

Just back from a weekend conference where climate litigator Matthew Pawa gave a keynote address. He's one of the lawyers who successfully defended California's right to demand that automakers make cars that limit their greenhouse gas emissions, calling and cross-examining witnesses in a dramatic 2007 trial that put climate change science on the stand. In some ways it was the modern-day equivalent of the Scopes trial, but with science winning this time. (Read the court's opinion [here](#).)

Pawa made the good point that as GM [continues to plead](#) for additional bailout money, it and the auto industry are turning around and using that money to appeal this court loss, funding highly-paid private lawyers to press the losing case that they should continue to build the carbon-spewing dinosaurs that got them into this mess. Even assuming EPA head Lisa Jackson soon grants California's request for a waiver allowing the state to go forward with its clean-car regulations, [as looks likely](#), the Big Three will still be fighting in the courts for the right to build less efficient cars. Doesn't this seem wrong? Should American and California taxpayers be subsidizing the auto industry's expensive, backwards, and, ultimately, futile efforts to thwart progress on developing a more efficient and less polluting U.S. car fleet?

Pawa made a simple suggestion to fix this inequity, one that circulated last December as well, at the time of the first auto bailout. Let's condition any further taxpayer assistance to the automobile industry on an explicit authorization for California and other states to implement California's landmark greenhouse gas emission standards. Whether we do it through a simple Congressional enactment or through executive branch dealmaking, last week's Gallup [poll numbers](#) show a new round of auto bailout funds to be deeply unpopular and suggest there's leverage to get this done.