

## The environmental legacy of Ruth Bader Ginsberg



By **Jordan Davidson**

**T**he passing of U.S. Supreme Court Justice Ruth Bader Ginsburg means the nation's highest court has lost a staunch advocate for women's rights and civil rights. Ginsburg was a tireless worker, who continued to serve on the bench through multiple bouts of cancer. She leaves behind a complicated environmental legacy.

While it was often assumed that Ginsburg would decide in favor of environmental advocates in cases argued before the Supreme Court, the truth is that she often decided based on the nuances of the law rather than the decision that was best for the planet.

She sided with the majority in the 5-4 decision of *Massachusetts v. EPA*. That case, argued before the court in 2006 and decided in 2007, found that the Clean Air Act gave the U.S. Environmental Protection Agency (EPA) the authority to regulate greenhouse gases that are spewed from the tailpipes of cars, according to POLITICO.

That decision was instrumental in the Obama administration raising the tailpipe emissions standard to make new cars 5% more efficient annually until 2026. That rule was then rolled back by the Trump administration to make them just 1.5% more efficient, according to Reuters.

And yet, Ginsburg wrote the opinion of the court in the 2011 decision of *American Electric Power Company v. Connecticut*. That decision stripped

the authority of the states and private companies to sue power companies for their contribution to the climate crisis in federal court under a public nuisance law, as E&E News reported.

Ginsburg, in that decision, emphasized the EPA's authority to regulate greenhouse gases, as POLITICO reported. That authority paved the way for the Obama administration to issue new rules for power plants that drastically reduced how much pollution they could spew into the air and waterways.

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The decision actually empowered state attorneys general to sue in state court. This authority has been upheld, despite repeated attempts by the fossil fuel industry to move the cases to the federal courts, according to POLITICO.

Ginsburg did look to expand the authority of

**“Justice Ginsburg was a pioneer for gender equality, civil rights, and the right of citizens to sue to protect their environment.”**

regulatory agencies to rein in polluters. She joined the dissent in two notable cases, *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers* and *Rapanos v. United States*, both of which would have expanded the definition of the Clean Water Act, according to E&E News.

In 2014, Ginsburg wrote the majority opinion in a case that allowed the EPA to regulate coal plants where their emissions blew across state lines and affected the air quality of states that were downwind, according to *The Washington Post*. That case is credited with putting an end to some of the country’s filthiest power plants, according to POLITICO.

Gina McCarthy, the EPA administrator under Obama and now the president and CEO of the National Resources Defense Council, said in 2014 that the decision was “a resounding victory for public health and a key component” of the agency’s attempts to “make sure all Americans have clean air to breathe,” as *The Washington Post* reported.

In an NRDC statement on Friday, McCarthy

praised Ginsburg’s life work. “From her pathbreaking advocacy for gender equality to her relentless defense of democracy itself, Justice Ginsburg widened our vision of who we are, enlarged in law the values we share and raised, forever, the possibility of what we might become.”

“Justice Ginsburg was a pioneer for gender equality, civil rights, and the right of citizens to sue to protect their environment. The legal community lost a champion for the underdog and the nation as a whole,” said Trent Dougherty, general counsel for the Ohio Environmental Council, in a statement.

Michael Brune, Sierra Club executive director said in a statement, “As we mourn the loss of Justice Ginsburg, we should reflect on her words that ‘Real change, enduring change, happens one step at a time. Those of us who strive to make change for good in this world — whether it be fighting for racial justice, reproductive rights, or for a livable future — must continue the fight in her honor.’”

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## **Maduro claims CIA spy arrested with explosives near oil refinery**

**By Morning Star**

Venezuelan President Nicolas Maduro said on Saturday that authorities had detained a former United States Marine and CIA operative after he was caught spying on two oil refineries.

Speaking on national television, the Bolivarian leader said: “He was captured with heavy, specialty weapons. He was captured with a great amount of cash in dollars and with other elements that we have sent directly to the Public Ministry, the prosecutor’s office.” The arrest was made in the northwestern state of Falcon on Thursday, Maduro confirmed.

He explained that the day before the alleged spy was detained, Minister of Petroleum Tareck el-Aissami had foiled a plan to set off an explosive device at the El Palito oil refinery in the northern state of Carabobo. Maduro issued a call for extra vigilance and heightened security measures by workers at the country’s refineries.

“It’s a war of revenge of the gringo empire against Venezuela to impede Venezuela from producing all of the derivatives of oil, petrol, etc.,” he said.

“This spy has been captured. This plan was de-

tected; the plan was disassembled. We are 100% activated to guarantee the physical security of strategic facilities, our petroleum plants. In the coming hours, I am sure that we’ll find out more about this capture,” he said.

Washington has intensified pressure on Venezuela as it seeks the ousting of the democratically elected president. A series of bungled coup attempts have been spearheaded by hapless opposition politician Juan Guaidó.

After they ended in failure, the U.S. tightened sanctions on Venezuela, branding it a “narco-terror state.” It put a bounty on the head of Maduro for \$15,000,000 and for lesser amounts on other key officials while also deploying warships to the region.

Last month, former U.S. Marines Luke Denman and Airan Berry were jailed for 20 years after being caught launching a coup attempt from neighboring Colombia.

**Minister of Petroleum Tareck el-Aissami also said the government foiled a plan to set off an explosive device at the El Palito oil refinery in the northern state of Carabobo recently.**

# House panel subpoenas NLRB documents on ethics violations



By Mark Gruenberg

**A**dd the National Labor Relations Board to the list of Trump-controlled agencies that defy congressional oversight. It thus joins an infamous crowd, headed by GOP Oval Office occupant Donald Trump's Justice Department.

Following 18 months of rebuffs and refusals to testify from NLRB Chair John Ring—a former right-wing GOP congressional aide infamous for drafting anti-worker bills—the House Education and Labor Committee's majority Democrats subpoenaed NLRB documents dealing with how the agency imposed its joint employer rule.

The rule, promulgated by the NLRB's three-white-man ultra-right members, overturned an Obama-era pro-worker joint employer decision. But the Republicans transformed the overturn into a federal regulation. That more or less permanently benefits bosses while leaving workers hung out to dry, trying to figure out who's responsible for labor law-breaking: The local franchise-holder or the big corporate boss.

The Obama-era decision said corporate headquarters—think McDonald's, since that's where the case started—and local franchises are both responsible for obeying or breaking labor law. But the Trump-named board tossed that out, leaving workers to wonder.

The Trump board, which has only the three Republicans in presidential-party seats, plus two vacancies

in seats reserved for the members of other parties, made sure its decision was set in stone. Federal rules are as tough, or tougher, to overturn than laws.

The committee Democrats want to know at whose behest the NLRB ruled, and also why it hired a private consultant to sift through and “categorize” the thousands of comments it received when it proposed the federal rule. Most of the comments were negative.

And it wants to know why NLRB member William Emanuel, who was a management-side labor lawyer whose Los Angeles firm represented companies challenging the Obama-era rule, refused to recuse himself after NLRB ethics officials publicly said Emanuel had a conflict of interest on the issue.

Ring refused to cooperate with the committee's oversight. That forced the panel to subpoena the NLRB documents it demands, including internal memos about Emanuel's role and the consultant's activities. Those documents, the majority believes, include instructions on how to manipulate the comments “to achieve the desired outcome” of crafting the pro-boss rule.

“The committee is left to conclude the NLRB's sole motivation for refusing to produce requested documents is to cover up misconduct,” Chair Bobby Scott, D-Va., said in announcing the subpoena.

“The only facts the committee has to consider, at this point, are those that are publicly available, which reveal processes tainted with conflicts of interest and prejudicial error.”

**Add NLRB to the list of top Trump federal agencies defying congressional oversight.**

## LOCAL NEWS

LOCAL CONTACT

contact@peoplesworld.org

### Coup figurehead drops out as Morales's Socialists set to win Bolivian presidency

By Ben Chacko

**B**olivia's coup President Jeanine Añez has dropped out of next month's presidential elections after polls showed her scraping just over 5% of the vote.

Añez, who was appointed by the army after it forced just re-elected president Evo Morales from power last November, said she was withdrawing "to ensure there is a winner who defends democracy" against Morales's Movement for Socialism (MAS), which all polls continue to show in first place.

Polls this week showed that MAS candidate Luis Arce would win in the first round with 38.5% of the vote, less than Morales's 47% first-round win last year, which the opposition refused to accept.

But the showing would avoid a second round run-off because it is more than 10 points ahead of any other candidate, with former president Carlos Mesa in second place on 12.9%.

Fascist paramilitary leader and millionaire Luis Camacho, who organized the violent riots that preceded the army putsch last winter and famously stormed the presidential palace during the coup, tearing down the Pachamama emblem of Indigenous Bolivians, is in third place.

Añez did not endorse either but said the right should unite behind one candidate

## California: Viento y baja humedad amenazan con atizar fuego

Prensa Asociada

**L**a destrucción causada por un incendio forestal avivado por el viento en las montañas al noreste de Los Ángeles se acercó el domingo a los 404 kilómetros cuadrados (156 millas cuadradas) al arrasar con estructuras, viviendas y el centro de información de una famosa reserva natural del sur de California en comunidades desérticas al pie de las colinas.

Se prevé que el incendio llamado "Bobcat" crezca de domingo al lunes debido a que continúan las condiciones climáticas propicias como fuertes vientos y baja humedad. Las autoridades emitieron nuevas advertencias de evacuación el domingo por la tarde.

Sin embargo, los bomberos lograron proteger el fin de semana el Monte Wilson, que da al área metropolitana de Los Ángeles en la sierra de San Gabriel y es hogar de un histórico observatorio desde hace más de un siglo, así como de numerosas antenas de transmisión que dan servicio al sur de California.

El incendio Bobcat comenzó el 6 de septiembre y en la última semana duplicó su tamaño para convertirse en uno de los más grandes en la historia en el condado Los Ángeles, según el diario Los Angeles Times. De momento no hay reportes de lesionados.

El fuego está contenido en un 15% mientras las cuadrillas intentan determinar el alcance de la destrucción en la zona, a unos 80 kilómetros (50 millas) al noreste del centro de Los Ángeles.

Miles de habitantes de comunidades al pie de las colinas en el Valle del Antílope recibieron órdenes de desalojo el sábado a medida que los vientos llevaban las llamas hacia Juniper Hills.

Con binoculares, Roland Pagan observaba arder su vivienda en la comunidad de Juniper Hills desde una colina cercana, según Los Angeles Times. "La ferocidad de este incendio era impactante", lamentó Pagan, de 80 años, al periódico. "Destruyó toda mi casa en sólo 20 minutos".

El lugareño Perry Chamberlain desalojó inicialmente pero regresó a extinguir un incendio dentro de un contenedor que utilizaba como bodega, según Southern California News Group, y terminó ayudando a otros a sofocar un pequeño incendio en un establo de caballos.

Chamberlain afirmó que Juniper Hills había sido como un majestuoso "bosque silvestre" pero el incendio consumió los juníperos, matorrales de salvia y una variedad de árboles. "Solía ser Juniper Hills", dijo. "Ahora es simplemente Hills".

El incendio forestal también destruyó el Centro de Información del Área Natural Devil's Punchbowl, una maravilla geológica que atrae a unos 130.000 visitantes por año.

Mientras tanto, las autoridades investigaban la muerte de un bombero al borde de otro incendio forestal en el sur de California que fue causado este mes por un dispositivo pirotécnico generador de humo que una pareja utilizó para revelar el género de su bebé.

NATIONAL CONTACT

Editorial: (773) 446-9920 Business: (212) 924-2523  
Email: contact@peoplesworld.org