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Oregon Court of Appeals Heard Arguments for Oregon Youths' Climate Change Case Before Hundreds of People at the University of Oregon School of Law

Eugene, Oregon – Today, Kelsey Juliana and Olivia Chernaik witnessed arguments in their climate change case (*Chenaik v. Kitzhaber*) in a packed classroom-turned-courtroom before the Oregon Court of Appeals in their hometown at the University of Oregon School of Law. The argument, which garnered significant interest, was also streamed live to other classrooms and media sources.

The lawsuit was filed against Governor Kitzhaber and the State of Oregon for failing to protect essential natural resources, including the atmosphere, state waters, and coast lines, as required under the Public Trust Doctrine. Ms. Juliana, Ms. Chernaik, and their mothers brought the case to compel the Oregon State government to create a viable climate recovery plan for reducing carbon dioxide emissions in order to protect Oregon's natural resources. Today, their attorneys argued that it is the court's job to say what the law requires and to uphold the rights of the many youth who filled the courtroom.

"We have a right to healthy public resources, like our air and water. We need our government's help because these rights are threatened," said 17-year-old Kelsey Juliana, who attended her hearing this morning. "I'm hopeful for a strong decision that will protect our rights and our future." Kelsey, a senior at South Eugene High School, is continuing her fight for climate justice outside of the courtroom. This summer she will be participating in The Great March for Climate Action, a march from Los Angeles to Washington, D.C. focused on inspiring and motivating the general public and elected officials to take climate action. The march will be the largest coast-to-coast march in American history.

Kelsey and Olivia's lawsuit has gained a broad base of support across Oregon. Oregon's political leaders, businesses, agricultural, conservation and student native groups came together to file an *amicus curiae* ("friend of the court") brief in support of Kelsey and Olivia's appeal. Eugene's Mayor Piercy, who attended the hearing, joined County and Sustainability Commissioners as amici in support of the youth plaintiffs. Their brief details potentially devastating impacts the state faces due to greenhouse gas emissions and climate instability, from ocean acidification to a decrease in agricultural productivity and significant decreases in snowpack and water supply. The Western Environmental Law Center also filed a separate *amicus curiae* brief on behalf of twenty-two top legal scholars from around the country urging the court to apply the public trust doctrine to the

atmosphere. This morning, upwards of 100 local kids attended the hearing to see justice in action, along with families, community members and local leaders.

The Court asked many questions of both parties during the hearing, with several questions centering around the recent decision from the Pennsylvania Supreme Court striking down a pro-fracking law. Last month, in its historic public trust doctrine opinion, the Supreme Court of Pennsylvania ruled on similar issues also central to Kelsey and Olivia's public trust case. The Pennsylvania Supreme Court rejected a defense raised by the Commonwealth that parallels the State of Oregon's position, that courts cannot hear cases on issues that should be dedicated only to the political branches of government. The Commonwealth Court found it was within the judiciary's job to determine whether the laws of the state, including the public trust doctrine, require or prohibit certain acts of the other branches of government. That Court described the people's public trust rights as inherent and inviolate and part of a social contract with the people. The Pennsylvania and Oregon Constitutions have identical language on reserved rights for the people, stating: "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness."

During today's argument, the State's attorney admitted that the State assumed the public trust doctrine does apply to the atmosphere, but argued that the court should just leave the issue to the legislature. Kelsey and Olivia's attorney, Tanya Sanerib, harkened back to the civil rights era, "This is not the first time the courts have been called upon to vindicate young people's rights. That is the job of our courts, to protect and preserve the rights of the next generation."

After almost an hour of arguments, with active questioning of both attorneys, the Court said it will be issuing a written decision on the case in the coming months.

Kelsey and Olivia's case was filed with the help of OUR CHILDREN'S TRUST, an Oregon-based nonprofit orchestrating a global game-changing, youth driven legal campaign. The legal effort advances the fundamental duty of government today: to address the climate crisis based on scientific baselines and benchmarks, and to do so within timeframes determined by scientific analysis.

Short documentary films of Kelsey and other young people taking legal action can be seen at www.ourchildrenstrust.org/trust-films.

Our Children's Trust is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. OCT is spearheading the international human rights and environmental TRUST Campaign to compel governments to safeguard the atmosphere as a "public trust" resource. We use law, film, and media to elevate their compelling voices. Our ultimate goal is for governments to adopt and implement enforceable science-based Climate Recovery Plans with annual emissions reductions to return to an atmospheric carbon dioxide concentration of 350 ppm.

www.ourchildrenstrust.org/