

A Monkey-Wrenching Environmentalist Goes on Trial in Utah

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(For More: <http://www.peacefuluprising.org/climate-trial>, and, <http://www.bidder70.org/>)

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Environmental activist Tim DeChristopher

*Credit: Courtney Sargent /
Deseret News / Rapport*



Tim DeChristopher is nothing if not committed. Back in December of 2008, in the waning days of the Bush Administration, then-27 year-old DeChristopher threw a monkey wrench into a planned Bureau of Land Management (BLM) auction of thousands of acres of public territory in Utah for oil and gas exploration. DeChristopher—a college student at the University of Utah and an environmental activist—infiltrated the auction and sabotaged the sale, bidding up the price of land until he'd won more than 12,000 acres worth, at the cost of \$1.79 million. Eventually, BLM officials figured out that the twentysomething college student was not in fact an oil and gas magnate, and took him into custody—but not until DeChristopher had made his point. "I saw this as a very corrupt and fraudulent process, and a threat to my future," DeChristopher [told me](#) more than two years ago. "I told them I was there to commit civil disobedience and that this was a fraudulent auction."

Fast-forward two years. After President Obama came into office, new Interior Secretary Ken Salazar invalidated the auctions on the grounds that the BLM had failed to complete procedural prerequisites about the impact that oil and gas exploration might have on nearby national treasures. But DeChristopher himself is still in trouble. He'll appear in a Salt Lake City courtroom this morning to stand trial for defrauding the government—and if he's convicted, he could face as much as 10 years in prison and \$750,000 in fines.

There's little doubt over DeChristopher's technical guilt—he's admitted that he bid at the BLM auction in an effort to disrupt the process, and that he had no intention to pay for the lots. But the activist has argued that he did so in order to serve a higher purpose—fighting climate change—and had no choice but to break the law. This is the "[necessity defense](#)," and it [was used in 2008](#) by British environmentalists who had been accused of causing criminal damage to a coal-power station

chimney. The Kingsnorth Six, as they were called, argued that they were acting to prevent greater environmental damage—and they [won their case](#).

DeChristopher isn't likely to be so lucky, however. U.S. District Judge Dee Benson, who is overseeing the case, has already ruled out the necessity defense, so DeChristopher may not be able to employ the larger issue of climate change at his trial. DeChristopher also claims that the case has been politically motivated—his lawyers note that in at least 25 other cases no charges were brought against bidders who failed to pay for their leases—but Benson has blocked that line of argument as well. For their part, the oil and gas industry is pushing hard to convict DeChristopher. “We’re a nation of laws,” Kathleen Sgamma of the Western Energy Alliance [told NPR](#). “There’s a democratic process in place if you don’t like what’s happening.”

For environmentalists, however, DeChristopher has become a cause célèbre. 350.org founder Bill McKibben, climate scientist James Hansen and Robert Redford have [written a letter](#) in support of DeChristopher, and green celebrities like Darryl Hannah have traveled to Salt Lake City to attend the trial. [Peaceful Uprising](#)—a group founded by DeChristopher—has been holding rallies in Salt Lake City, and DeChristopher has [asked his supporters](#) to keep the pressure up, even after his trial:

The world will be watching. They’re looking to see how you react when I’m prosecuted and when I’m likely convicted and sent to prison. ... The world is watching because they want to see if you’re going to back down.

Was DeChristopher right? As Brandon Loomis of the *Salt Lake City Tribune* writes, the activist faces an uphill case if he wants to [escape a conviction](#):

[Paul] Cassell, the U. law professor, agrees that political motives can lead to harsher treatment in court, depending on circumstances. A defendant’s apparent altruism can help his or her case. But when the defendant is defiant, showing no remorse, he said, a judge may exact serious punishment to deter a repeat offense.

Cassell does not believe DeChristopher qualified for the necessity defense, with which he could stake his innocence claim to the perceived need to halt climate change. Such a defense is appropriate only when a danger is clearly imminent and directly tied to the threat in question, he said, and also when no legal remedy is available. The fact that environmental law group Earthjustice subsequently won a restraining order against the leases and that Obama’s Interior secretary, Ken Salazar, pulled most of them back for further review showed that other remedies existed, he said.

“Judge Benson got it right,” Cassell said.

But if DeChristopher and his allies truly believe that climate change presents an existential threat to the planet—and their lives—a conviction isn’t likely to change their minds. With Republicans back in control of the House and on the rise in state governments around the country, there’s already a [pushback against greenhouse gas regulations](#) and in [favor of more oil and gas exploration](#), whatever the environmental cost. Committed greens like DeChristopher won’t just sit back and let that happen. The monkey wrenching may just be starting.