

THE OREGON FOREST TRUST: FROM COMMODITY TO COMMONWEALTH

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We are the living beneficiaries of a priceless trust. This trust holds the waters, the air, the wildlife, the forests, the soils, and all that encompasses the web of life. Our ancestors drew their life from this trust, and so will our descendants. This trust -- exquisitely balanced and spectacularly complex -- supports all life systems. And without it functioning, life will not persist. That is law, that is Nature's Law. All of our ancestors recognized this truth, and yet our commodity laws flaunt it by legalizing massive forest destruction, and along with it, incalculable harm to our waters, fisheries, wildlife, and the climate system.

When you hear the strongest possible warnings from scientists that our continued fossil fuel emissions and deforestation will threaten civilization and our children's very survival on this planet, you know that fate has delivered all of us alive today into an almost unbelievable moment in human history. As many now recognize, our living generation is the first to truly understand the threat of runaway climate change and the last equipped to stop it.

So why now do we focus on our inalienable rights? Because never before in the history of this nation has our fundamental ecology been so ferociously and ignorantly destroyed, and with such dire consequences to young people. Looking back, we see these rights surfacing at epic times through human history. These principles stand no less revolutionary for our time and our crises than the forcing of the Magna Carta on the English monarchy or Mahatma Gandhi's great Salt March to the sea. What we must

realize is that we too live during an epic time in history. And with crisis comes the rare opportunity to rethink how we live on this Earth for the coming centuries – and to listen to tribal leaders whose ancestors tended forests across this region for millennia.

In this moment, yes, Oregonians must anchor into whatever protection existing laws give to conserve as much as possible, but we must also look ahead of those laws -- for if the people continue to speak only from the context of narrow statutes designed to promote commodity use of the forest, the moral wrong of ecological annihilation will never agonize the decision-makers, and the political power of distant corporate interests will continue to drive state forest policy towards ecological bankruptcy. Thinking of those Supreme Court justices who penned the *Illinois Central* opinion back in 1892, saying, “It would not be listened to” that the Chicago shoreline would remain in the hands of a private corporation, you can practically hear those justices saying today, “It would not be listened to” that our lawmakers would let distant timber corporations and banks and REITS and TIMOS raze our forests, contaminate our drinking watersheds, release massive amounts of carbon dioxide pollution into the atmosphere, push our species into the sixth major extinction this planet has ever seen – all threatening our children’s future and the habitability of this Nation. “It would not be listened to.”

Just as preceding generations did, we too must hold government accountable as trustees of our commonwealth. We need a whole new set of instructions for our government actors. The public trust presents the very antithesis of the discretion model that has bred so much corruption in statutory law. The trust is a full paradigm shift, formed around expectations of accountability to the people. These are rights we still hold - rights we can assert. These are among the constitutional rights that 11 young people of this

state, along with 10 others across the country, used to gain a declaration by the federal district court of Oregon of the right to a climate system capable of supporting life on the planet, inspiring other cases worldwide. But this principle is not just for the courtroom. The same trust principles that flow through a judge's pen can be taken to the legislature, the agencies, the media, the businesses, the schools, and all organizations of society. It can be preached from a pulpit or spoken as the last words from a grandmother to her grandchildren anywhere in the world—because the trust encompasses a moral instruction to protect our children's rightful legacy.

Surely there must come a time in Oregon when the great cathedrals of primordial forest will be “assured from the attack of that worst of all microbes, the dollar.” Just as it no longer makes sense for fossil fuels to be extracted, giving rise to an entire movement to “keep it in the ground,” the time is perhaps ripe for a movement to keep our forests “in the ground.” When the Governor, state legislators, State Land Board, county commissioners, and officials across the Oregon Department of Forestry, U.S. Forest Service, BLM and other agencies embrace their fundamental duties as co-trustees towards this state's forest endowment, they will use their authority to rebuild Oregon's natural wealth, aiming towards restoration, abundance, resilience, and justice. That day cannot come fast enough for the children of Oregon – and for all children of the world -- who must inherit planetary life systems now teetering on the brink of collapse. But intergenerational justice will only become part of political culture if the people voice their rights.

Oregonians love their forests – *our* forests – and will show up at hearings, testify before the legislature, sit in trees, make documentary films, circulate petitions, boycott rapacious corporate practices, and most importantly, teach their children about their rightful forest

legacy that stays tied in every consequential way to their own future survival. Together the citizens and leaders of Oregon must now plant their stake in history and reclaim their rightful Oregon Forest Trust for all Posterity.