Climate ethics and climate equity: A timely discussion

Why have we failed to successfully address climate change? Is climate change an issue of global justice or individual morality? Does the United States have more of a responsibility to reduce emissions of greenhouse gasses than developing countries?

These questions were at the heart of discussions led by Dale Jamieson, the 2009-10 Wayne Morse Chair of Law and Politics. Visiting from New York University, Jamieson taught a class on climate ethics and law, delivered several public addresses and participated in numerous conversations on the ethical issues of climate change.

Our inquiry on climate justice continues in 2010-11 with prominent scholars and activists holding the Wayne Morse Chair, a symposium on Ocean Impacts of Climate Change, and a conference on Food Justice and Security. See page 6 for more information on upcoming events and speakers in 2010-11.

Maxine Burkett will be at the School of Law in the fall. She is a professor of law at the University of Hawaii and director of the Center on Island Resiliency and Climate Policy. She will teach a UO law class on climate change and speak about environmental justice and climate change in October.

Dr. Vandana Shiva will be in residence at the UO for three weeks in winter 2011. She is an international scientist, ecofeminist and activist on issues of agriculture, food and globalization. Dr. Shiva pioneered the organic movement in India and established Navdanya, a network of seed keepers and organic producers. Her most recent book is Soil Not Oil: Environmental Justice in an Age of Climate Crisis.

Politics and Policy speaker series features experts on political reform

Wayne Morse Center Senior Faculty Fellow Dan Tichenor coordinates the vibrant new Morse Center program on Politics and Policy.

This year a popular speaker series examined the record of the Obama administration in achieving its ambitious reform agenda. Great Expectations: Obama and the Politics of Reform featured academic scholars and Oregon’s governor to review the many issues on the national policy agenda, from climate policy to wartime civil liberties.

The series ran from January 13 to April 29, 2010.

Great Expectations: Obama and the Politics of Reform Speaker Series

Sidney Milkis, University of Virginia
“Barack Obama, the Presidency, and the Enduring Quest for Reform”

Robin Jacobson, University of Puget Sound
“The Politics of Immigration Reform”

Leslie McCall, Northwestern University
“The Undeserving Rich? American Perceptions of Inequality, Opportunity, and Redistribution”

David Cole, Georgetown Law
“Civil Liberties, Military Detainees and Guantanamo”

Governor Ted Kulongoski
“Addressing Climate Change: The Right Policy is also the Smart Policy”

Mark Peterson, UCLA
New speaker series and opportunities enhance Wayne Morse Center programming

When Dan Tichenor joined the Wayne Morse Center as Senior Faculty Fellow in 2008, he brought ideas for new research and programming. Dan, who is also the Knight Professor of Social Science, coordinates the Politics and Policy Program, a welcome addition to our theme-based programming of recent years.

This year, the Politics and Policy Program featured a dynamic speaker series on the reform agenda of President Obama. A group of scholars and our own Governor Ted Kulongoski examined the complex agenda and politics facing the new administration.

The other part of our Politics and Policy Program is an ongoing colloquium series that features works-in-progress by UO faculty and visiting scholars. These discussions are one of the best features of an academic environment, stimulating useful discussion among scholars to advance new research and make it relevant to public policy.

The Wayne Morse Center continues to grow, with planning under way for the new James Klonoski Fellowship and the Hans Linde Program on Multinational Institutions.

We will continue our inquiry into Climate Ethics in 2011. We are proud to announce that the Theme of Inquiry for 2011-13 will be Capitalism and the Common Good, which examines economic policy and the future for U.S. capitalism.

Senator Morse and President Obama: Notes from a speaker series

By DAN TICHENOR
Senior Faculty Fellow

In winter 2010, the Wayne Morse Center and UO Department of Political Science collaborated on a speaker series exploring the early Obama presidency, its sweeping reform agenda, and a restive American electorate. As I review my notes from these talks, I am struck by two formidable challenges facing this second-year president: fierce partisanship at home and daunting military commitments abroad.

It seems especially fitting that our speakers reflected on two problems that troubled Senator Wayne Morse deeply and inspired some of his most thoughtful and eloquent statements about the character of democratic representation and constitutional order in America. Morse’s bold commentaries and principled positions have rarely received the broad attention they deserve. And yet they are enormously instructive for an energetic but vexed young president and for a public whose faith in government steadily erodes.

According to the first speaker in our series, Sidney Milkis, the White Burkett Miller Professor of Politics at the University of Virginia and award-winning author of numerous works on the U.S. presidency, the Obama White House is confronted with “unprecedented partisan polarization” in national politics. To test this claim, I reviewed how Republican lawmakers responded to FDR’s call for sweeping reform early in his presidency. Sure enough, Republicans as well as Democrats in Congress proved vital in crafting and enacting legislation associated with the so-called First New Deal.

Roosevelt’s first Congress was shaped by an ardent bipartisan coalition that was eager to take action in response to the nation’s economic crisis. Prominent Republicans like Senators Robert La Follette and George Norris played leading roles in securing the National Industrial Recovery Act and the Tennessee Valley Authority.

From the earliest days of his political career, Morse identified himself as a Progressive Republican in the La Follette tradition. He wanted to be, in his words, “a pacemaker in proposing legislation that will advance the interests of the people.” When his vision of the public interest and good government put him at odds with party leaders, Morse defected from the Republican party to become an Independent and later a Democrat. He was adamant that Progressive faith in “values that promote the welfare of the people” was to be his political lodestar—not party loyalties.

Another theme in the speaker series is the toll Afghanistan, Iraq, and the war on terror are taking on the Obama White House and his base of support. On the campaign trail, Obama reassured voters that he would be far more circumspect than the Bush administration when employing unilateral executive power in the name of national security. It was time, he said, to restore the rule of law, transparency, and constitutional checks and balances. Yet Obama’s efforts to provide legal and moral clarity in the realm of national security

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Rebecca Tsosie, Wayne Morse Distinguished Speaker, came to the UO as the inaugural visitor to the Oregon Tribes Professorship. Tsosie, who is a professor at Arizona State University, spoke about native nations and environmental stewardship.

Tsosie lived up to her reputation as a strong advocate and speaker, challenging established thinking about sovereignty and climate justice. She presented the annual Rennard Strickland lecture and participated in an innovative Tribal Climate Change Policy Forum.

Wayne Morse Law Fellow Aaron Kraft was inspired by Tsosie’s views on cultural sovereignty, which she described as a tribe’s recognition of its inherent self-governance. “Tsosie encouraged tribal members to embrace their cultural sovereignty and use it to bolster efforts to maintain political sovereignty over everything from tribal lands to the tribal interest in a sustainable climate,” Kraft said.

Wayne Morse Center welcomes Linde and Klonoski programs

Former Supreme Court Justice and renowned constitutional scholar Hans Linde will be honored with an ongoing program housed at the Wayne Morse Center at the UO School of Law.

The Hans Linde Project on Multinational Institutions will focus on the law, operations, and future development of multinational and multistate institutions to address problems that extend beyond borders.

Jim Klonoski, a popular and brilliant political science professor at the UO for nearly 40 years, will be honored with a graduate fellowship housed at the Wayne Morse Center.

The fellowship is being established by Don Powell, a UO alum who ran Wayne Morse’s last campaign for U.S. Senate in 1974. He credits Klonoski for convincing him to go into politics.

“T’ll always remember his ability to reach students and his passion for politics,” Powell said.

University of Oregon at Portland celebrates new Wayne Morse Suite

The Wayne Morse Center commissioned a new multipurpose event room in the UO law school wing of the beautifully renovated White Stag building complex that now houses UO programs in Portland.

The Wayne Morse Suite opened in November 2009 to an enthusiastic crowd of law and Morse Fellow alumni, political figures, and Wayne Morse enthusiasts.

UO Law dean Margie Paris introduced former Supreme Court Justice Betty Roberts, who reminisced about Morse and his importance in her career and the political history of Oregon. She read from her memoir With Grit and by Grace: Breaking Trails in Politics.

Wayne Morse Advisory Board member Steve Bender coordinates the UO law program in Portland, in which UO law students participate in externships with local courts, county DAs, and the law departments of major Oregon businesses.

“With its warm and welcoming atmosphere, the Wayne Morse Suite brings them together for nightly classes in the areas of green construction, real estate, and commercial law,” Bender said.

Contribute

Help the Wayne Morse Center carry on the tradition of Wayne Morse, Hans Linde and Jim Klonoski, all notable figures in Oregon law and politics!

Your contributions will help start these vital new programs. A donation envelope is included with the newsletter for your convenience.
Climate Ethics and Climate Equity programs, 2009-10

Climate Policy: What if Politics Fail Us?

Jim McCarthy, Harvard University climate scientist, shared a program with Wayne Morse Chair of Law and Politics Dale Jamieson and UO law professor Mary Wood. Their verdict: Decentralized actions, innovative legal tactics, and political activism must prevail.

Jungle Law: Battling ChevronTexaco in the Ecuadorian Amazon

Pablo Fajardo, a fellow at ELAW, talked about his work representing 30,000 Amazonian settlers and indigenous people in a lawsuit challenging ChevronTexaco to clean up 1,700 square miles of rain forest. Pablo said “I realized that I was not inferior to the Chevron lawyers. In fact, I had one advantage over them; I know the problems as they really are, because I live here.”

Saving the Planet for Future Generations: Intergenerational Equity and Climate Change

The 2009-10 Wayne Morse Law Fellows presented this panel discussion featuring Edith Brown Weiss of Georgetown Law. Brown Weiss was joined by UO law professor Mary Wood, political scientist John Davidson and activists Brent Newell, Jeremy Blanchard and Tim Ream. Wayne Morse Law Fellow Kiran Sahdev said the event “generated vital discourse about the harsh realities that climate change will impose on future generations and the importance of finding pragmatic solutions.”

Minding Animals: Animals and the Environment

A lecture by Wayne Morse Chair Dale Jamieson

October 1, 2009
Room 142 Knight Law Center
Noon

Professor Jamieson is Director of Environmental Studies, Professor of Philosophy, and Affiliated Professor of Law at New York University. He has written extensively about humans and animals, ethics and the law, and how our treatment of animals affects the environment and climate change. Co-sponsored by the Wayne Morse Center for Law and Politics and the UO Institute of Law Faculty Lecture and Awards Committee.
India’s Stance in Climate Policy Negotiations through a lens of Environmental Justice

Shangrila Joshi Wynn, Wayne Morse Dissertation Fellow, is researching the role of India in international climate policy. Her research presentation will be at noon on April 20 at the law school.

Advocating for an Environment of Equality: Legal and Ethical Duties in a Changing Climate

The law students of the Journal of Environmental Law and Litigation hosted a day-long seminar on climate ethics and the law. Wayne Morse Law Fellow and symposium organizer Autumn Johnson said the Wayne Morse Center-sponsored symposium “allowed us to bring a variety of speakers and participants from around the country and to honor the legacy of Luke Cole, a true advocate of environmental justice.”

The Moral and Political Challenges of Climate Change

Wayne Morse Professor Dale Jamieson delivered the annual Wayne Morse Chair public address in Eugene and Portland in November 2009. He also spoke on animals and the environment. “Dale Jamieson’s visit was a compelling and invaluable experience for law students,” said Wayne Morse Law Fellow Maya Leonard-Cahn. “His unique insights about the ethical implications of global change enriched our interdisciplinary discussion on climate equity and served to unify some seemingly distinct perspectives offered by science and law.”

The Perfect Moral Storm: Ethical Challenges of our Climate Crisis

Wayne Morse Center Resident Scholar Ted Toadvine, Associate Professor of Philosophy, convened this symposium featuring Steve Gardiner of UW, Dale Jamieson, Kathleen Dean Moore of OSU, and Jay Odenbaugh of PSU. In his concluding remarks, Toadvine states “Part of our ethical obligation for responding to climate change will be to find the ways to express our grief, individually and as a culture, and to nurture those elements of our cultural heritage that can strengthen our resolve.”
Climate Ethics and Climate Equity Programs for 2010-11

Wayne Morse Chair of Law and Politics

Maxine Burkett, professor of law, University of Hawaii
Burkett, a law scholar on environmental justice, will teach a class on Climate Law and speak on environmental justice and climate change in fall 2010. Her research focuses on the disparate impact of climate change on poor communities and how the law should respond.

Dr. Vandana Shiva, international scientist and activist
During Dr. Shiva’s visit in winter 2011, she will participate in the annual Public Interest Environmental Law Conference on March 3-6 and a conference on food justice. She will meet with students in three separate classes on global food cultures and policy. The classes are being offered to take advantage of her visit.

Resident Scholars

Richard Hildreth, professor, School of Law
Professor Hildreth will convene a symposium with Maxine Burkett and other experts on Ocean Impacts of Climate Change: Science, People, and Policy. A noted scholar in ocean law and co-author of a new textbook, Climate Change Law, Hildreth links scientific research on oceans to humanitarian and policy response to climate change.

Derrick Hindery, assistant professor, International Studies
Hindery’s project, “Gas at What Cost? Social, Environmental and Political Impacts of Liquified Natural Gas (LNG) Projects and Climate Justice,” explores the impacts of LNG projects along the commodity chain, from extraction in Latin America and Indonesia to distribution and consumption in California and Oregon.

Allison Carruth, assistant professor, English
Carruth is the author of Global Appetites: Imagining the Power of Food, a narrative of globalization and the world food system. She will organize a major interdisciplinary conference, to coincide with the visit of Vandana Shiva, on Food Justice, Security and Sustainability. Carruth will also continue research on artists who use biotechnologies in collaboration with geneticists to address climate change.

Wayne Morse Dissertation Fellows

Thomas Nail, Philosophy
Nail’s project, “Migrants, Nomads, and Citizens,” examines the theory and structure of the social movements of non-status persons and their allies and proposes a novel philosophical account of citizenship and agency in terms of “difference” rather than “identity.” His work has important implications for the theory and policy on immigration and citizenship.

Patrick Hayden, Anthropology
Hayden’s project, “Public Employee Unions and the Cultural Politics of the State,” evaluates public employee unions as actors in Oregon’s political economy. His ethnographic fieldwork on ballot initiative campaigns and in-depth interviews unearth embedded social values and catalog forms of democratic citizenship that reach beyond electoral politics.

Morse and Obama: Notes on a speaker series

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have been muddied by executive orders authorizing secret abductions of and transfers of prisoners to countries that cooperate with the U.S. and claims of “sovereign immunity” and a state secrets privilege to justify domestic surveillance.

In fairness, presidential war and security powers have grown steadily since the end of World War II, a development that some congressional scholars blame lawmakers for permitting. Senator Morse would have agreed wholeheartedly. Convinced that it was “an old fallacy that foreign policy belongs to the president of United States,” Morse expected Congress to act as a true check on executive power in this realm. It was his disgust with the notion of granting the White House a “blank check” that led Morse to cast one of only two Senate votes opposing the Gulf of Tonkin Resolution in 1964.

In both his eagerness to defy partisan constraints and his insistence on checking executive prerogatives in foreign policy, Wayne Morse could not be more out of step with contemporary Beltway politics and more in tune with public anger over the status quo.
**Wayne Morse Fellows 2009-10**

**Megan Thompson**

I’ve been clerking since I graduated in 2008, first for Judge David Schuman of the Oregon Court of Appeals and currently for Judge Alfred T. Goodwin of the U.S. Court of Appeals for the Ninth Circuit. Next year I will clerk for Judge Milan D. Smith, Jr., also of the Ninth Circuit. Judges Schuman and Goodwin are on a roll when it comes to hiring Morse Law Fellows: I replaced Mardell Ployhar in Judge Schuman’s chambers, and Sarah Einowski replaced me. In Judge Goodwin’s chambers, I replaced Matt O’Brien, and Tim Ream will replace me.

I can’t imagine a better way than clerking to learn about appellate practice and procedure and gain a great breadth of experience. Though I’m having a wonderful time, I miss my Oregon people, and I look forward to moving home at the end of my clerking spree.

**Wayne Morse Law Fellow Tim Ream spent the fall semester as an extern in the Legal Affairs Programme of the United Nations Framework Convention on Climate Change Secretariat in Bonn, Germany. Tim will clerk for Judge Goodwin of the 9th Circuit Court of Appeals next year.**

The recent meetings in Copenhagen provided an opportunity for the nations of the world to step up to a new level of commitment to stopping the worst climate impacts. We sought a “FAB” agreement: Fair, Ambitious and Binding!

The greenhouse gases that blanket the Earth have come primarily from developed countries. A fair agreement would require developed countries to take the lead in reducing greenhouse gas emissions and providing adequate funds to developing countries to adapt to a changing climate and to assure future development occurs on a low carbon pathway. The ambitious requirement means that any deal must be scientifically defensible. Everyone agrees that we cannot let the planet get more than 3.6˚F above pre-industrial temperatures. In Copenhagen, the majority of nations, but not the big emitters like the U.S., were calling for a rise of no more than 2.7˚F.

The binding requirement speaks for itself. Rich nations have a long track record of generous international promises followed by spotty follow through. Reduction pledges must be subject to international review with significant consequences for failure to act.

With civil society in agreement on measures for success, it is relatively easy to assess the resulting “Copenhagen Accord.” And the results are disappointing even beyond the most pessimistic of pre-meeting analyses—the accord is not binding, ambitious, nor fair.

Our failure to get a “FAB” deal in 2009 now makes 2010 incredibly important. Climate negotiations replay themselves in Cancun in December of this year. People who understand the seriousness of the problem and truly care about the Earth and future generations need to prioritize this issue right now. We must get a strong climate bill out of Congress this spring, and a fab international deal in December. The future is counting on us and the stakes, truly, have never been higher.

**Wayne Morse Fellows Alumni Update**

**Jona Maukonen**

After finishing law school in 2004, I had the invaluable experience of clerking for Justice Rives Kistler of the Oregon Supreme Court, which solidified my desire to develop an appellate practice. Since 2006, I have been an associate in the Portland office of Harrang Long Gary Rudnick P.C., focusing primarily on appeals, with some administrative and trial work. I have argued two cases in the Oregon Court of Appeals and will argue another in February of this year.

Being a Wayne Morse Fellow was a very important part of my time in law school and has continued to influence my thinking, particularly about the importance of being actively involved in the profession as well as in serving the community. I am a member of Oregon Women Lawyers and serve on the Political Lecture Series Committee. I also coordinate our firm’s participation in Oregon Lawyers Against Hunger.

**Kudos to Wayne Morse Law Fellows**

**Aaron Kraft**, 2L. His paper, “Are Climate Change Considerations Under NEPA a Double-Edged Sword?” will be published in the Journal of Environmental Law and Litigation.

**Kiran Sahdev**, 2L. She will be in Europe during the summer and fall of 2010 as an extern to the U.N. Climate Secretariat and the UN Framework Convention on Climate Change.

**Tim Ream**, 3L. He is the 2009 Recipient of the Dean Orlando John Hollis Scholar Award for Academic Excellence.
MORSELS

“You cannot continue to build up the economy of this country under the control of American big business as the President (Eisenhower) has been doing, without the American people coming to understand its effects.”

—Senator Wayne Morse, circa 1957