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America's Youth File Landmark Climate Lawsuit Against U.S. Government and President

Eugene, OR – Today, on International Youth Day, 21 young people from across the United States filed a landmark constitutional climate change lawsuit against the federal government in the U.S. District Court for the District of Oregon. Also acting as a Plaintiff is world-renown climate scientist Dr. James E. Hansen, serving as guardian for future generations and for his granddaughter, and Earth Guardians, representing young citizen beneficiaries of the public trust. The [Complaint](#) asserts that, in causing climate change, the federal government has violated the youngest generation's constitutional rights to life, liberty, property, and has failed to protect essential public trust resources.

The Complaint alleges the Federal Government is violating the youth's constitutional rights by promoting the development and use of fossil fuels. These young Plaintiffs are challenging the federal government's national fossil fuel programs, as well as the proposed Jordan Cove LNG export terminal in Coos Bay, OR. Plaintiffs seek to hold President Obama and various federal agencies responsible for continued fossil fuel exploitation. The Federal Government has known for decades that fossil fuels are destroying the climate system. No less important than in the Civil Rights cases, Plaintiffs seek a court order requiring the President to immediately implement a national plan to decrease atmospheric concentrations of carbon dioxide ("CO₂") to a safe level: 350 ppm by the year 2100.

In describing the case, one of the teenage Plaintiffs and Youth Director of Earth Guardians, Xiuhtezcatl Tonatiuh Martinez, stated: "The Federal Government has known for decades that CO₂ pollution from burning fossil fuels was causing global warming and dangerous climate change. It also knew that continuing to burn fossil fuels would destabilize our climate system, significantly harming my generation and generations to come. Despite knowing these dangers, Defendants did nothing to prevent this harm. In fact, my Government increased the concentration of CO₂ in the atmosphere to levels it knew were unsafe."

Another Plaintiff, 18-year-old Kelsey Juliana, said: "Our nation's top climate scientists, including Dr. Hansen, have found that the present CO₂ level is already in the danger zone and leading to devastating disruptions of planetary systems. The current practices and policies of our Federal Government include sustained exploitation and consumption of fossil fuels. We brought this case because the Government needs to immediately and aggressively reduce carbon emissions, and stop promoting fossil fuels, which force our nation's climate system toward irreversible impacts. A key example is approval of LNG pipelines and export terminals in Oregon. If the

Government continues to delay urgent annual emissions reductions, my generation's wellbeing will be inexcusably put at risk.”

Based on the Fifth Amendment to the U.S. Constitution, the Complaint argues that, despite knowing CO₂ emissions cause dangerous climate change and ocean acidification, the Federal Government failed to restrict those emissions and continues to authorize fossil fuel projects that amplify the danger and foreclose the opportunity to stabilize the climate system. The lawsuit specifies the Jordan Cove Energy Project as one egregious instance in which the Federal Government intensified that danger to Plaintiffs’ life, liberty and property. Plaintiffs seek judicial action no less important, from a strictly legal basis, than *Brown v. Board of Education* (right to equal educational opportunity) and *Obergefell v. Hodges* (right to marry). This case places indisputable climate science squarely in front of the federal judiciary, requesting an order forcing our government to cease jeopardizing the climate system for present and future generations.

“We uncovered shocking admissions by the White House and the Environmental Protection Agency: they have known for decades of the extreme dangers of fossil fuels,” noted Philip Gregory of Cotchett, Pitre & McCarthy, of Burlingame, CA, counsel to the Plaintiffs. “The Complaint explains how Defendants have known since at least 1965 that CO₂ emissions from fossil fuels would create perilous climate change, with enormous and harmful impacts for future generations – including our children. These disclosures also arose in the 1980’s when Congress worked with the EPA to develop a national plan to keep atmospheric carbon dioxide levels at 350 ppm. Despite the government’s extensive knowledge of the dangers of CO₂ emissions, and draft plans to reduce these emissions, Defendants continued to authorize and promote fossil fuel extraction, production, consumption, and all their associated emissions – to the grave detriment of future generations.”

“By 2020, the Jordan Cove Energy Project will be the largest emitter of greenhouse gases in the whole state of Oregon,” stated 18-year-old Alex Loznak, one of the eleven Oregon youth plaintiffs. “Science tells us we must sharply cut back on CO₂ emissions, but my Federal Government has given the green light to massive LNG exports from this terminal. If constructed, the terminal would process one billion cubic feet of natural gas per day, locking us into dependence on fossil fuels at a time when we should be transitioning toward a renewable energy economy. My family has owned a farm near the proposed pipeline route for almost 150 years, and I’m worried about the impacts that increased drought and wildfire will have on the farm unless we act now on climate change.”

The Complaint includes each Plaintiff’s individual story and the ways in which they are harmed by climate change now and will be in the future if the Court does not order the Federal Government to decrease atmospheric concentrations of CO₂ to a safe level. For example, Youth Plaintiff Tia Hatton, from Bend, OR, has experienced record low snowfall for the past three years, threatening her water supplies and winter sports. She knows carbon pollution confronts her and her generation with the specter of severe water shortages, and is concerned she will be forced to stop skiing competitively. Levi Draheim, an 8-year-old Plaintiff from Indian River Lagoon, FL lives with his family on a small barrier island between the Atlantic ocean and a lagoon. Sea level rise is already seriously impacting their island, and Levi is worried he will have to move if it becomes worse. Plaintiff Journey Zephier, a 15-year-old who lives in Kaua‘i, Hawai‘i, is watching the island’s beaches erode away. The island’s decreased rainfall is resulting in lower river water levels, and his community is faced with serious water quality problems because saltwater is intruding upriver from sea level rise.

“This bold action by youth in the United States challenges federal government actions that are causing and exacerbating, rather than abating, the climate crisis,” said Roger Cox, attorney for URGENDA who recently secured a court order in the Netherlands ordering the Dutch government to decrease emissions. “Like the court found in our Dutch case, the U.S. government also has a duty to safeguard the climate for present and future

generations, but when the government fails to do so, plaintiffs must be able to rely on the judicial branch to remedy the grave injustice being perpetrated by their own government.” Cox added that “What the U.S. courts do in this case will have implications for the rest of the world, and for the degree of climate change we will all face in the years to come.”

Dr. James Hansen, director of the Climate Science, Awareness and Solutions program at Columbia University, stated: “We have a global climate emergency. Earth is out of energy balance, there is more energy coming in than going out. That energy drives warming of the ocean, ice sheet disintegration and sea level rise, stronger storms, more intense heat waves, droughts, fires and floods. Our Constitution guarantees young people equal protection of the law and the rights to life, liberty – including the pursuit of happiness – and property. These rights may not be denied by government action without due process of law.”

According to Dr. Hansen, “Sensible means exist to rapidly phase down CO₂ emissions, to wit, a rising carbon fee collected from fossil fuel companies with funds distributed to the public. Instead, our President proposes ineffectual actions, demonstrably short of what is needed, and persists in approving fossil fuel projects that will slam shut the narrowing window of opportunity to ensure a hospitable climate system. I aim to testify on behalf of young people. Their future hangs in the balance.”

“The purpose of this case is to obtain an order from a federal court requiring the United States government, including the President and specific federal agencies, to develop a national plan to protect our atmosphere and stable climate system. These youth, as well as future generations, have constitutional due process and equal protection rights to be free from governmental harm to those resources,” said Julia Olson, Executive Director and Chief Legal Counsel for Our Children’s Trust, and lead counsel on the litigation. “This lawsuit asks whether our government has a constitutional responsibility to leave a viable climate system for future generations. The Federal Government has consciously chosen to endanger young people’s right to a stable climate system for the short-term economic interests of a few. In light of the established science, federal approval of the Jordan Cove LNG Project cannot stand. This administration must no longer consign future generations to an uninhabitable planet.”

*The case is part of a global legal campaign led by **Our Children’s Trust**, a nonprofit organization that is coordinating a federal, state, local and global human rights and environmental justice campaign to secure the legal right to a healthy atmosphere and stable climate. As a result of OCT’s work, courts around the U.S. and in other countries are beginning to accept arguments to secure that right, in accordance with science and on the behalf of present and future generations. Top legal scholars, international scientists, national security experts, faith leaders, cities, NGOs and others support this effort, including, most recently, a Seattle court that ordered the Washington State to consider the science in establishing emissions standards. Similarly, in March, the N.M. Court of Appeals that the atmosphere is entitled to constitutional protection as a public trust resource. The case filed today builds on these cases and others. Our Children’s Trust and its team of lawyers from around the country is also advancing cases in Massachusetts, Colorado, Washington, Oregon, and North Carolina, and will soon file actions in Florida, Hawaii, Pennsylvania, Montana, Alaska and Maine, and in several other countries. To learn more, go to www.ourchildrenstrust.org and to view the Complaint, go to www.ourchildrenstrust.org/US/Federal-Lawsuit.*

***Earth Guardians** is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org*