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Native American Youth Continues Her Courageous Fight To Compel Climate Change Action

After losing her case in trial court, 11-year-old Jaime Lynn Butler appeals to the Arizona Court of Appeals

Phoenix, AZ – Yesterday, Jaime Lynn Butler, an 11-year-old and member of the Navajo Nation [filed an opening appeal brief](#) in her case against the state of Arizona seeking climate change action. She may not be old enough to drink, vote or drive a car, but Jaime is old enough to recognize the danger of the government's inaction on climate change. After Maricopa County Superior Court Judge Mark Brain granted the government's motion to dismiss in February, Jaime decided to appeal the case to pursue her right to a livable earth.

On May 4, 2011, the [Western Environmental Law Center](#), on behalf of Jaime Lynn Butler and her mother, Jamescita Pehslakai, [filed a lawsuit](#) against Arizona Governor Janice Brewer and the Arizona Department of Environmental Quality to compel the State to develop a comprehensive plan to prevent global warming by reducing CO₂ emissions.

Jamie and her mother base their lawsuit on the Public Trust Doctrine, which requires sovereign governments to manage and protect vital natural resources for the common benefit of their citizens. By evoking this doctrine, they are not asking for monetary or punitive damages. **Instead, they are petitioning the court to require the state of Arizona to develop a climate recovery plan that will protect Arizona's resources for future generations.** Former general counsel at the Environmental Protection Agency, Roger Martella, calls the lawsuit a remarkable legal action and "comprehensive strategy...to encourage this public action to ultimately reduce greenhouse gases." (E&E TV, May 25, 2011, <http://www.eenews.net/tv/transcript/1353>)

The strategy is not limited to Arizona. It is part of a larger, innovative climate litigation strategy called the Atmospheric Trust Litigation (ATL). As part of this campaign, youth plaintiffs have launched legal actions in 49 states and the District of Columbia, in addition to a federal lawsuit. So far, two courts have expressed willingness to hear out this groundbreaking litigation. Two weeks ago, Judge Sarah Singleton denied the government's motion to dismiss in the New Mexico ATL lawsuit and is moving the case forward quickly on the merits to evaluate the public trust obligation and the State of New Mexico's efforts to protect the atmosphere. Similarly, Judge Gisela Triana of Texas, recently held in open court that the atmosphere is a public trust resource.

Jaime is hopeful a similar outcome is possible for Arizona. “The extreme drought we’re facing is causing rivers I’ve grown up with to run dry. It’s killing the animals and ecosystems in my own backyard,” said Jaime Lynn Butler, “I want to continue to grow up in a state that has running rivers and healthy ecosystems, and I want my children to do the same.”

Though Jaime is just 11 years old, she has been fighting to protect the environment for many years. In a [video](#) produced by WITNESS, Our Children’s Trust and the iMatter Campaign, Jaime explains what led her to file the lawsuit.

But it was the alarming research from top scientists in the United States that led Jaime to take a bolder step and sue for her future. According to one of the world’s leading climate scientist, Dr. James Hansen, “the science is 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.”

“This appeal matters for all Arizonans who want to reclaim their state’s health and beauty,” said Pete Frost, Jaime’s attorney and Wildlands Program Director for the Western Environmental Law Center.

“The case is important – I’m standing up for youth around the state. I hope we get a brave judge who understands the importance of protecting the atmosphere for future generations,” said Jaime.

Read the opening appeal brief here:

http://www.westernlaw.org/sites/default/files/ATL%20Opening%20Appeal%20Brief%20Final-FILE_0.pdf

Background on Climate Change in Arizona

To protect Earth’s natural systems and our way of life, scientists agree that the average global surface heating must not exceed 1°C and CO₂ concentrations must decline to less than 350 parts per million(ppm) this century (we are currently over 390 ppm). To accomplish this reduction, Dr. James Hansen and other renowned scientists conclude that carbon dioxide emissions need to peak in 2012 and decline by 6% per year starting in 2013.

If this is not accomplished, the predicted human-induced impacts of climate change in Arizona will be severe. In August of 2006, the Director of the Arizona Department of Environmental Quality issued the Climate Change Advisory Group’s Climate Change Action Plan. Between 1990 and 2005, Arizona’s net greenhouse gas (GHG) emissions increased by nearly 56%. Taking into account certain state energy efficiency actions, the Climate Change Action Plan projects that Arizona’s GHG emissions will increase by 148% from 1990 to 2020. That rate of increase is the highest projected rate of increase among all 50 states, and almost five times higher than other states in the West with climate action plans.

Western Environmental Law Center is a nonprofit public interest law firm that works to protect and restore western wildlands and advocates for healthy environments on behalf of communities throughout the west.

www.westernlaw.org

Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children—and their children's children. www.ourchildrenstrust.org/

iMatter Campaign 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 iMatter 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 the stories from our youth included in the TRUST Series go to www.witness.org/campaigns/all-campaigns/imatter or www.ourchildrenstrust.org.*

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