>). Given all this, the peaceful protest of the demonstrators is commendable. They are just asking business to invest in Appalachia, not destroy it (<http://understory.ran.org/2008/09/16/wise-up-dominion/>).

However, let me correct an error in a recent article by Andy Revkin in the New York Times. I have argued that it is time to “draw a line in the sand” and demand “no new coal plants”, but I have not advocated unlawful protest. My recommendation, as you can see in my presentation at Virginia Tech last week ([http://www.columbia.edu/~jeh1/2008/VirginiaTech\\_20081011.pdf](http://www.columbia.edu/~jeh1/2008/VirginiaTech_20081011.pdf)) (also pdf -> ppt) is that this is the time to exert maximum effort to use the democratic process.

I participated in a press conference of PowerVote, and the above talk was in cooperation with Virginia Powershift 2008. The upcoming election potentially could be a tipping point, but it requires a lot of changes. Young people are doing a great job of informing people and getting out the vote. The organizations do not generally endorse specific candidates, but I have a very astute young friend who identified the most important races, where the outcome could affect actions on the climate matter.

That friend's opinions (recommendations of the League of Conservation Voters) are below. They include Democrats and Republicans. (BTW, I am an Independent, and I believe that the United States needs a third party, but that will be the subject of a different e-mail.)

Don't expect the election to solve the climate problem. There are differences between Presidential candidates, but neither appears to "get it". They both seem to think that "clean coal" exists. They both (and special interests) are likely to favor the hidden tax and market distortions of the inefficient "carbon cap and trade" game. For politicians and CEOs the shenanigan potential of "carbon cap and trade" is irresistible – it beats the pants off a simple, honest, effective "carbon tax and 100% dividend" that would put money in the hands of consumers and drive innovations and energy/carbon efficiency in the most economically effective way.

Back to Hannah Morgan et al. and the proposed coal plant. No happy ending here, at least not yet. The defense lawyer realized that a trial would be dangerous. An "unfavorable jury pool" made the possibility of prison time real. With 14 charges against Hannah and Kate, it was unlikely that a jury would find them innocent of all charges. Result: a "B-minus" plea bargain.

This, it seems to me, is the reality of the present situation in the United States. The fossil fuel industry has enormous power, with big influence on the public, as well as on politicians. Although practical steps to stabilize climate, with other benefits, can be defined, it will be difficult to overcome fossil fuel special interests, and we are running out of time. That is my rationale for interjecting comments/recommendations about the upcoming election into this note.

Don't expect the young people to give up. But they shouldn't be standing alone. They didn't even create the mess. They are just inheriting it.

To top it off, because I was on travel, I couldn't make it to the court proceedings. They had decided to accept the plea bargain, but asked me to write a statement on their behalf (which follows), but when I sent an e-mail in the wee hours that morning I failed to attach the attachment! It figures – they are pretty much on their own anyhow.

#### Statement of James E. Hansen\*

If this case had gone to trial I would have requested permission to testify on behalf of these young people, who, for the sake of nature and humanity, had the courage to stand up against powerful "authority". In fact, these young people speak with greater authority and understanding of the consequences of continued coal mining, not only for the local environment, but for the well-being of nature itself, of creation, of the planet inherited from prior generations.

The science of climate change has become clear in recent years: if coal emissions to the atmosphere are not halted, we will drive to extinction a large fraction of the species on the planet. Already almost half of summer sea ice in the Arctic has been lost, coral reefs are under great stress, mountain glaciers are melting world-wide with consequences for fresh water supplies of hundreds of millions of people within the next several decades, and climate extremes including greater floods, more intense heat waves and forest fires, and stronger storms have all been documented.

Our parents did not realize the long-term effects of fossil fuel use. We no longer have that excuse. Let us hope that the courage of these young people will help spark public education about the climate and environmental issues, and help us preserve nature for the sake of our children and grandchildren.

\*For the sake of identification, I am director of the NASA Goddard Institute for Space Studies and Adjunct Professor at the Columbia University Earth Institute, but these are my personal opinions and do not represent any organization.

2008 LCV's endorsements. Click any name below highlighted in blue to read more about that candidate.

## **President**

[Barack Obama](#) (D)

## **Senate**

Mark Udall (D) CO

[Susan Collins](#) (R) ME

[Al Franken](#) (D) MN

[Kay Hagan](#) (D) NC

Jeanne Shaheen (D) NH

[Frank Lautenberg](#) (D) NJ

[Tom Udall](#) (D) NM

[Andrew Rice](#) (D) OK

[Jeff Merkley](#) (D) OR

## **House**

[Ann Kirkpatrick](#) (D) AZ-01

[Gabrielle Giffords](#) (D) AZ-08

Jerry McNerney (D) CA-11

[Joe Courtney](#) (D) CT-02

[Chris Shays](#) (R) CT-04

[Betsy Markey](#) (D) CO-04

Mike Castle (R) DE-AL

[Walt Minnick](#) (D) ID-01

[Debbie Halvorson](#) (D) III-11

[Bill Foster](#) (D) IL-14

[Mark Kirk](#) (R) IL-10

Tim Johnson (R) IL-15

[John Yarmuth](#) (D) KY-03

[Chellie Pingree](#) (D)\*\* ME-01

[Frank Kratovil](#) (D) MD-01

[Wayne Gilchrest](#)\*\* (R) MD-01

[Donna Edwards](#)\*\* (D) MD-04

[Vern Ehlers](#) (R) MI-03

[Mark Schauer](#) (D) MI-07

[Gary Peters](#) (D) MI-09

[Tim Walz](#) (D) MN-01

[Ashwin Madia](#) (D) MN-03

[Kay Barnes](#) (D) MO-06

[Larry Kissell](#) (D) NC-08

[Carol Shea-Porter](#) (D) NH-01

[Frank Lobiondo](#) (R) NJ-02

[Chris Smith](#) (R) NJ-04

Leonard Lance\*\* (R) NJ-07

Linda Stender\*\* (D) NJ-07

[Martin Heinrich](#) (D) NM-01

[Ben Ray Lujan](#) \*\* (D) NM-03

[Dina Titus](#) (D) NV-03

[Kirsten Gillibrand](#) (D) NY-20

Eric Massa (D) NY-29

[Steve Driehaus](#) (D) OH-01

[Victoria Wulsin](#)\*\* (D) OH-02

[Tom Brinkman](#)\*\* (R) OH-02

[Mary Jo Kilroy](#) (D) OH-15

[Kurt Schrader](#) (D) OR-05

[Sam Bennett](#) (D) PA-15

Todd Platts (R) PA-19  
Michael Skelly (D) TX-07  
[Gerry Connolly](#) (D) VA-11  
[Steve Kagen](#) (D) WI-08  
[Mark Gordon](#) (R)\*\* WY-AL  
[Gary Trauner](#) (D)\*\* WY-AL

KEY:

\*\* = Primary Endorsement

*Italics* = Special Election Endorsement

### LCV's Recommendations

#### [Congressman Tim Walberg Named Last Member of the 2008 Dirty Dozen](#)

**WASHINGTON D.C.; October 14, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today announced that U.S. Rep. Tim Walberg of Michigan's 7th District has been named to its 2008 "Dirty Dozen" list.

LCV's trademark Dirty Dozen program targets candidates for Congress — regardless of party affiliation — who consistently vote against clean energy and conservation and are running in races in which LCV has a serious chance to affect the outcome. Since the Dirty Dozen was launched in 1996, LCV has defeated more than half of the candidates named to the list. In 2006 alone, LCV ousted several supposedly "undefeatable" incumbents such as former House Resources Chairman Richard Pombo and former Senator Conrad Burns....[more](#)

#### [Anne Northup Named to 2008 Dirty Dozen](#)

**WASHINGTON D.C.; October 14, 2008** - The League of Conservation Voters, which works to turn environmental issues into national priorities, today added Anne Northup to its 2008 Dirty Dozen list.\* Northup has a lifetime score of only 7% on LCV's National Environmental Scorecard and voted against every major piece of environmental legislation in the 109th Congress.

"With energy at the heart of the 2008 election, it is critical that we elect Representatives who will steer us away from Big Oil and toward a clean, renewable energy policy," said LCV Deputy Legislative Director Tim Greeff. "Anne Northup has a deplorable environmental record and promises to continue our reliance on oil and minimize investment in alternative energy sources." [...more](#)

#### [Don Young Joins the 2008 Dirty Dozen](#)

**WASHINGTON D.C.; October 2, 2008** - WASHINGTON, DC –The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today added Alaska Congressman Don Young to its 2008 "Dirty Dozen" list.\* Young's abysmal record on energy issues makes him one of this year's worst candidates for re-election to the US House of Representatives.

"Alaska is the frontline of global warming. As their homes and businesses slide into the sea, the people of Alaska deserve a Representative who will fight for real solutions, not oil company profits," said LCV President Gene Karpinski. "Don Young has repeatedly blocked legislation that would raise fuel efficiency in our cars; repeal subsidies for oil conglomerates, and invest in clean renewable energy, working instead to pad the pockets of Big Oil interests at home and in Washington." [...more](#)

#### [LCV Urges Voters to Turn Out the Lights on Senator Dole](#)

**WASHINGTON D.C.; September 15, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today announced that Senator Elizabeth Dole (R-NC) has been named to its 2008 "Dirty Dozen" list. Dole has a lifetime score of only 4% on LCV's National Environmental Scorecard.\*

"Senator Dole's record proves that she's working in the best interests of Exxon/Mobil, not the people of Raleigh/Durham. For Chevron, not the people of Charlotte. For the lobbyists of big oil, not the people of small town North Carolina," LCV Senior Vice President Tony Massaro said. "Instead of protecting clean

water and clean air for our health or developing clean energy for our children, she votes in favor of oil company profits every time." [...more](#)

#### [Dean Andal Takes Pombo's Place in the 2008 Dirty Dozen](#)

**WASHINGTON D.C.; August 14, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today added Dean Andal to its 2008 "Dirty Dozen" list.\* Andal's abysmal record on energy and environmental issues make him one of the worst candidates for federal office in the nation. "Californians are paying over \$4.50 per gallon for gasoline, and deserve a representative who will work to end our nation's dependence on oil, and fight for alternative energy sources," LCV Senior Vice President Tony Massaro said.

"Andal has consistently voted against fuel efficiency programs and measures to slow global warming. His current proposals echo the failed policies of the Bush Administration that created the situation we're in now. If elected, Andal will help the oil industry dismantle the laws that protect California's coastline from oil spills from tankers and offshore drilling while doing nothing to reduce the price of gasoline." [...more](#)

#### [Congressman Sam Graves Earns Dubious Distinction as Member of 2008 Dirty Dozen](#)

**WASHINGTON D.C.; August 12, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today added Congressman Sam Graves (MO-6) to its 2008 "Dirty Dozen" list.\* Graves has earned an abysmal lifetime LCV score of only 4% on energy and environmental issues. He has accepted \$63,983 from the oil & gas industry.

"While the people of Missouri are paying record prices at the pump, the oil companies are handing that money right back to Sam Graves," LCV Senior Vice President Tony Massaro said. "Is it any wonder that he keeps voting to give those same oil companies billions of our tax dollars? Thanks to Sam Graves, we're paying Exxon twice for the same gas – once at the pump and again with the tax dollars that could be going to schools, to veterans, or to developing new sources of energy that would create thousands of jobs in Missouri." [...more](#)

#### [LCV Adds Senator Ted Stevens \(R-AK\) to 2008 "Dirty Dozen"](#)

**WASHINGTON D.C.; July 1, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today announced that Senator Ted Stevens (R-AK) has been named to its 2008 "Dirty Dozen" list. Stevens holds a lifetime score of only 14% on the LCV environmental scorecard.

"For forty years in the Senate, Ted Stevens has stood in the way of progress. Today, he literally lives in the house that oil built," LCV President Gene Karpinski said. "With his scandalous ties to the oil industry finally exposed, Alaska has the chance to let Mr. Stevens retire to that nice house."

Stevens has consistently voted for billions of dollars in tax breaks for oil companies since 1977. Oil and gas interests have given more than \$460,000 in campaign contributions to Stevens's campaigns. Last July, the FBI raided Stevens's home in search of records documenting his connection to Bill Allen, an executive of the Veco oil services company, which reaped millions in federal contracts and who was convicted of bribery. Allen's contracting business doubled the size of Stevens's home. Stevens is under federal investigation. [...more](#)

#### [LCV Adds Senator Mary Landrieu to 2008 "Dirty Dozen"](#)

**WASHINGTON D.C.; July 1, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today added Senator Mary Landrieu (D-LA) to its 2008 "Dirty Dozen" list.\* Her lifetime LCV Score of 43% ranks her the worst Democrat in the Senate on environmental issues currently running for reelection. \*\*

Last week, Dr. Thomas Fingar, the Chairman of the National Intelligence Council testified that global warming poses a significant risk to America's national security, and that "some parts of the United States—particularly built-up coastal areas—will be at greater risk of extreme weather events." In the wake of Hurricane Katrina, Louisiana's representatives should be leading the charge in the fight against global warming.

"For a Senator from Louisiana, which faces severe consequences from global warming, to fail to protect Louisiana is disappointing," LCV Senior Vice President for Political Affairs and Public Education Tony Massaro said. "Senator Landrieu joins the DD because she acts more to protect Big Oil than the future for the people of Louisiana." [..more](#)

#### [LCV Adds Congressman Steve Pearce to 2008 "Dirty Dozen"](#)

**WASHINGTON D.C.; July 1, 2008** - The League of Conservation Voters (LCV), which works to turn environmental values into national priorities, today added Congressman Stevan Pearce (R-NM) to its 2008 "Dirty Dozen" list.\* Pearce's record of extremism marks him as one of the twelve worst members of Congress currently up for election.

"During his five years in Congress, Steve Pearce has voted consistently against the environment," LCV Senior Vice-President for Political Affairs and Public Education Tony Massaro said. "Of the 80 conservation key votes since he has been elected, Pearce has voted against clean air, clean energy, protecting the nation's wildlife, and preserving our natural heritage in all but one vote."

Pearce's lifetime LCV score is an embarrassing 1%. He has earned three 0% scores in his tenure and his highest annual score was 5% in his first year.\*\* His opponent, Tom Udall, has earned a 96% lifetime LCV score.

In addition to owning millions of dollars of stock in Key Energy, a Texas-based oil services company, Steve Pearce has accepted more from the oil and gas industry, \$556,649, than from any other economic sector. He has voted to give more than \$14 billion in tax breaks to the oil industry, opposed renewable electricity, and fought against fuel efficient cars that would save New Mexico families hundreds of dollars at the pump...[more](#)

#### [LCV Adds Senate Minority Leader Mitch McConnell to 2008 "Dirty Dozen"](#)

**WASHINGTON D.C.; April 10, 2008** - The members of the League of Conservation Voters (LCV), the independent political voice for the environment, today voted Senate Minority Leader Mitch McConnell (R-KY) to the 2008 "Dirty Dozen" list.

LCV members voted online to decide which 2008 candidate had committed the most egregious offenses against the environment. 25,000 concerned citizens voted for the next member of the "Dirty Dozen," and chose Sen. McConnell by an overwhelming margin.

"Our members know that Mitch McConnell has voted against our health and safety since he came to Washington. They know that he stands as an impassable roadblock in the way of a clean energy future for this country," said LCV President Gene Karpinski. "They know that it is time to tear down this roadblock. That's why McConnell, this 'Godfather of Green,' is the new 'Don' of the Dirty Dozen." [..more](#)

#### [LCV Adds Former U.S. Rep. Bob Schaffer to 2008 "Dirty Dozen"](#)

**WASHINGTON D.C.; Jan. 24, 2008** - The League of Conservation Voters (LCV), the independent political voice for the environment, today announced that former U.S. Rep. Bob Schaffer (R-CO) has been named to its 2008 "Dirty Dozen" list.

During his tenure in Congress, Bob Schaffer worked to get Big Oil \$33 billion in tax breaks by supporting an energy bill written by Dick Cheney and the oil industry. After leaving the House, he went to work for Big Oil. Now he wants to return to Washington to work for them in the Senate," said LCV Senior Vice President and Colorado native Tony Massaro. "Coloradans deserve a senator who works for them, not Big Oil." [..more](#)

**MOST IMPORTANT SENATE RACES:**

**COLORADO US SENATE:** Mark Udall has been a leader on renewable energy since his time in the Colorado State House, and as Co-Chair of the House Renewable Energy and Energy Efficiency Caucus, he fights to expand America's commitment to renewable energy every day. His lifetime LCV score is 99%. RUNNING AGAINST REPUBLICAN STEVE PEARCE

**NEW MEXICO US SENATE:** Tom Udall has fought to defend America's wild spaces and led the first successful effort to pass meaningful renewable electricity standards in the House in 2007. His lifetime LCV score is 96%. RUNNING AGAINST SCHAEFFER

**NEW HAMPSHIRE US SENATE:** Former Governor Jeanne Shaheen of New Hampshire worked with members of both parties to reduce greenhouse gas emissions and other pollutants and has pledged to fight for clean energy as a US Senator. RUNNING AGAINST INCUMBENT JOHN E. SUNUNU