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Prominent *Amicus* Groups File Supreme Court Briefs In Support Of Climate Change Case Brought By Young Americans

Washington, D.C. — Today prominent national leaders, including legal scholars, economic and national security experts, religious groups, climate scientists, conservation and social justice organizations, native communities, business and government leaders, and cities filed *amicus* briefs with the United States Supreme Court in a major climate change case. The case, *Alec L. v. McCarthy*, Supreme Court Case No. 14-405, seeks a decision that the federal government has public trust obligations to protect essential national natural resources for present and future generations. The three *amicus* briefs, representing scientists, legal scholars, and diverse national interests, displayed resounding legal support for an October 2014 [Petition for Writ of Certiorari](#) filed on behalf of group of young Americans with the United States Supreme Court.

“This case relies on a foundational principle of government—the Public Trust Doctrine,” said William Rodgers, Stimson Bullitt Endowed Professor of Environmental Law at University of Washington School of Law, one of the founders of modern environmental law, and an author of one of the *amicus* briefs. “Public trust principles go back to the Emperor Justinian, the Magna Carta, and our Country’s founding documents. This Petition asks the Supreme Court to rule on an incredibly important question: Must the federal government act to protect essential natural resources under the Public Trust Doctrine? Our brief supports the young Americans’ excellent argument. I have taught law for 50 years and read every environmental decision by federal courts and I believe this is the most important petition to go before the Supreme Court.”

On October 3, 2014, five young Americans, supported by Our Children’s Trust, filed their Petition to the Supreme Court after the D.C. Circuit Court of Appeals dismissed their case. The legal team is led before the Supreme Court by renowned constitutional law expert Erwin Chemerinsky. The Petition arose out of a lawsuit filed in May 2011 by five teenagers, Kids vs. Global Warming, and WildEarth Guardians 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 Petitioners are now appealing the [decision](#) of the D.C. Circuit, which held that the federal government has no obligation to protect any essential natural resource under the Public Trust Doctrine, and that any such obligation lies only with the individual states. Legal experts from prominent law schools strongly dispute that holding. More than 50 American law

professors argue that the Court of Appeals ruling is in conflict with decisions previously issued by several other U.S. Courts of Appeals and the U.S. Supreme Court.

The prominent *amici curiae*, which include cities and faith organizations representing millions of people, call upon the Supreme Court to grant the Petition because this is a case of “exceptional national importance.” The issue presented is fundamentally about whether the federal government has an obligation to its citizens, under the Public Trust Doctrine, to protect the nation’s essential resources for present and future generations from the irreversible impacts of climate change. The *amicus* briefs describe this case as one implicating the fundamental liberties of American citizens and loyalty to the founding principles of our nation. Then district court Judge Wilkins, now a judge on the D.C. Circuit Court of Appeals, characterized the issue as follows: “Ultimately, this case is about the fundamental nature of our government and our constitutional system, just as much – if not more so – than it is about emissions, the atmosphere or the climate.”

The three *amicus* briefs detail the federal government’s violation of its trust obligations to protect the atmosphere, and the ways in which this violation endangers human health, life, and liberty. The briefs outline the dramatic negative impacts climate change has on the nation’s economy, food and water security, Native Nations and socioeconomically disadvantaged communities, national security, and state and local governments. The *amicus* briefs note that the threats to the United States’ economy from inaction or delayed action on climate change are enormous.

“I am in full support of these courageous youth, and am so happy to see them standing up for their rights,” said Dr. James Hansen, former head of NASA’s Goddard Institute for Space Studies and one of the *amicus curiae* in support of the youth. “The science is crystal clear. If emissions continue unabated, resulting warming of the ocean will lock in a continuing acceleration of climate extremes. We would subject young people and future generations to irreparable harm, with irreversible effects including continually rising sea levels. Governments have failed us in taking responsibility for safeguarding our health and safety. This Court must rule that our nation’s government has an obligation to protect these vital national resources. We must count on the wisdom of our judicial system to protect the rights of young people.”

In advocating for the U.S. Supreme Court to grant the young Americans’ Petition, one of the *amicus* briefs states:

“Climate change is resulting in a higher frequency of extreme rainfall events that increase the risk of flooding. At the same time, drought is more severe and long-lasting in the United States due to greater intervals between rain events and faster evaporation rates from warming temperatures. For example, as of October 2014, eighty-two percent of California was in an extreme or exceptional drought.”

One of the young Americans involved in the Petition to the Supreme Court is 19-year-old Nelson Kanuk. Nelson has testified that his family’s home in Kipnuk, a Yup’ik Eskimo village in southwest Alaska, was destroyed by flooding and permafrost erosion. Part of Nelson’s complaint is that the federal government had no climate change plan in place to stop the destruction of his village.

“There is enormous national importance for the Supreme Court to decide the issues in this case now, because of the narrow window left to address global climate change,” said renowned constitutional law scholar and professor Erwin Chemerinsky, who is leading the team of attorneys representing the young Petitioners in their case. “We hope the Supreme Court will understand the extreme implications of the D.C. Circuit’s opinion, specifically the consequences of the federal government’s inability to assert its public trust authority in the future concerning essential public resources.”

One of the *amicus* briefs also discusses in detail threats to national security resulting from climate change, citing to the U.S. Department of Defense 2014 Climate Change Adaptation Roadmap, which found:

“Among the future trends that will impact our national security is climate change. Rising global temperatures, changing precipitation patterns, climbing sea levels, and more extreme weather events will intensify the challenges of global instability, hunger, poverty, and conflict.”

Amici supporting the young petitioners include Salt Lake City Mayor Ralph Becker, Chapel Hill Mayor Mark Kleinschmidt, Washington State Senator Jamie Pederson, the City of Cambridge, Massachusetts, economist Jeffrey Sachs, Ret. Vice Admiral Lee Gunn, USN, WITNESS, Help Age USA, 350.org, Greenpeace, Climate Solutions, Center for Food Safety, Aspen Skiing Company, Interfaith Power and Light, National Religious Coalition on Creation Care, Green Zionist Movement, Alaska Inter-Tribal Council, National Native American Law Students Association, and many more government officials, economists, scientists, law professors, native communities, and social justice and environmental organizations representing millions of Americans.

“In a democratic society, citizens have a moral and religious obligation to speak up when the quality of life and the integrity of future society are in jeopardy. Science, as the eyes of society, tells us that we are facing a serious threat to our future and the well-being of future generations. Religion, as the heart and moral conscience of society, is becoming a unified voice in declaring the urgent need to restrain and reduce our profligate release of greenhouse gases,” said Fred Krueger, executive director of the National Religious Coalition on Creation Care, one of the *amicus* in support of the youth. “When it comes to this case, the impact of the Supreme Court’s decision will initially affect most directly the members of society who are most vulnerable to the effects of climate change -- the poor. However, peer-reviewed science tells us that, unless we change course now, eventually every person and every aspect of life will be touched by the consequences of climate change. The Supreme Court's decision will significantly affect the future of this country, for good or for ill. We support the suit being brought forward by young Americans based on our teachings on the dignity and sacredness of life, our commitment to the long-term health of our nation, and our responsibility to protect our most vulnerable citizens.”

To learn more about this case and to read the *amicus* briefs, visit: www.ourchildrenstrust.org/US/Federal-Lawsuit. To watch *A Climate of TRUST*, the newest film in the 10-part award-winning documentary series *Stories of TRUST: Calling for Climate Recovery*, visit: www.ourchildrenstrust.org/trust-films/AClimateOfTRUST. Support the youth taking legal action by signing their pledge here: www.ourchildrenstrust.org/sign-our-pledge-support.

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 is spearheading a federal, state, local and international 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.

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