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OPINION

Kavanaugh Would be a Disaster on Climate

Record on the environment appalling

BY BASAV SEN

Donald Trump's Supreme Court nominee Brett Kavanaugh isn't just a likely vote against Roe, or an enabler of brash executive authority. He's also a vocal supporter of a conservative legal "philosophy" that's designed to block action on climate change.

Kavanaugh's record on environmental issues is appalling.

As a D.C. appeals court judge, he argued against the EPA's authority to regulate greenhouse gases, and wrote the majority opinion striking down the EPA's attempt to regulate hydrofluorocarbons (HFCs), which are potent climate pollutants used in cooling applications. He even wrote a majority opinion overturning EPA regulation of air pollution that crosses state lines.

While focusing on these particulars is important, it's vital not to lose sight of the underlying pattern.

Kavanaugh says he opposes EPA regulation of greenhouse gases because the literal language of the Clean Air Act doesn't authorize the EPA to do so. Only a specific mandate from Congress to curb carbon di-



oxide and other climate pollutants can do that, he claims.

This is very convenient for the fossil fuel industry and other climate polluters, which have the political clout to ensure that such a directive will never happen under the present Congress.

With Congress unwilling to pass legislation curbing greenhouse gases, and

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courts unwilling to allow regulators to take action on climate change absent such legislation, U.S. inaction on climate becomes a self-fulfilling prophecy.

But why does the fossil fuel industry have such political clout? Part of the answer lies in the same judicial system where Kavanaugh may now rise to the greatest heights.

Kavanaugh's self-proclaimed literalism with regard to the Clean Air Act and other statutes is an attribute shared by much of the judicial right, most notably by the late Antonin Scalia. But it's seldom applied consistently.

Notably, the Supreme Court's expansion of corporate "free speech" rights in recent years, such as the idea that political con-

tributions count as "speech," clearly aren't supported by a literal reading of the First Amendment.

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So the courts enable the fossil-fuel industry to bribe members of Congress, who return the favor by blocking congressional action on greenhouse gases. And then the courts say that government agencies cannot regulate greenhouse gases without explicit congressional authorization. The self-fulfilling prophecy comes full circle.

Was the court's expansion of "corporate free speech" based on a correct legal interpretation? I leave that debate to the lawyers. But you have to see the obvious inconsistency: Courts either have the power to extrapolate creatively from the literal text of the law, or they're bound by a narrow literal reading of the law. The judicial right wants to have it both ways, and they've been getting away with it for years now.

When a literal reading of the law supports the status quo or benefits the rich and powerful, they stick to a literal reading. When it doesn't, they don't.

You can call it a legal philosophy. I call it politics. The judiciary is just another arm of government used by powerful corporations to maintain and expand their power. And when it comes to the fossil fuel industry, maintaining and expanding their power comes at a huge cost to humanity.

Basav Sen directs the Climate Policy Project at the Institute for Policy Studies. Distributed by OtherWords.org.

Lessons in Leadership and Movement Building

Standing up to rampant injustice

BY MARIAN WRIGHT EDELMAN

My dear friend Dorothy Cotton, who died this summer at 88, worked tirelessly to do something about the injustices around her that she knew were wrong. She had a joyous, infectious spirit that made others want to join her.

Like Septima Clark, Ella Baker, and other great women leaders in the Civil Rights Movement, she is too little known compared to some of her close male colleagues like Dr. Martin Luther King, Jr., Rev. Ralph Abernathy, and Ambassador Andrew Young. But as Education Director of the Southern Christian Leadership Conference (SCLC) Dorothy Cotton was an indispensable member of the group's inner circle. And her attitude about leadership has lessons for us right now.

She might have seemed an unlikely "leadership" candidate growing up in Goldsboro, N.C. with her three sisters and their widower father, a tobacco factory worker who "didn't know what college was." She couldn't remember ever seeing a book at home. But she worked her way through college and while at Virginia State College in Petersburg, Va. she joined civil rights leader Rev. Wyatt Tee Walker's church, where she quickly started getting involved in local movement activities.



Dorothy Cotton eventually became secretary of the Petersburg Improvement Association founded by Rev. Walker.

When Dr. King asked Rev. Walker to come to Atlanta and become SCLC's first full time executive director in 1960,

Rev. Walker asked Dorothy Cotton to go too. She originally intended to stay and help for just a few weeks but as she wrote

Like Dorothy, we must stand up and protest as so many are doing for as long as it takes when we see rampant injustice all around us. When we see something wrong, don't ask why doesn't somebody do something about it, but why don't I do something.

in her book "If Your Back's Not Bent," she realized "our work with SCLC was not just a job, it was a life commitment."

As SCLC's Education Director she ran its lauded Citizenship Education Program, training over 6,000 people from across the South in weeklong workshops on voter education, literacy, and nonviolent protest tactics to prepare them to return home and spread the movement. She had a wonderful angelic voice and was known for us-

ing music at every meeting to teach and inspire."

She accompanied Dr. King on his final trip to Memphis and later worked at the Dr. Martin Luther King Jr. Center for Nonviolent Social Change before beginning another phase of leadership as a university administrator. Today the Dorothy Cotton Institute, part of the Center for Transformative Action affiliated with Cornell University, continues her legacy

got, and then we would do the next action based on the reaction we got. I just want to say, a movement is dynamic. It's evolving. It's changing. Nobody had a blueprint, and don't let anybody tell you that we did."

She added: "Action springs up in a lot of different places at the same time... We were sick and tired of being sick and tired, and some folk took action and we learned as we went." She always reminded us that we can't wait for leaders – leadership emerges from action.

Her words should be an encouragement to the wave of brave and committed students, other young people, and those of all ages in communities across the country who are speaking out today against gun violence, horrific immigration policies tearing children from parents, and a list of other injustices.

Dorothy Cotton would love the resistance springing up across our nation right now and it must continue and grow and grow. Like Dorothy, we must stand up and protest as so many are doing for as long as it takes when we see rampant injustice all around us. When we see something wrong, don't ask why doesn't somebody do something about it, but why don't I do something. This is how transforming movements happen – person by person speaking out and saying no against unjust policies.

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