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**In Response to Supreme Court Denial,
Youth Climate Advocates Continue Quest
For Effective Federal Climate Action**

Washington, D.C. – Today, the U.S. Supreme Court denied a [Petition for Writ of Certiorari](#) filed by youth represented by Erwin Chermersky and Philip Gregory, asking to obtain a court order requiring effective federal climate action. The Petition had asked the Supreme Court to review an appellate court decision which held the federal government was not obligated to preserve essential natural resources in trust for our Nation’s present and future generations. The youth petitioners vow to continue to advance their climate claims in lower federal courts until the federal government is ordered to take immediate action on human-made climate change.

“Climate change is the most urgent issue of intergenerational justice that perhaps our species has ever faced. I do not understand how our courts continue to absolve the federal government from responsibility to care for the only planet which we call home,” said Alec Lorz, one of the youth plaintiffs and founder of Kids vs. Global Warming. “What greater responsibility could federal officials have to young citizens and future generations than ensuring them a livable country? If the natural resources that we depend on for life are not protected, what other political issues even matter? This is more important than anything to members of my generation, and no matter how many times we are turned away, we will continue to fight. We will continue bringing claims to the courthouse steps until our voices are heard and action is being taken to protect our future. I do believe that one day we will find a judge who has the courage to issue the necessary orders and secure the rights of my generation to a healthy and stable climate system.”

The Petition arose out of a lawsuit filed in May 2011 by five teenagers against six U.S. federal agencies under the Public Trust Doctrine to require the federal government to immediately implement a science-based climate recovery plan to protect our nation’s atmosphere. The youth appealed a decision by the Court of Appeals for the District of Columbia Circuit. That decision held the federal government had no obligation to protect any natural resource under the Public Trust Doctrine, and that any such obligation lies only with the individual states.

“This case relies on a foundational principle of government—the Public Trust Doctrine. The D.C. Circuit Court’s decision is a radical departure from established law of the Supreme Court and the law of other circuits,” stated Erwin Chemerinsky, lead counsel for the youth at the Supreme Court and renowned constitutional law scholar and professor. “Averting a climate crisis should be a matter of carbon science, not carbon politics. Given the urgency of my clients’ claims relative to the health of our imperiled atmosphere, I am gravely disappointed the Supreme Court did not accept this case.”

In their Petition the youth argued that the federal government has a legal duty as trustee to protect essential national resources so those resources may be used by future generations. The Petition contended the decision of the District of Columbia Circuit Court of Appeals was in conflict with the Eighth, Ninth, and Tenth Circuit Courts of Appeal, as well as decisions issued by courts throughout the world.

“These courageous youth petitioners have endured much in their pursuit of judicial action to secure a healthy atmosphere and stable climate,” declared Philip Gregory, an attorney for the youth petitioners and a partner at Cotchett, Pitre & McCarthy. “While we regret the Supreme Court did not accept this petition for review, these young climate advocates will not abandon their efforts to secure a court order requiring an effective Climate Recovery Plan. Neither Congress nor the President are taking the steps necessary to avert a human-made climate disaster. Our clients will continue to bring cases to get courts to put politics aside and protect essential natural resources for our children and future generations.”

The Supreme Court Petition contended the federal government has the obligation to effectively address the catastrophic deterioration of the nation’s atmosphere, but has refused to do so. The Petition urged the Court to recognize that global climate change is accelerating at an alarming pace and will soon escape the reach of corrective measures. The Petition stated, in part: “The narrow window of time left to address global climate change and the significant consequences to the welfare of our nation’s children and future generations add urgency to the legal issue. The D.C. Circuit’s complete refusal to recognize the public trust doctrine turns a blind eye to the federal government’s responsibility to future generations and undermines the federal government’s ability to assert its public trust authority in the future to conserve public resources.”

“Recognizing the right of young people to essential natural resources presented the U.S. Supreme Court with a fundamental issue, similar to the Civil Rights cases in its urgency,” pronounced Julia Olson, co-counsel for the youth and executive director of Our Children’s Trust. “The science is clear: if the atmosphere is not protected by the federal government now, it will be too compromised to be restored by future generations. The difference this case presents is that, unlike rights which, if denied to one generation can be remedied by future generations, the right to a protected atmosphere can only be preserved by this generation. The judicial declarations of women’s rights, gay rights, and civil rights, after long struggles, allowed successive generations to correct the wrongs of prior generations. Because time has almost run out, the right to a healthy atmosphere can only be protected by this generation. If not remedied now, future generations will have no chance.”

Climate change is the greatest threat to our constitutional rights and liberties that humanity has ever seen. The lower court in the District of Columbia agreed: “This is a very important case, this is an important issue, and it raises serious questions.” In the three years since the youth filed their complaint,

atmospheric carbon dioxide levels have risen from 390 parts per million (ppm) to 397 ppm, and those levels are still rising. The maximum level of carbon dioxide the earth's atmosphere can tolerate if there is to be any hope of reversing catastrophic global warming is 350 ppm.

“I will not allow my generation and future generations to suffer from climate destabilization and dead oceans without doing everything I can to force my government act,” said Xiuhtezcatl Martinez, 14-year-old activist and co-founder of Earth Guardians. “Federal officials are our trustees. They are supposed to protect human citizens, not corporate greed. Today nine Justices denied us our day in Court, but they will not have the last word. I believe with all my heart there are judges in this country who will act courageously and recognize our rights. I only hope the courts act before it is too late.”

Our Children's Trust is a nonprofit advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose. OCT coordinates a federal, state, local and global human rights and environmental justice campaign to establish the legal right to a healthy atmosphere and stable climate. We use law, film, and media to elevate the compelling youth voice seeking enforceable science-based Climate Recovery Plans. www.ourchildrenstrust.org. To learn more about this case, visit: www.ourchildrenstrust.org/US/Federal-Lawsuit.

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