

# 17003 Can a children's lawsuit force action on climate change?

*The young plaintiffs in a case proceeding to trial in federal court think so.*

Patrick Reilly *The Christian Science Monitor*, February 11, 2017

President Trump was named the lead defendant in a lawsuit brought by 21 US students – one as young as nine – against the US government.

The case, Juliana v. United States, was first filed in 2015 with President Barack Obama listed as lead defendant, so the switch to Mr. Trump is largely procedural.

But the plaintiffs are seeking a court order that will compel the US government to drastically curb carbon emissions. With the change from Mr. Obama to Trump, they're now taking on an administration that looks dubiously at climate science.

This marks the latest shift in a years-long legal campaign that aims to move beyond political inaction on climate change by establishing a Constitutional right to a stable climate.

"The US is most responsible for climate change, so it's really the most important case in the world right now on the issue," said the lead counsel for the plaintiffs.

The group sponsoring this lawsuit, Our Children's Trust, has been attempting to litigate climate-change action since 2011, when young plaintiffs affiliated with the group filed lawsuits or regulatory petitions in all 50 states.

These cases all sought to apply the public trust doctrine – the concept that the government owns and must maintain natural resources for the public's use – to the atmosphere, and, by extension, compel state governments to implement policies that would drastically reduce carbon dioxide emissions.

The group has had some success. In September 2016, after the Massachusetts Supreme Judicial Court sided with the group, Gov. Charles Baker issued an executive order directing the state government to establish emissions-reductions regulations by August 2017, and prepare a "comprehensive energy plan" within two years.

But elsewhere, judges saw greenhouse-gas reductions as a matter for the legislatures, not the courts.

Robert L. Wilkins, judge in the District of Columbia, echoed these thoughts on the federal level, ruling that "federal courts have occasionally been called upon to craft remedies that were seen by some as drastic.... But that reality does not mean that every dispute is one for the federal courts to resolve, nor does it mean that a sweeping court-imposed remedy is the appropriate medicine for every intractable problem."

But last November, a federal judge in Oregon ruled that a case brought by the 21 young plaintiffs could proceed to trial. She grounded her ruling in the Fifth Amendment's promise that "no person ... shall be deprived of life, liberty, or property, without due process of law."