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## ABOUT THE LITIGATION

In the coming weeks, young activists will go to court in Washington, Oregon, New Mexico, Arizona and Alaska to defend their right to a healthy atmosphere and sustainable future. They hope that judges will rule in their favor for what experts have called one of the most remarkable but overlooked legal actions that has the potential to halt human-induced climate change. The youth are asking the courts to require their states to develop climate recovery plans based on the consensus of expert scientists.

While five state judges will decide whether to hear the merits of their lawsuits, Judge Wilkins, a federal judge in the U.S. District Court for the District of Columbia will hear three motions early this year: a motion for a preliminary injunction sought by the federal youth plaintiffs, a motion to dismiss sought by the federal defendants and a motion to intervene in the case by the fossil fuel industry's representative, the National Manufacturer's Association.

"My generation is standing up to our leaders to do something about this mess our **fossil fuel use has made of things. I think our leaders** want to do the right thing, but money and **politics** get in the way," said Kelsey Juliana, an Oregon plaintiff. "Fortunately, we have this great law behind us and it tells every government that they have to protect kids today and tomorrow by leaving us healthy air, water, land and wildlife."

The youth plaintiffs are already affected by the negative impacts of climate change, and they hope these judges will agree to hear their cases before things become worse. Alaska native, Nelson Kanuk and his family are affected by climate change in the small village of Kipnuk, Alaska. In November, Nelson's family had to take shelter in a nearby school due to the severe storms that shook the western half of the state. Even more unsettling is that the recent storm in Alaska is not the first time the Kanuk family has witnessed the effects of climate change. The Kanuk's experience the effects of climate change all year. Extreme flooding resulting from warmer temperatures has caused ice sheets from the Bearing Sea to break apart and move rapidly into their village of Kipnuk. Permafrost melt has caused massive land erosion just feet away from Nelson's home.

"It scares me. This year we lost eight feet of land. We only have another 40 feet before the bank of the river reaches our house, and if it continues to erode at this rate, we will have to move our house to another location," says Nelson, "I'm asking the government to help me and my family."

The youth do not seek monetary damages or court instructions for the executive on how to make the necessary emissions reductions. Instead, they ask for an emission reduction plan that can be implemented in time to limit the catastrophic consequences of human-induced climate change.

"I see young people around the country leading the way forward out of the dark days of fossil fuel dependence," said Bill McKibben "They want freedom from the harms that a century of burning oil has laid at their feet. This is their civil rights movement. As Martin Luther King, Jr. declared, 'We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history, there is such a thing as being too late.' The atmosphere is these young people's rightful public trust to inherit, and I hope these judges comprehend the 'fierce urgency of now' and heed their call."

## ABOUT THE iMatter TRUST CAMPAIGN

In May 2011, as part of the international iMatter *Trust* Campaign, youth across the country filed legal actions in 49 states and the District of Columbia, in addition to a federal lawsuit. The campaign seeks to compel the states and the federal government to develop a comprehensive plan to prevent further increases in carbon dioxide (CO<sub>2</sub>) emissions and to compel government action in reducing CO<sub>2</sub> emissions. The youths' claim is based in the Public Trust Doctrine—a legal document that requires sovereign governments to manage and protect vital, natural resources for the common benefit of its citizens.

A nationwide team of top legal experts and climate scientists helped the youth file their legal actions, and the nonprofit, Our Children's Trust, helped assemble this diverse group. This is not only the first time the Public Trust Doctrine has been used to secure climate protection, but it is also the first time our nation's youth have come together to hold their government accountable for climate change on such a large scale. Though, this should not be surprising as climate change will have the greatest effect upon them. According to Roger Martella, former General Counsel of the Environmental Protection Agency, the Atmospheric Trust Litigation strategy is “[creative](#)” and “[outside the box.](#)”

## BASED ON SCIENCE, RATHER THAN POLITICS

To protect Earth's natural systems and our way of life, scientific consensus shows that average global surface heating must not exceed 1 °C and 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 CO<sub>2</sub> emissions need to peak in 2012 and decline by 6% per year starting in 2013. These lawsuits seek state and federal climate recovery plans that would require a reduction of CO<sub>2</sub> emissions consistent with these levels. According to Dr. 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.”

Dr. Hansen's scientific analysis can be found here:

<http://ourchildrenstrust.org/sites/default/files/Hansen%20et%20al..pdf>.

## 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/](http://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/](http://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](http://www.witness.org/campaigns/all-campaigns/imatter) or [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)