



For Immediate Release
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Press Conference: 4:00 pm PST at the Wayne Morse U.S. Courthouse, 405 East Eighth Ave, Eugene, Oregon

***NYC press conference with plaintiffs Victoria Barrett, Alex Loznak, and Dr. James Hansen will take place tomorrow morning at 10 am EST. More details soon; please contact Meg Ward.**

Victory for America's Youth – Constitutional Climate Lawsuit against U.S. to Proceed

Federal Judge Ann Aiken rejects U.S. government and fossil fuel industries motions to dismiss

Eugene, OR – Today, the federal court in Eugene, Oregon decided in favor of 21 youth plaintiffs in their “groundbreaking” constitutional climate lawsuit against President Obama, numerous federal agencies, and the fossil fuel industry. U.S. District Court Judge Ann Aiken completely rejected all arguments to dismiss raised by the federal government and fossil fuel industry, determining that the young plaintiffs’ constitutional and public trust claims could proceed. Now, the 21 plaintiffs, who range in age from 9-20, are preparing for trial in what is believed to be a turning point in United States constitutional history.

In determining the complaint to be valid, [Judge Aiken's ruling](#) contained these passages:

“Federal courts too often have been cautious and overly deferential in the arena of environmental law, and the world has suffered for it.”

...

“Although the United States has made international commitments regarding climate change, granting the relief requested here would be fully consistent with those commitments. There is no contradiction between promising other nations the United States will reduce CO₂ emissions and a judicial order directing the United States to go beyond its international commitments to more aggressively reduce CO₂ emissions.”

...

“[The defendants and intervenors] are correct that plaintiffs likely could not obtain the relief they seek through citizen suits brought under the Clean Air Act, the Clean Water Act, or other environmental laws. But that argument misses the point. This action is of a different order than the typical environmental case. It

alleges that defendants' actions and inactions - whether or not they violate any specific statutory duty - have so profoundly damaged our home planet that they threaten plaintiffs' fundamental constitutional rights to life and liberty."

"My generation is rewriting history," said **Xiuhtezcatl Martinez**, a 16-year-old plaintiff and youth director of Earth Guardians. "We're doing what so many people told us we were incapable of doing: holding our leaders accountable for their disastrous and dangerous actions. I and my co-plaintiffs are demanding justice for our generation and justice for all future generations. This is going to be *the* trial of our lifetimes."

"This decision is one of the most significant in our Nation's history," said **Julia Olson**, counsel for the plaintiffs and executive director of Our Children's Trust. "This court just gave the youth of this country the critical opportunity to protect their futures. In what will be the trial of the millennium, these young plaintiffs will prove that their federal government, in cooperation with the fossil fuel industry, has knowingly put them in grave danger, trading their futures for present convenience and gross profits for a few."

"It's clear Judge Aiken gets what's at stake for us," said 17-year-old plaintiff **Victoria Barrett**, from White Plains, New York. "Our planet and our generation don't have time to waste. If we continue on our current path, my school in Manhattan will be underwater in 50 years. We are moving to trial and I'm looking forward to having the world see the incredible power my generation holds. We are going to put our nation on a science-based path toward climate stabilization."

"Based on our Constitution, Judge Aiken correctly determined we have properly claimed the federal defendants are responsible for harm caused by climate change and these young plaintiffs may challenge the government's wholly inadequate climate change policies in court," said Plaintiffs' co-lead counsel **Philip Gregory**, with Cotchett, Pitre, & McCarthy, LLP of Burlingame, CA.

"This is a critical step toward solution of the climate problem, and none to soon as climate change is accelerating," said **Dr. James Hansen**, guardian in the case for all future generations, and world-renowned climate scientist. "Now we must ask the Court to require the government to reduce fossil fuel emissions at a rate consistent with the science."

The young plaintiffs sued the federal government for violating their constitutional rights to life, liberty, and property, and their rights to vital public trust resources, by locking in a fossil-fuel based national energy system for more than five decades with full knowledge of the extreme dangers it posed.

This federal case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children's Trust, seeking science-based action by governments to stabilize the climate system.

***Our Children's Trust** is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to below 350 ppm by the year 2100. www.ourchildrenstrust.org/*

***Earth Guardians** is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org*

***Counsel for Plaintiffs** include Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA, Daniel M. Galpern, Esq. of Eugene, OR, and Julia Olson, Esq., also of Eugene, OR.*

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