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Youth Spend Day in Court Fighting for Climate Change Protection
Government's failure to act is endangering the well-being of future generations

Santa Fe, NM – Today, New Mexico youth and WildEarth Guardians will go to New Mexico First Judicial District Court to defend their right to a healthy earth and sustainable future. They hope that Judge Sarah Singleton will rule in their favor in what experts have called one of the most remarkable legal actions that has the potential to halt human-induced climate change.

On May 4, 2011, 16-year-old Akilah Sanders-Reed and WildEarth Guardians filed a lawsuit against Governor Martinez and the State of New Mexico, *No. D-101-CV-2011-1514*, to compel the State to prevent further increases in carbon dioxide (CO₂) emissions and to compel government action in reducing CO₂ emissions. Though Akilah is young, she has been fighting to protect the environment for many years through environmental service projects along the Rio Grande and educating the youth of the State about the imminence of the climate change crisis through her leadership role in Kids vs. Global Warming. WildEarth Guardians works to replace fossil fuels with clean, renewable energy in order to safeguard public health, the environment, and the Earth's climate for future generations.

Akilah's and WildEarth Guardians' drive in entering the lawsuit also comes from the alarming research of our nation's top scientists. 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."

The New Mexico lawsuit is part of a larger, innovative climate litigation strategy—the international iMatter *Trust* Campaign. As part of this campaign, youth plaintiffs launched legal actions in 49 states and the District of Columbia, in addition to a federal lawsuit.

The young plaintiffs have based their lawsuit on the Public Trust Doctrine, which requires sovereign governments to manage and protect vital, natural resources for the common benefit of its citizens. By evoking this doctrine, the plaintiffs are not asking for monetary or punitive damages. They are instead petitioning the court to require that the State of New Mexico fulfill its obligation to protect the climate from excessive greenhouse gas emissions, which will ultimately protect New Mexico's resources for future generations.

There is evidence that New Mexico is particularly vulnerable to climate change and must develop and implement an informed plan to protect the State's public trust resources. In its Statement of Reasons for adopting Greenhouse Gas Cap and Trade Provisions issued on November 10, 2010, the New Mexico Environmental Improvement Board acknowledged that "[c]limate change caused by anthropogenic emissions of GHGs will have a particularly severe impact of[n] the American Southwest, including New Mexico. The warming trends in this region are double the annual global average."

According to **Samantha Ruscavage-Barz**, attorney for the plaintiffs, "our State has an obligation to all of its citizens, and our youth in particular, to ensure the protection of natural resources on which their security and livelihood depends. That is the essence of the public trust, and it is broken when it comes to climate."

In July of last year, the State of New Mexico and Governor Martinez filed a motion to dismiss the case.

To protect Earth's natural systems and our way of life, the consensus among scientists is that average global surface heating must not exceed 1°C and CO₂ concentrations must decline to less than 350 parts per million 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 New Mexico are severe. In a recent report by the U.S. Department of the Interior, the Bureau of Reclamation predicted a temperature increase of 5-6°F for the Upper Rio Grande Basin in the 21st century, accompanied by a decrease in precipitation. Consequences of increased temperatures include decreased snow pack, decreased water availability for agriculture, and reduced habitat for riverine species. Hotter temperatures coupled with decreased precipitation will pose challenges to human health and increase the risk of wildfires, which threaten the State's forests, ecosystems, and rural populations.

Despite the plaintiffs' formidable scientific and legal claims, the state is asking that the public trust case be dismissed. Today, state attorneys will raise jurisdictional defenses in an attempt to prevent the court from hearing the substance of the case. Ultimately, it will be Judge Singleton who will consider the arguments and decide whether to give New Mexico youth a chance to state their case on the merits and move one step closer to a real climate recovery plan.

Plaintiff Akilah Sanders-Reed says, "I'm 17. I can't vote. But I can hike and backpack. I can listen to birdsong, and admire the Rio Grande running between the cottonwoods. I can savor local produce. I can hear the rustle of leaves and sunlight filters through them, and I can breathe fresh air. I can experience how inherently beautiful our world is, but I am politically powerless to save it. In order for my generation to have a future, we have to trust our government officials to protect that future. It seems, though, that this trust is misplaced, so I'm raising my voice in the one branch of government where it can be heard."

Notes to the editors

1. Dr. Hansen's recent paper is available at: [http://ourchildrenstrust.org/sites/default/files/Hansen et al..pdf](http://ourchildrenstrust.org/sites/default/files/Hansen%20et%20al..pdf)
2. Additional information about New Mexico can be found here: <http://ourchildrenstrust.org/node/75>
3. About the Partners:

***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.*

***WildEarth Guardians** is a nonprofit environmental conservation and advocacy organization based in Santa Fe, New Mexico. Guardians works to replace fossil fuels with clean, renewable energy in order to safeguard public health, the environment, and the Earth's climate for future generations.###*