



**For Immediate Release:**

June 6, 2014

For inquiries or interview requests, please contact:

Philip Gregory

650-697-6000

[pgregory@cpmlegal.com](mailto:pgregory@cpmlegal.com)

## **Youth Denied Critical Climate Change Relief by U.S. Court of Appeals for the D.C. Circuit**

**Washington, D.C.** – On June 5, 2014, a panel of judges at the U.S. Court of Appeals for the District of Columbia refused to grant important climate change relief sought by youth appellants. The young people’s lawsuit asked the federal government to do its part in restoring the atmosphere to 350 parts per million (ppm) of CO<sub>2</sub> by the end of the century. The appellants’ requested relief was based on the urgent warning of leading international climate scientists that failure to do so will result in disastrous climate disruption during the lifetimes of the youth.

The Court refused the requested relief and [affirmed](#) Judge Robert Wilkins’s U.S. District Court order, dated May 31, 2012, that dismissed the young people’s climate change lawsuit. The Court of Appeals reasoned that there was no federal jurisdiction because the Public Trust Doctrine is a matter of state, not federal, law. The panel did not address the appellants’ separate constitutional claims, nor did it address how disparate states would protect the one atmosphere they all share, under 50 separate state public trust responsibilities.

“We strongly believe that the U.S. Constitution protects the right to a stable climate system,” said Philip Gregory, with Cotchett, Pitre & McCarthy LLP, co-counsel for the Youth Appellants. “As in the Civil Rights cases, where our federal courts had to step in to ensure that important rights were protected, we believe the U.S. Constitution and the Public Trust Doctrine provide the necessary legal basis for the federal courts to protect our atmosphere from irreparable harm. On behalf of our youth plaintiffs, I am disappointed the Court of Appeals did not agree with us on the scope of the Public Trust Doctrine and did not address our constitutional arguments. We are carefully evaluating both this decision and our options, as well as discussing the next steps with our clients. We will announce those steps as soon as possible.”

The case, [Alec L. v. McCarthy](#), was filed by five iMatter teenagers and two non-profits, Kids vs. Global Warming and WildEarth Guardians, as coordinated by OUR CHILDREN’S TRUST. Their action was based on constitutional rights guaranteeing the right to due process and the pursuit of happiness, interwoven with the long-established Public Trust Doctrine, requiring government to preserve essential natural resources in trust for the benefit of present and future generations. The youth and their lawyers argued that the atmosphere is such a natural resource warranting preservation in trust, and that without that preservation, inalienable constitutional

rights to due process and the pursuit of happiness are denied present and future generations who will face climate catastrophe.

To learn more about this case, visit: <http://ourchildrenstrust.org/US/Federal-Lawsuit>. To watch *A Climate of TRUST*, the newest film in the 10-part series *Stories of TRUST: Calling for Climate Recovery*, visit: <http://ourchildrenstrust.org/trust-films/AClimateOfTRUST>. Support the youth taking legal action by signing their pledge here: <http://ourchildrenstrust.org/sign-our-pledge-support>

***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](http://www.OurChildrensTrust.org)*

###