

Young climate activists say their lawsuit should go to trial

October 22 2018, by Phuong Le

Young activists who are suing the U.S. government in a high-profile climate change lawsuit say the case poses important constitutional questions that should fully be evaluated at trial next week.

The 21 young people issued a response Monday after the U.S. Supreme Court temporarily put the trial on hold. Lawyers for the young people, ages 11 to 22, argue that the move "will disrupt the integrity of the judiciary's role as a check on the political branches and will irreparably harm these children."

The trial had been set to start Oct. 29 in federal court in Eugene, Oregon. The lawsuit filed in 2015 argues that government officials have known for more than 50 years that carbon pollution from fossil fuels was causing climate change and that policies on oil and gas deprive the young people of life, liberty and property.

They also say the government has failed to protect natural resources as a "public trust" for future generations. The lawsuit seeks a court to order the government to take actions to quickly phase out [carbon dioxide emissions](#) to a certain level by 2100 and develop a national climate recovery plan.

Justice Department lawyers asked the high court to intervene last week and end what they called a "profoundly misguided suit." The [court](#) temporarily blocked the trial Friday until the young people responded and until it issued another order.

The government's lawyers say the lawsuit aims to redirect federal environmental and energy policies through the courts rather than through the political process "by asserting a new and unsupported fundamental due process right to certain climate conditions."

Lawyers for the youth dispute that, saying the case doesn't hinge on a newly recognized fundamental right. They say the evidence should be heard at trial and that the case shouldn't be dismissed before then.

"The Supreme Court and our constitutional democracy will be better served if the Supreme Court reviews this case after a final judgment, as it does in every other matter where review is granted," said Julia Olson, a lawyer representing the young plaintiffs and chief legal counsel for Our Children's Trust.

Lawyers for the government argue that [young people](#) have failed to challenge specific agency actions and don't have standing to bring the case because they haven't shown that they have suffered specific, concrete harms.

Officials "firmly believe there is no legal basis for this case to be heard in [federal court](#)," said Jeffrey Wood, acting assistant attorney general for the Justice Department's environment and natural resources division.

"It is a matter of separation of powers and preserving the opportunity in our system of government for those policies to be decided by the elected branches, not the courts," Wood said, according to prepared remarks for a speech he gave Friday at a conference in San Diego.

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Citation: Young climate activists say their lawsuit should go to trial (2018, October 22) retrieved 10 April 2024 from <https://phys.org/news/2018-10-young-climate-activists-lawsuit-trial.html>

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