



FOR IMMEDIATE RELEASE

June 28, 2012

For inquiries or interview requests, please contact:

Julia Olson 415-786-4825 julia@ourchildrenstrust.org

Phil Gregory 650-697-6000 pgregory@cpmlegal.com

Victoria Looz 805-200-8747 victoria@kvgw.org

Youth File Motion to Reconsider in Federal Climate Change Lawsuit

Youth ask Judge to Reconsider his Decision to Side with U.S. Government and Fossil Fuel Industry in a Landmark Climate Change Case

Washington, D.C. – Youth plaintiffs filed a motion to reconsider a decision by the U.S. District Court for the District of Columbia not to hear their claim that the federal government has a constitutional responsibility to protect the atmosphere on behalf of present and future generations. On May 31, 2012, Judge Robert Wilkins issued an order to dismiss the lawsuit (*Alex L. v. Jackson*, D.D.C., No. 11-CV-022235), granting motions to dismiss filed by the federal government and the fossil fuel industry.

The plaintiffs include citizens too young to vote and non-profits Kids vs. Global Warming and Wild Earth Guardians. They brought the suit to require the federal government to immediately conduct a detailed accounting of our nation's carbon emissions and develop and implement a national climate recovery plan to protect our nation's atmosphere. In denying these plaintiffs an opportunity to argue the merits of their case, the court refused to recognize the federal government is bound by an obligation to protect essential natural resources for future generations. "This case is about the fundamental nature of our government, our constitutional system and the relationship between citizens and the government" said Phil Gregory of Cotchett, Pitre & McCarthy, LLP, one of the attorneys for the plaintiffs. "It is about protecting fundamental rights and ordering the government to take immediate steps to prevent the destruction of the essential natural resources held in trust for all citizens."

The motion to reconsider was filed as extreme weather conditions are devastating parts of the United States. This week, 12-year-old Xiuhtezcatl Martinez, a member of Kids vs. Global Warming, returned from Rio+20, the United Nations Conference on Sustainable Development, to find his home state of Colorado plagued by rapacious wildfires caused by a record heat wave. Colorado's governor has described this fire season as "among the worst ever," adding "if there was an executive order for rain, we'd sign it immediately." These horrific fires are merely a symptom of the real problem – human made climate change. Xiuhtezcatl and the rest of the youth plaintiffs understand that, until the government develops and implements a climate recovery plan, these sorts of disasters will only continue to proliferate. President Obama will

visit Colorado today to survey the damage, and the youth will be watching to see if either the President or the Governor acknowledge the need to address human made climate change in order to get to the root of these increasingly devastating fires across the nation.

Last month Xiuhtezcatl and a delegation of five other youth plaintiffs from around the country went to Washington D.C. to meet with representatives from all three branches of government. The meetings allowed the youth plaintiffs to express their concerns and work to gain support for efforts to mitigate human made climate change. Over 80 members of Congress in the Congressional Progressive Caucus publicly supported the youth delegation and their work to ensure climate recovery. Xiuhtezcatl and his peers also enjoyed a warm and supportive welcome from White House staff and attended the hearing on the motions to dismiss the federal lawsuit. Although Judge Wilkins dismissed the lawsuit, at the conclusion of the hearing he addressed the plaintiffs directly in his closing comments, acknowledging, “it is a very important case...and raises serious questions.” The youth plaintiffs remain hopeful the court will reconsider its earlier decision and conduct further hearings on their case.

“The destruction of public trust resources is a constitutional issue, and raises essential questions about life, liberty and protecting future generations. We’re standing up for personal liberty and freedom for the younger generations and for generations to come,” said Xiuhtezcatl. “The freedom to run and play in the forests as a young person is vital. I’m heartbroken to see the forests of Colorado and those surrounding my home devoured by flames. Our government needs to wake up and realize fires such as these are the direct result of their failures to act. This is our backyard, we should care.”

Although the Rio+20 Conference Xiuhtezcatl attended was part of continuing attempts to build an international agreement to avert climate catastrophe, expectations for timely, viable progress to result from that process are low. “Domestic action by our federal and state governments is critical at this juncture,” said Julia Olson. “This is a national issue of enormous consequence. The current 100-degree temperatures and blazing fires in Colorado and the tropical storms in Florida demonstrate the pressing need to act now. Otherwise, these events will be the new norm, and only worsen.”

“Species are going extinct, our forests are being destroyed by pine beetles and forest fires, and these are the things I think will affect the kind of world we will be left with,” said Xiuhtezcatl. What if there won’t be any clean rivers to play in for the next generation? What if when I’m older there won’t be any trees to enjoy? This is my drive. This is my motive. This is why I’m doing this. This is why we’re filing the motion to reconsider, because we really want to make sure this planet is worth inheriting.”

To watch Xiuhtezcatl’s film, *TRUST Colorado*, part of the 10-part documentary series [Stories of TRUST: Calling for Climate Recovery](http://ourchildrenstrust.org/video/351/trust-colorado), visit <http://ourchildrenstrust.org/video/351/trust-colorado>.

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 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. Using multiple platforms at the local, state, and national level, we are 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.imattermarch.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. To view Stories of TRUST: Calling for Climate Recovery told by our youth plaintiffs, go to www.witness.org/campaigns/all-campaigns/imatter

###