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IOWA COURT OF APPEALS RULES IN CLIMATE CASE

A STRONG CONCURRING OPINION SAYS IT'S THE JOB OF THE IOWA SUPREME COURT TO EXTEND THE PUBLIC TRUST DOCTRINE TO THE ATMOSPHERE

Des Moines, IA – Today, the Iowa Court of Appeals ruled against Glori Dei Filippone, a 14-year-old Iowan, in her case to compel the Iowa Department of Natural Resources to adopt rules limiting greenhouse gas emissions in Iowa. Glori Dei had argued that the State of Iowa has an obligation to protect the atmosphere under the Iowa Constitution and the Public Trust Doctrine. While the three-judge panel declined to hold that the atmosphere is a public trust resource in Iowa, Judge Doyle issued a notable concurring opinion.

Finding there is a “sound public policy basis” for extending the public trust doctrine to include the atmosphere, Judge Doyle cited to Iowa statutes that express the policy of the state to protect “its natural resource heritage of *air*” and that affirm the right of all Iowans to “inherit this ecosystem in a sustainable condition.” Judge Doyle urged extending the public trust to the atmosphere, saying, “[t]he legislature, the voice of the people, has spoken in terms as clear as a crisp, cloudless, autumn Iowa sky.”

In expressing his clear view that the atmosphere should therefore be protected as a public trust, Judge Doyle nonetheless ceded the question to the State Supreme Court. Judge Doyle has joined the ranks of two other state court judges, from Texas and New Mexico, who have also indicated that the atmosphere falls within the protective mandate of the Public Trust Doctrine.

Glori Dei, one of thousands of young people who seek to hold their governments accountable for protecting their rights as part of the Atmospheric Trust Campaign, responded to the decision.

"If my government won't take responsibility to protect our atmosphere, who will? We can't do it alone as individuals," she said. "And our corporations aren't going to safeguard our air. It's time for our courts to protect our rights and our heritage."

Glori Dei's lawyer, Channing Dutton, has already committed to appeal the decision and take Judge Doyle's concurrence to the Iowa Supreme Court.

“Our courts have never held that the atmosphere is a public trust resource because they have never had occasion to do so,” said Dutton. “But there is abundant precedent that the air and atmosphere have always fallen squarely within the legal doctrine. Given the threats climate disruption poses to our waterways, our wildlife, our land, and our children it is time the Supreme Court recognizes the atmosphere as a fundamental public trust, on which all of us depend.”

In [*TRUST Iowa*](#), a documentary film from the award-winning series [*Stories of TRUST: Calling for Climate Recovery*](#), Glori Dei, a member of Kids vs. Global Warming’s iMatter Campaign, asks judges to “think about their children or their children’s children and about how this decision is going to affect them.”

Glori Dei’s drive for bringing her lawsuit comes from the changes she has witnessed in Iowa, including the droughts and flooding that affects agriculture. According to leading climate scientist, Dr. James Hansen, “the science is crystal clear—we must rapidly reduce fossil fuel carbon dioxide emissions if we are to have a chance of protecting Earth’s natural systems for these young people.”

Note to Media: Recent press coverage of other Atmospheric Trust Litigation by Youth can be found here: <http://ourchildrenstrust.org/page/247/media-coverage-youth-atmospheric-trust-legal-actions-july-2-2012-current> The Iowa opinion can be found here: http://www.iowacourts.gov/court_of_appeals/Recent_Opinions/20130313/2-1005.pdf

***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 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 350 ppm. www.ourchildrenstrust.org/*

***iMatter** is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. We are teens and moms and young activists committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters. www.imattercampaign.org/*

***WITNESS** is the global pioneer in the use of video to promote human rights. We empower people to transform personal stories of abuse into powerful tools for justice, promoting public engagement and policy change. In partnership with the TRUST Campaign we seek to bring visibility to the challenges our youth already face because of the changing climate and call for a massive assault on fossil fuel emissions. Without an all out assault effects will range from drought to disease, from food shortages to tainted water supplies, from the loss of homes due to floods, erosion and fire to massive relocations. The human rights challenge is most succinctly summarized by Mary Robinson, “Climate change will, in short, have immense human consequences.” WITNESS partnered on this campaign in hopes that predictions will not become realities. To view *Stories of TRUST: Calling for Climate Recovery* told by our youth plaintiffs, go to www.ourchildrenstrust.org. ###*