

Sifting & Winnowing

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400,000 demand climate action at NYC People's March

At the Sept. 21 People's Climate March, NYU Professor Christian Parenti noted that the Pentagon correctly recognizes that climate change has led to violence in the Global South (which includes most nations of Africa, Central and Latin America, and most of Asia, including the Middle East). But during the Cold War, it was Colonialism that led to massive instability in the Global South, where neoliberal economic policies such as restructuring and austerity were superimposed by IMF and World Bank. Countries opting for progressive solutions such as regulation and socialism have faced military intervention by the US and Europe. The arming of rebels with cheap weapons left over from imperialist wars also fomented the violence.

Climate change often looks more like civil war or banditry than bad weather in these countries because their populations are already vulnerable to the extreme effects of climate change. UN estimates that 150 armed conflicts that killed 20 million people, displaced 15 million, and wounded 60 million from 1945-1990. Today, alternating drought and flooding take a huge toll. Although the Pentagon recognizes the part climate change plays, its counterinsurgency policies have not and are not working. The War on Terror makes societies less and less able to deal with problems caused by extreme weather.

In spite of events like Katrina and Sandy here at home, US and other Global North governments don't want to acknowledge that the critical climate crises in the Global South were mostly caused by economic policies we imposed on them, which explains why we have sabotaged every climate conference. Climate justice requires that we take responsibility.

The scientific community has known about the climate crisis since the 1980s. In her new book *Climate Changes Everything*, Naomi Klein says, "We're using more gas and oil than ever, so we're going backwards. The good news is that many of the things we need to change are broken anyway, such as the public sphere, which would create millions of good jobs. We need

to invest in healthcare, education, and the sciences in order to tackle one of the most intractable problems we face, gross wealth inequality. We can't fight climate change with inequality in our countries and between our countries. If we respond in line with science, we have a chance to remake the global economy. The change will not come from above but demanded by mass movements from below. We've not done the things necessary to lower emissions because those things fundamentally conflict with deregulated capitalism, the reigning ideology for the entire period we've been struggling to find a way out of this crisis. Governments began negotiating emission reduction in 1990. Since then, emissions have gone up 61% globally. Alarming scientific reports appear with increasing frequency, while political leaders double down on the dirtiest and highest-risk fossil fuels. We're tearing up this continent to get shale gas, tar sands, and coal in mountains. In 1988, James Hanson announced the link between warming and carbon emissions, the same year the free trade agreements began, beginning the advance of corporate globalization, marking the world triumph of market fundamentalism. It hasn't stopped. We cannot solve this crisis without a profound ideological shift."

Robert F. Kennedy Jr. said, "I was here on Earth Day 1970 at Union Square Park. The Cuyahoga River was burning, Lake Erie was declared dead, the Santa Barbara oil spill destroyed all the southern California beaches, the peregrine falcon nesting on a Manhattan building had gone extinct from DDT poisoning. Twenty million Americans demonstrated, the largest in US history. That vast outpouring of democratic power so frightened politicians that over the next 10 years we passed 28 major environmental laws. We're trying to do the same thing today. The Koch brothers are spending \$300 million this year to stop the climate bill. The only thing we have in our power is people power, which is why we need to put this demonstration on the street." A few days later, Kennedy wrote in *EcoWatch* that attorneys general in every state have the authority to de-

clare charter revocation to any company failing to comply with corporate standards of behavior. In 1998, NY Republican AG Dennis Vacco successfully invoked charter revocation of two non-profit tax-exempt tobacco industry front group funded by Brown & Williamson to “feed the public” in Vacco’s words “a pack of lies in an underhanded effort to promote smoking to addict America’s kids.” Vacco seized the assets of these companies and distributed them to public institutions.

Koch Industries and ExxonMobil waged a multi-million dollar propaganda blitz to mislead the public about global warming from 2005-2012. ExxonMobil spent more than \$29 million on an elaborate network of over 75 front groups to manufacture skepticism about the oncoming climate catastrophe. The Kochs donated \$67 million to more than 50 groups that play a central role in its offensive against climate science. Two decades after Brown & Williamson produced its notorious “Doubt is our product” memo, the oil industry launched its own anti-science campaign utilizing many of Big Tobacco’s corrupt scientists and PR firms. The American Petroleum Institute (API) developed its multi-million dollar action plan of strategies to manipulate the media by urging editorial boards and corporate CEOs to challenge “prevailing scientific wisdom.” The goal was for climate science uncertainty by average citizens and the media to become conventional wisdom. A long list of front groups have been carrying out this plan. Among the better known: Cato Institute, Heritage Foundation, American Legislative Exchange Council (ALEC), Americans for Prosperity, Heartland Institute, Competitive Enterprise Institute (CEI), and American Enterprise Institute (AEI). They appeared on airwaves and in print with deceptive messages about “flawed science,” attacked pollution rules, and backed obscene oil & gas government subsidies.

Kennedy says that an AG calling such groups into question as Vacco did is entirely possible. Historically, AGs have stood up to American democracy’s biggest corporate bullies even in eras like this one when corporate money has subverted democracy and in Kennedy’s words, “extracted the spinal cords from most politicians.” Big Tobacco was brought down by 14 courageous AGs. Nine northeastern AGs sued coal burning utilities for citizen damage from airborne pollutants. During the Gilded Age, AGs in NY, OH, and TX dismantled Standard Oil and restored economic democracy to America. Unfortunately, that company was resurrected as ExxonMobil, and poses an even greater threat today not only to our nation but to everyone in the world.

But Republicans haven’t been alone in subverting climate initiatives. A report in the *Boulder Weekly* October 2nd entitled “Who Killed the Vote on Colorado’s Fracking Ban?” by investigative reporters Joel Dyer, Matt Cortina, and Elizabeth Miller analyzes Colorado’s Democratic Party ties to the natural gas industry. The process started in 2002 when several groups of wealthy progressives decided to turn the perennial red Colorado blue by forming an organization independent of the party to concentrate efforts, not on issues, but on winning. Big Green groups in the coalition suggested they adopt the BeyondCoal initiative intended to use alternative technologies to prevent new coal-fired plants from being built. It worked. Democrats won in 2004 and 2006, a year after Dick Cheney’s Halliburton Loophole had exempted fracking from the 1974 Safe Drinking Water Act. Fracking began to enter the political picture. BeyondCoal’s “alternative technologies” phrase was on its way to becoming synonymous with natural gas, and was supported by the Big Green groups and in 2010 by newly elected Democrats Gov. John Hickenlooper and Senator Mark Udall.

Colorado’s anti-fracking proponents succeeded in inserting a ballot initiative on two fracking amendments this November that would have forced fracking wells to be 2,000 feet from schools, hospitals and other community facilities, and give lo-

cal governments precedence when local laws conflict with state laws. Citizens who worked with Rep. Jared Polis (D) on the initiatives little realized they were seen as a serious threat to the Democratic Party at every government level and would spark a threatened \$100 million dollar spending war by the oil & gas industry. Not only would it defeat the initiatives but also end a decade of party rule. In early August, Hickenlooper announced cancellation of the minimal fracking modification initiatives.

Colorado and the 14 other states whose Democrats have teamed up with the natural gas industry to win elections are not alone. It is now the national model. EPA’s Clean Power Plan boldly claims to fight climate change by replacing coal with renewables and “for the foreseeable future, natural gas”.

The *Boulder Weekly* article’s authors also say that since 2008, secretaries of State Clinton and Kerry have spent \$100s of billions of dollars promoting natural gas development throughout the world as a way of spreading US influence in an attempt to diminish the influence of Russia. These are hardly steps that would be taken if natural gas was seen only as a “bridge fuel”.

Speaking before Congress April 9th, Daniel Weiss, senior fellow and director of climate strategy at the Center for American Progress, testified that “natural gas exports will increase gas prices. Larger export levels lead to larger domestic price increases.” It is now estimated that if the Obama administration approves all existing applications for liquid natural gas (LNG) export terminals, as is expected, nearly half of natural gas produced in the US could be exported. US prices would more than double. The *Boulder Weekly* reporters say, “Countless new organizations with words like green, clean, future, and energy in their names are being created by some of the best known political figures and wealthiest people in the world, all sharing the same philosophy: Natural gas is a clean fuel in abundant supply that can power the world safely for more than a century. These groups are run by Democrats who fund research that confirms their conclusion that natural gas is the pathway to stemming global warming.” It is not known whether they actually believe this, or like Republican climate deniers, would rather wreck life on planet Earth than modify their lifestyles.

A ground-breaking study, published in April in the prestigious journal *Science*, reported EPA understated the amount methane leaks into the atmosphere nationwide by 25 -75%, meaning that methane-containing natural gas is far more dangerous for the climate than previously thought. The study, “Methane Leakage from North American Natural Gas Systems,” by a team of 16 researchers from institutions including Stanford, MIT, and the Energy Department’s National Renewable Energy Lab, definitively shows that natural gas production and development can result in making natural gas worse for the climate than other fossil fuels. The research was funded by a foundation created by the late George P. Mitchell, the man who first successfully drilled shale gas, so it can’t be dismissed as the work of environmentalists eager to discredit the oil and gas industry. The debate over the natural gas industry’s climate change effects has been raging ever since Cornell researchers warned that if enough hotter-than-coal methane seeped out of fracked wells, it would heat up the planet even more than burning coal. Methane leaks at every stage of fracking production and may trap heat as much as coal. But we don’t need unconventional fuels at all. Stanford engineering professor Mark Z. Jacobson, who authored the road map for reaching 100% renewable energy by 2030, found “We don’t need unconventional fuels to produce the infrastructure required to convert to entirely clean and renewable wind, water, and solar power. We can rely on existing infrastructure plus the new renewable infrastructure to provide the energy for producing the rest of the clean infrastructure that we’ll need. Conventional oil and gas is all we’ll need.”

It is a mistake to think we can support natural gas without supporting oil. Natural gas producers are also oil producers. Right now shale liquid is where the money is. At some point we will have too much oil, the price will drop, and we'll have to export that, too, and the price of oil is likely to skyrocket.

It's time for everyone to get on board. The forces against us are so formidable that it will take not just a few committed activists but a mass movement. The People's Climate March looked like that, mostly ordinary people literally stepping forward. 400,000 was wonderful but next time we need a million. No one wants high gas prices. But even worse is the utter disregard both political parties in this ugly story have for the fate of all of us when the planet we live on will no longer support us.

Chris Hayes, in an article for *The Nation*, ponders the economic effects leaving fossil fuels in the ground would have on the industry and compares them to the effects abolition had on the cotton industry. He cautions it's an inexact comparison, but it points up how much Southern prosperity depended on slavery. The Great Depression also took a toll on extreme wealth. But FDR reduced 29% unemployment by making massive investments in public infrastructure, utilities, transportation, and housing on a scale comparable to what the climate crisis calls for right now. "If climate justice carries the day, the economic cost to the rich will be real," says Klein. But the economic demands that have not been met following the various social justice movements worldwide over the past century would extend to the world, a Marshall Plan for the Earth. "The fact that the most heroic of these movements won on the legal front but suffered big losses economically is precisely why our world is as fundamentally unequal and unfair as it remains. The losses have left a legacy of continued discrimination, double standards, and entrenched poverty that deepens with each new crisis. All these past movements in one form or another are still fighting for full human rights, reparation, food security, farmers' rights, and to defend and expand the public sphere. Climate change does not need some shiny new movement, but instead be the force that unites all these movements. It must be understood as part of a much broader battle of world views, of rebuilding and reinventing the collective, the communal, the commons, the civil, and the civic after so many decades of attack and neglect."

Taibbi calls justice system a dystopia

The two-tiered justice system, according to investigative journalist Matt Taibbi, goes beyond the cliché about the two Americas. The rich have always gotten breaks and the poor have always had to swim upstream. But the new divide is much worse; he calls it a dystopia. "Those quaint old inequities have turned into a second government of increasingly unmanageable bureaucracies spanning public and private sectors." Taibbi's book, *The Divide*, published in April, is now out in paperback.

Violent crime rates have been falling since 1991. Yet, the prison population continues to rise. What is now going on with the very rich and the very poor is not visible to most of us.

It started in the late 1990s when NYC mayor Rudy Giuliani instituted a policy that came to be known as "stop & frisk," basically an inner city dragnet, concentrating police in poor areas and arresting mostly young black men on minor charges, fining those unable to make bail, and often sending them to prison. Since then, militarized police forces have turned into bureaucracies mostly unaccountable to the Bill of Rights, particularly the 2nd Amendment. Says Taibbi, "We've become numb to the idea that rights are not absolute, enjoyed on a kind of sliding scale." Since 2008, no top executive has been jailed for the systemic crimes that wiped out 40% of the world's wealth.

The assumption is that since the ghetto is where crimes are committed, the ghetto is where police should look for suspects.

"Why should prosecutors waste money going after rich bankers when common drug dealers, car thieves, and prostitutes who don't have lawyers are out on the streets and easy to catch? At the same time, white collar crimes are perceived as ethical violations, and therefore not punishable similarly. One kind of criminal gets an initial unaffordable fine, an even heavier bail, jail, a criminal record, and further restitution fees. The other kind settles without admitting wrongdoing. Injustice runs the gamut from granting leniency to rich companies to forcing plea deals on poor defendants who can't make bail.

In 2013, an attempt to stem public outrage over the 2009 bank bailouts inspired the Department of Justice to pick the Bowery's Abacus Federal Savings Bank to symbolize its intent to go after white collar crime. The mostly Chinese immigrant Abacus officers' annual salaries averaged \$35,000 a year. Their crime was falsifying loan applications for home mortgages that Abacus ultimately sold to Fannie Mae. But the damage was specific to Chinatown's immigrant population, not the global economy. The Abacus crime pales when compared to damage done by Citibank and Bank of America.

Prosecutor Cyrus Vance Jr. actually chained all 19 Abacus officers hands and feet and to each other. Says Taibbi: "It was like a scene from Bagram or Guantanamo Bay minus the hoods." Vance implied that Abacus had caused the financial crisis; but it was nothing like the fraud of gigantic banks and mortgage lenders who sold the toxic, worthless subprime mortgage loans of broke and underemployed middle Americans as AAA-rated investments to state pension funds. Deemed small enough to destroy, the Abacus trial set into motion the selective leniency doctrine, letting the major systemic offenders off, missing opportunities for important symbolic prosecutions, while using the limited financial resources of US financial watchdogs by indicting the smallest of the small for negligible offences."

While this was going on, local police throughout the US were instituting new statistics-based street policing policies that were exactly the opposite. The efficiency of these "broken windows" programs depended on massive numbers of arrests for minor violations. The public rarely hears about this unless someone gets murdered; but the everyday consequences for millions of people are enormous. Every arrest hurts people already struggling: A single small drug charge might ruin chances for student loans, government jobs, housing aid, and many other services. Even family members can lose access to government benefits and financial aid, even have children taken away. It does not teach anyone a lesson. All it does is ruin lives.

Research by Gottfredson & Hirschi and other similar theorists on which much of current law enforcement theory is based, concludes that people who have issues with drinking, drugs, interpersonal relationships, and keeping jobs are most likely to commit crimes. It assumes that crime is encouraged by poor family structure and neighborhood disorder. Taibbi says, "It recommends heavy police presence to create an atmosphere that checks criminal impulses and reminds them to think about consequences before jumping a turnstile, say, and turn them into law-abiding citizens. White collar crime involves a high degree of self-control and planning. It is committed overwhelmingly by people who had enough self-mastery to get through high school and college and hold down good jobs. Take an HSBC banker who writes an account for Sinaloa Cartel members. He's not jumping a turnstile. He may have a coke problem, or wander around drunk in public, or visit prostitutes; but he has little risk of being arrested."

The list of crimes committed by HSBC boggles the mind: the bank was hundreds of millions of dollars deep in the illegal drug business, involving 40 employees, many of them senior executives. "These incredibly serious crimes had consequences

for nearly everyone in the world who has money or sells anything. It makes the Abacus scandal “seem like kindergartners whispering during naptime.” HSBC was fined \$1.5 million, but no one got jail time. HSBC admitted laundering billions of dollars for drug cartels in Mexico and Colombia, washing money for Middle East terrorist organizations, allowing rogue states under formal sanction by the US government to move freely through HSBC’s US subsidiary; and helping tax cheats and other crooks from Miami to LA to Peru hide \$100s of millions of dollars in anonymous ‘bearer share’ accounts. Essentially, it opened its vaults for antisocial and/or criminal organizations, allowing mass murderers, human traffickers, and embezzlers unfettered access to the comfort of US dollars. HSBC’s crime was huge, but its fine did not change the lives of the actual humans who committed these crimes.”

But what happens when a broken windows arrest is not legitimate? Justice by attrition turns small crimes courthouses into “fun houses of unreasonableness and mindless punishment, where you can peek into just about any room and find someone absolutely beside himself with disbelief over what is happening to him. The speedy-trial concept, known as the crown jewel of Anglo-American law, has become a joke. Prosecutors privately admit that when cases are weak, they drag them out to force a plea. The process is so humiliating and time-consuming that a defendant will do anything to end the process, so takes the plea, which precludes school aid, welfare, homeless shelter bed, or Section 8 housing. Heavy-duty policing puts a whole segment of the population constantly on the defensive, but complaints against policemen rarely have consequences.”

“The justice system for Hispanic undocumented immigrants (UIs) are the inverse of the no-jail, all settlement system that governs too-big-to-fail companies like HSBC. Entire town police departments are kept afloat by collecting fines from UIs. Marked or unmarked cars line streets where UIs live or work, looking for ways to trip them up. The smallest car problem likely means federal detention in leg chains and a bus ride to Mexico. Homeland Security rule 287(G) deputizes any and all state and local law enforcement officials to arrest undocumented aliens on behalf of the US Immigration & Customs Enforcement Agency (ICE). A complex, arbitrary, and mindlessly cruel legal process produces a rich financial and political meal, shared in nearly equal parts by state and federal authorities on the one hand and private prison companies on the other. Local police and courts hit detainees with big tickets before they get sent out of the country that can amount to \$1,000 for driving without a licence.”

Corrections Corporations of America (CCA) is a public-private partnership, one of the soundest stock/equity bets in the world, with soaring revenues, earning more than \$5 billion in 2011. CCA donates generously to politicians, particularly at the state level. CCA earns \$166 a day for every UI caught in the law enforcement net. Local police get federally compensated. Local politicians like it because it creates jobs to build new detention facilities.

Wall Street is heavily invested in private prisons, as are too-big-to-fail banks. Wells-Fargo is the biggest investor. Bank of America, GE, Fidelity, and Vanguard are runners up. “Economies may ebb & flow, but the number of incarcerated Americans has steadily grown,” is how one DoJ analyst actually put it. “People with no documents and no rights are desperate, and desperation is a great natural price multiplier.”

For immigrants caught in the dragnet, the price of everything goes up, first the traffic ticket, and the \$500-1,000 no-licence

fee is outrageous for an administrative offence, essentially the same as a DUI. Everything in detention centers is overpriced. Detainees don’t know if it’ll take 3 days or 3 weeks before interrogation begins. Deportation waiver signatures are encouraged, and usually result in legs & waist chains, bus ride, plane ride, another bus ride, border crossing, chains removed, and then what? If you aren’t Mexican, you have no idea where to go. Phone calls are illegal. You find a new set of legal and illegal obstacles. Groups of gangsters make money through extortion and kidnapping, torture, & bribes.

UIs living in the US take buses and taxis to avoid dragnets if their jobs allow. Capture means losing everything, never seeing a spouse again, kidnapping, or being in debt for years.

Searching people receiving welfare or food stamps began during BushOne. What was once done by a social worker—riffling through cupboards and drawers to see if you’re living too well—is now done by police. Mostly black people receive humiliating, abusive threats to take away a child if they make one slip-up, or if the officer finds underwear that looks too fancy. If you owe money or get public assistance, you forfeit the 4th, 5th, and 6th Amendments. White people who live the wrong way are increasingly getting caught in the net too.

In 1971, when a black single mother refused to be searched, the case went to the Supreme Court. The question was, does the 4th Amendment apply to people on welfare? Justice Harry Blackmun wrote for the majority: “The State has appropriate interest in assuring the intended objects of tax-produced assistances are the ones who benefit from the aid it dispenses.” Writing the dissent, Justice William O. Douglas argued that “not just poor black ladies from the Bronx, but almost everyone lives off the government—rail, defense, air space licences, agricultural benefits.” But Douglas was overruled. Says Taibbi: “No one else had to trade the Bill of Rights for government aid.” A similar 2004 case lost when the 9th Court of Appeals ruled: “Searches are not unreasonable.”

Bill Clinton’s promise to “end welfare as we know it” was accompanied by the deregulation of Wall Street, repealing the Glass-Steagall Act to allow mergers of investment banks, commercial loans, and insurance companies. Along with Alan Greenspan, Robert Rubin, and Larry Summers, Clinton oversaw the collapse of selective credit controls, the tools used to rein in irresponsible lending. Regulatory staffs were cut, and banking watchdogs stopped dispersing criminal investigations the way they had during the S & L Crisis. At the same time, welfare fraud was prosecuted like never before.

Barack Obama and his Attorney General Eric Holder preside over the era of Collateral Consequences that have sent no big executives to jail; and efforts to turn back the broken windows have not met with success. Some argue that it’s too expensive to prosecute white collar crimes. But the budgets allotted for it are miniscule compared to the budgets given to prosecute inner city misdemeanors.

Taibbe: “If we choose to take the money over and over again from Wall St. while welfare moms keep getting jail and community service, it’s not long before you’ve institutionalized the imbalance. Because executives from giant multinationals don’t end up in the prison population, law enforcement are not the places where jailable crimes take place.”

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