



No Time for Despair

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We have no time for despair. Nor is there good reason to despair. Yes, as I noted recently the [Wheels of Justice](#) turn slowly. But they can be turned, and we will achieve justice soonest if we are smart and have a realistic view of the world.

“Shell’s Crude Awakening” in the 27 January issue of Time provides reasons for optimism, as well as need for continued resolve and hard work. Shell is beginning to bend under the pressure of the Dutch public, but additional pressure is needed before it will be transformed into an energy company that will be part of the solution, rather than part of the problem.

As Dan Galpern, my legal adviser, and I [argued at the recent COP25 meeting in Madrid](#), it is important to use lawsuits to ratchet up the pressure on the fossil fuel industry.

Roger Cox, pictured on the right above, deserves accolades for his success in the Urgenda (Urgent Agenda) case in the Netherlands and continued pressure on Shell. Upon returning from a trip to the Netherlands in 2012 to help launch that case, I was irritated ([Galileo and the Fireflies](#)) by Roger’s decision to base Urgenda’s challenge to federal policy on the 2°C IPCC ‘guardrail’ target for limiting global warming. It turns out he was right: the international target assured that even conservative Dutch scientists supported him. Seven years later, Urgenda won their historic case, requiring the Dutch government to phase down emissions faster. As wheels of justice go, that was pretty fast.

The other historic case, by Our Children’s Trust against the U.S. federal government, suffered a setback last week when a federal appeals court voted 2-1 to dismiss the case. That is not the end of the story, though. As [Joe Robertson points out](#), the opinion of the two majority judges is logically incoherent: the Court exists to redress grievances protected by the Constitution, yet they conclude they are not empowered to do so. The more reasoned opinion of dissenting Judge Staton includes “...plaintiffs’ claims adhere to a judicially administrable standard. And considering plaintiffs seek no less than to forestall the Nation’s demise, even a partial and temporary reprieve would constitute meaningful redress.”

Our requested redress no doubt flummoxed the majority judges. However, as both a Plaintiff and Expert Witness in the case, I note that our “ask” is based on science that the Defendants will not be able to refute: a plan is needed to reduce atmospheric CO₂ to some value south of 350 ppm, if we are to avoid unacceptable consequences such as eventual loss of coastal cities.

Thanks to the slow pace of the wheels of justice, we can no longer achieve that CO₂ target in an acceptable period solely by reducing the rate of fossil fuel emissions. But that is no reason to despair. And we should not be frightening vulnerable young people with gloom and doom pronouncements. The problem can still be solved. Our planet has a bright future.

The ridiculous climate statement – even from politicians – goes something like: “we have 10 years, 7 months, x days until the carbon budget is used up and we are doomed!” IPCC should be censured for initiating that nonsense, and wrongly frightening young people. We are already in carbon overshoot, but that does not mean that the problem is unsolvable.

Instead of despair, we should celebrate how far we have come.

I was stunned to hear U.S. Presidential candidate Pete Buttigieg precisely describe Carbon Fee & Dividend as the central pillar of his plan to address climate change. Underlying economic forces unleashed by a rising carbon fee will do more to move us to a clean energy future than all the laws and regulations that can be imagined. The public would accept a rising carbon fee/tax, if and only if 100% of the money is distributed to the public so as also to address wealth disparity.

That is not enough, however. The fossil fuel industry, if we allow them to get away with it, will build an infrastructure that locks young people into a future of gas + renewables – and increasing climate change. The fossil fuel industry is spending large amounts of money campaigning against nuclear power, for the purpose of locking in gas + renewables.

Massive amounts of power will be needed for drawing down atmospheric CO₂, for producing liquid fuels, and for desalinization, as well as for an electricity-dominant energy system. Young people will get fracked and gassed, if there is no viable alternative for baseload electric power.

Andrew Yang is the one candidate in Iowa who seems to have the most complete understanding of the energy and climate story. Yang, of all the candidates, gave the shortest, best answer to the Des Moines Register question about their climate policy: Carbon Fee & Dividend.

In addition, with Cory Booker’s withdrawal, Yang is the one remaining candidate with an understanding of the crucial role of United States leadership in nuclear technology. That technologic leadership, and our young people’s future, depend upon investment and support from the government comparable to the support that brought down the cost of solar energy.

Yang’s party, unfortunately, has a history of hostility toward nuclear power, our largest source of carbon-free energy, with smallest environmental footprint, as discussed in [Fire on Planet Earth](#). Some candidates espouse a ‘Green New Deal,’ characterized by limited understanding of the energy/climate problem, but by an \$XX trillion price tag. One thing is assured: if they get the nomination, they will lose the election.

Yes, I know, young people are afraid of hurting their Boomer hippie grandparents’ feelings. Of course, they meant well when they paraded against nuclear power. It was identified as the next villain, after the Viet Nam war ended. But what is more important: their feelings or your future?

As with Obama, it is said that Yang has no chance. But a message can be sent to the other 49 states: we all had best take a closer look at this guy, for the sake of the future of young people.