



26 October 2013

**Inter-American Commission on Human Rights**

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**Rights of Nature Questions for ACLU, Special Rapporteur Frank La Rue & and the Open Society Justice Initiative, at the 28 October 2013 Inter-American Commission on Human Rights (IACHR) hearing on Freedom of Expression and Communications Surveillance by the United States. Participants: State of the United States, American Civil Liberties Union Foundation (ACLU)**

**Questions for ACLU:**

FACT: On 22 July 2013, a Rights of Nature *Æquibriæx* Amicus Brief was submitted to the NSA surveillance matter of *ACLU et al v Clapper et al* (PDF<sup>1</sup>); in the Southern District Court of New York, before Judge William H Pauly, US District Court, S. District of New York. The ACLU have so far failed to provide their consent to the court hearing and considering the Rights of Nature *Æquibriæx* Amicus Brief arguments and evidence.

ACLU QUESTION 1: Why has the ACLU declined to consent to the court hearing and considering the Rights of Nature *Æquibriæx* Amicus Brief arguments and evidence?

### **Questions for Open Society Justice Initiative:**

FACT: On 07 July 2013, a Rights of Nature *Æquibriæx* Amicus Brief was submitted to *USA v Snowden* (PDF<sup>2</sup>); before Magistrate Judge John F. Anderson, US District Court Eastern District of Virginia at Alexandria; United States Attorney's Office, Eastern District of Virginia. Edward Snowden has so far failed to acknowledge receipt or consent to the court hearing and considering the Rights of Nature *Æquibriæx* Amicus Brief arguments and evidence.

OPEN JUSTICE SOCIETY QUESTION 1: Why has Edward Snowden failed to acknowledge receipt or consent to the public discussing or the court hearing and considering the Rights of Nature *Æquibriæx* Amicus Brief arguments and evidence, with regard to NSA surveillance issues?

### **Questions for ACLU, Special Rapporteur Frank La Rue & Open Society for Justice Initiative:**

FACT: The *Opinion of Weeramantry J in the Case Concerning the Gabcikovo-Nagymaros Project*<sup>3</sup> (Hungary v Slovakia) (1998) argues – like ecology – that a healthy ecological environment, with due regard for maintaining consumption and procreation below carrying capacity limits is a *sine qua non* for all other constitutional rights.

(b) Environmental Protection as a Principle of' International Law

The protection of the environment is likewise a vital part of contemporary human rights doctrine, for it is a *sine qua non* for numerous human rights such as the right to health and the

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<sup>1</sup> [http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-07-20\\_ny\\_aclu-v-clapper\\_nom-amicus-svc.pdf](http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-07-20_ny_aclu-v-clapper_nom-amicus-svc.pdf)

<sup>2</sup> [http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-07-07\\_us-va\\_snowden\\_nom-amicus-crtsvc.pdf](http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-07-07_us-va_snowden_nom-amicus-crtsvc.pdf)

<sup>3</sup> *Opinion of Weeramantry J in the Case Concerning the Gabcikovo-Nagymaros Project (Hungary v Slovakia)* (1998) 37 International Legal Materials 162 206. <http://www.icj-cij.org/docket/files/92/7383.pdf>

right to life itself. It is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the Universal Declaration and other human rights instruments.

2. Scarcity-Conflict

4. Unsustainable

5. Sustainable: Footprint < Carrying Capacity

1. Death Spiral/Collapse

3. Overshoot-Scarcity

## SS-DEFCON



POPULATION GROWTH

x



OVER CONSUMPTION OF RESOURCES

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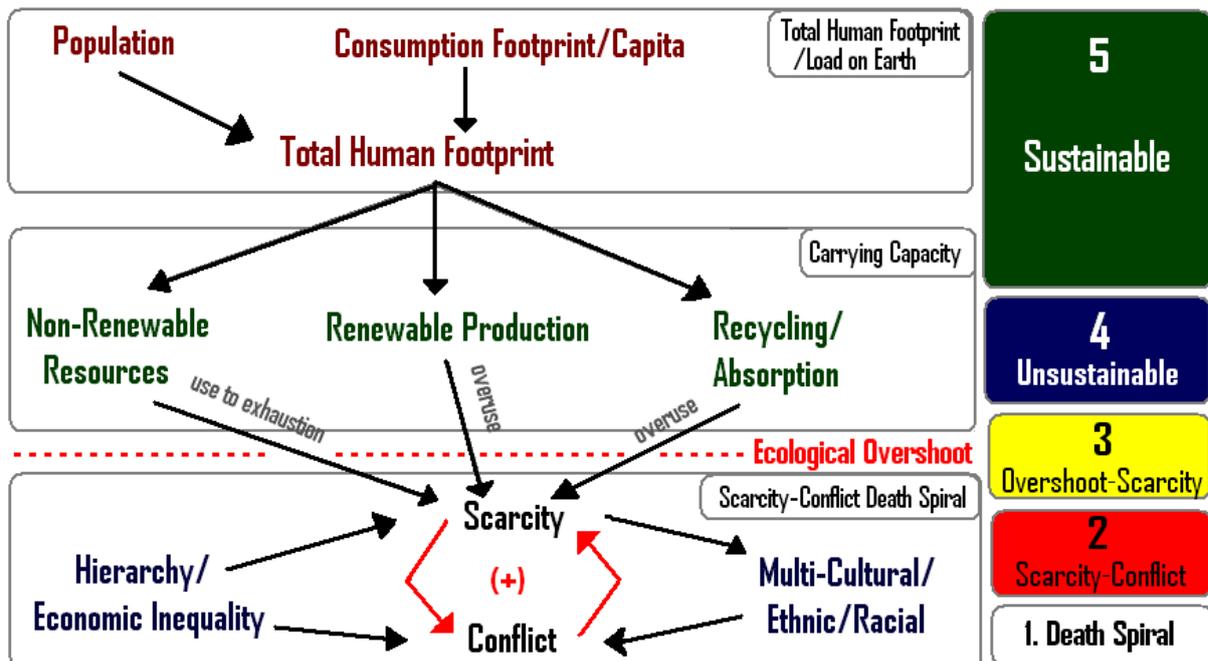
ssdefcon.crowdmap.com







## Sustainable Security (SS) DEFCON Alert Warning System



Jack Alpert Scarcity-Conflict Video's: <http://tiny.cc/S-Conflict-01> & <http://tiny.cc/S-Conflict-02>

FACT: Extensive *Environment/Overshoot-Scarcity-Conflict* documentation from military and intelligence agencies, united nations and governments, NGO's and academic reports, etc, collectively document how legislative failure to restrict humanity's procreation and consumption to cultural carrying capacity limits, and Legal Matrix Indulgences to Corporations: Socialized Corporate Externality Costs: Trillion Dollar Thefts from Global Natural Capital Commons<sup>4</sup>, has resulted in humanity's ecological overshoot of carrying capacity limits by between 700 to 400,000 percent<sup>5</sup>; which include crossing urgent Planetary Boundary Tipping Points<sup>6</sup>: (i) Loss of Biodiversity and Species Extinctions<sup>7</sup>; (ii)

<sup>4</sup> <http://tygae.weebly.com/corp-externalities.html>

<sup>5</sup> <http://tygae.weebly.com/ecological-overshoot.html>

<sup>6</sup> <http://tygae.weebly.com/tipping-points.html>

<sup>7</sup> <http://tygae.weebly.com/biodiversity-loss.html>

Climate Change<sup>8</sup>; (iii) Nitrogen Cycle<sup>9</sup>; (iv) Ocean Acidification<sup>10</sup>; (v) Changes in Land Use<sup>11</sup>; (vi) Global Freshwater Use<sup>12</sup>; (vii) State Shift in the Earth's Biosphere<sup>13</sup>; (viii) Peak Non-Renewable Natural Resources: Scarcity<sup>14</sup>; with devastating current climate-resource-scarcity-conflict and refugees, and impending threat multiplier aggravation of crisis of 'scarcity-conflict' death spiral consequences; exponentially aggravating the task of individuals responsible for 'national security' issues.

ALL QUESTION 1: Does the ACLU/Special Rapporteur/Open Justice Society Foundation believe that citizens whose procreation and consumption violate carrying capacity limits – i.e. whose breeding and consumption directly contribute to ecological overshoot, resource scarcity and scarcity-conflict related national security issues – should be entitled to 'privacy' from surveillance. Put differently, should citizens and corporations who decline to fail to uphold their duties and responsibilities to nature's rights; and whose behaviour impairs and undermines all natures rights, and all the human rights in the Universal Declaration of rights and other rights instruments; be entitled to the 'right to privacy from national security related surveillance'?

FACT: *Media Censorship of Environment-Scarcity-Conflict* refers to a corporate media socialized externality cost. Like all corporations, media corporations work to maximize their profits, by maximizing revenues while minimizing costs, by externalizing – avoid paying – as many costs as possible, externalizing them to society. Journalists are aware of how population and consumption affect ecological overshoot, scarcity and scarcity induced conflict, but avoid including such context to socio-political problem stories, because it directly and indirectly<sup>15</sup> conflicts with their population and consumption growth profit motives. Numerous studies such as Dr. Michael Maher's study: *How and Why Journalists Avoid Population -*

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<sup>8</sup> <http://tygae.weebly.com/climate-change.html>

<sup>9</sup> <http://tygae.weebly.com/nitrogen-cycle.html>

<sup>10</sup> <http://tygae.weebly.com/ocean-acidification.html>

<sup>11</sup> <http://tygae.weebly.com/land-use.html>

<sup>12</sup> <http://tygae.weebly.com/freshwater-use.html>

<sup>13</sup> <http://tygae.weebly.com/biosphere-state-shift.html>

<sup>14</sup> <http://tygae.weebly.com/peak-nnr-scarcity.html>

<sup>15</sup> Advertisers prefer not to advertise in news media which honestly encourage readers to consume responsibly, by contextually linking the role of overconsumption to the ecological overshoot socio-political problems being experienced by citizens. Many citizens indoctrinated with political correct thinking, also marketed by media and corporations, prefer not to offend readers who prefer to be ecologically illiterate intellectual ostriches who are not confronted with the reality that their consumption and procreation contributes to problems resulting from ecological overshoot. Such readers/viewers would prefer to be told that their consumption or procreation above carrying capacity limits has nothing to do with ecological overshoot related socio-political problems, which are someone else's fault, preferably someone else from a different ethnicity, culture, religion or ideology.

*Environment Connection* (PDF<sup>16</sup>), document how the mainstream media's conscious censorship of the population/consumption-overshoot-scarcity-conflict contextual connection in their reporting on environment, scarcity and conflict related events, is a significant cause of the public's general ecological illiterate inability to make informed environmental decisions, ignorance of the ecological overshoot state of our planet, and its impending scarcity-conflict consequences. Dr. Maher did a random sample of 150 stories about urban sprawl, endangered species and water shortages, and found that only 1 in ten framed population growth as a source of the problem. Other studies conducted by Media Matters in the US show that (i) in recent 2013 wildfire coverage, only 6 percent of total wildfire items mentioned climate change<sup>17</sup>; (ii) in Midwest flood coverage, only 3 percent of stories mentioned climate change<sup>18</sup>; (iii) in 2012, the nightly news covered the royal family more than climate change<sup>19</sup>; (iv) a recent study documenting the warmest year on record received cool media coverage<sup>20</sup>, almost entirely censoring scientists from climate change discussion<sup>21</sup>; (v) in 2012, the Kardashians got 40 times more news coverage than ocean acidification, which affects over 50% of US fishery revenues<sup>22</sup>; (vi) in 2012, TV media covered Joe Biden's smile nearly twice as much as climate change<sup>23</sup>, and Paul Ryan's workout, three times more than record Arctic Sea Ice loss<sup>24</sup>.

A media publication's accurate contextual environmental information is to a citizen's healthy, constructive problem solving decision-making, no different what an organic farmer's food is to a body's cells energy conversion decision-making and problem solving. Similarly a media publication's inaccurate information-food, including

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<sup>16</sup> How and Why Journalists Avoid Population-Environment Connection, [www.scribd.com/doc/33694415](http://www.scribd.com/doc/33694415)

<sup>17</sup> (i) Fitzsimmons Jill (9 May 2013): "New Normal" of California Wildfires Doesn't Make the News; Media Matters <http://mediamatters.org/research/2013/05/07/study-media-ignore-climate-context-of-midwest-f/193936> (ii) Greenberg Max (3 July 2013): Study: Media Still Largely Fail to Put Wildfires in Climate Context; Media Matters <http://mediamatters.org/research/2013/07/03/study-media-still-largely-fail-to-put-wildfires/194733>

<sup>18</sup> Fitzsimmons Jill (7 May 2013): Study: Media Ignore Climate Context of Midwest Floods; Media Matters <http://mediamatters.org/research/2013/05/07/study-media-ignore-climate-context-of-midwest-f/193936>

<sup>19</sup> Fitzsimmons Jill (14 May 2013): Nightly News Covered the Royal Family More than Climate Change in 2012; Media Matters <http://mediamatters.org/blog/2013/05/09/new-normal-of-california-wildfires-doesnt-make/193991>

<sup>20</sup> (i) Fitzsimmons Jill (8 January 2013): Study: Warmest Year on record received Cool Climate Coverage; Media Matters <http://mediamatters.org/research/2013/01/08/study-warmest-year-on-record-received-cool-clim/192079>; (ii) Fitzsimmons Jill (11 March 2013): CBS Ignores Study Finding Temperatures Are Highest in 4,000 Years, Media Matters <http://mediamatters.org/blog/2013/03/11/cbs-ignores-study-finding-temperatures-are-high/193003>

<sup>21</sup> Fitzsimmons Jill (15 August 2012): Study: TV Media Ignore Climate Change in Coverage of Record July Heat; Media Matters <http://mediamatters.org/research/2012/08/15/tv-media-ignore-climate-change-in-coverage-of-r/189366>

<sup>22</sup> Theel Shauna (27 June 2012): Study: Kardashians Get 40 Times More News Coverage than Ocean Acidification ; Media Matters <http://mediamatters.org/blog/2012/06/27/study-kardashians-get-40-times-more-news-covera/186703>

<sup>23</sup> Fitzsimmons Jill (13 November 2012): Study: TV Media covered Biden's Smile nearly twice as much as Climate Change; Media Matters <http://mediamatters.org/research/2012/11/13/study-tv-media-covered-bidens-smile-nearly-twice/191341>

<sup>24</sup> Fitzsimmons Jill (27 September 2012): Study: TV News covered Paul Ryan's Workout 3x More than Record Arctic Sea Ice Loss; Media Matters. <http://mediamatters.org/research/2012/09/27/study-tv-news-covered-paul-ryans-workout-3x-mor/190165>

where the inaccuracy results from the intentional omission of important contextual environmental information, is as toxic and debilitating to an individual's decision making and problem solving, or collectively to a citizenry's decision-making and problem solving, as a farmer's toxic pesticide or genetically modified biological foodstuffs can be.

ALL QUESTION 2: Why have Civil Rights organisations around the world demanded that citizen's be informed by farmers and retailers of the organic, or lack of organic quality of the food they purchase; yet civil rights organisations around the world fail to demand that citizens be informed by media publications, of the quality of organic information (i.e. such as media publications intentional omission of important contextual ecological information related to scarcity-conflict news events they report upon) they purchase?

Sincerely,



Lara Johnstone  
MILINT Earth Day

Disclosure: Please note (i) Declaration of JAG Lt. Cdr. Lara Braveheart, to US Navy Judge Advocate General: Vice Admiral Nanette Derenzi: RE: NSA Æquilibrium Sustainable Security Theses Ecology of Peace v. Near Term Extinction campaign (PDF<sup>25</sup>); (ii) Declaration of Lara Johnstone with regard to Authorizing National Security Agency Psychotronic Surveillance (PDF<sup>26</sup>).

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<sup>25</sup> [http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-08-03\\_jag\\_07-146\\_jag\\_vadm-n-derenzi.pdf](http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-08-03_jag_07-146_jag_vadm-n-derenzi.pdf)

<sup>26</sup> [http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-07-07\\_us-va\\_snowden\\_nsa-surveil-affid.pdf](http://tygae.weebly.com/uploads/1/3/8/7/13878165/13-07-07_us-va_snowden_nsa-surveil-affid.pdf)