

Our Government and the Case for Young People

This Friday morning (May 11) at 9:30 AM Judge Robert Wilkens of the U.S. District Court in Washington, DC, will hear a request by the U.S. government and the National Association of Manufacturers to dismiss a climate change lawsuit that has been brought against the U.S. government. The lawsuit asks the Court to require the Federal government to create and implement a plan to reduce fossil fuel emissions at the rate (6%/year) that the science indicates is needed to stabilize the Earth's energy balance and climate by the end of the century. That rate is based on the paper "[Scientific Case for Avoiding Dangerous Climate Change to Protect Young People and Nature](#)".

The grounds for requesting dismissal of the case are basically that it would be inconvenient to reduce emissions, and the manufacturers argue that they have the right to emit unlimited carbon regardless of the environmental and human impacts. If the judge rejects the motion for dismissal, the case will be heard within the next several months. It may be helpful if a large number of concerned, respectful citizens attended the hearing, so if you live in the area, please consider it.

I like to think that basic tenets of our nation, as described in the Declaration of Independence and the Constitution, that all people are created equal and deserve equal protection of the laws, provide the basis for expecting the government to protect the future of young people. However, legal scholars suggest that a better case can be made that the government has a constitutional obligation under the Public Trust Doctrine to protect the atmosphere from harmful greenhouse gases. That's the usufruct concept discussed in an earlier e-mailⁱ. In the end these two perspectives amount to pretty much the same thing.

The hearing will be in Courtroom 17, 6th floor, 33 Constitution Avenue, NW. The non-profit organization leading the effort is Our Children's Trust. I love their logo,



and the appropriate double meaning of "trust". Anybody is welcome. Be respectful of the court. Wearing a suit wouldn't hurt. There will be a rally outside the courthouse an hour before the hearing, including "activist" 17-year old Alec Loozⁱⁱ. Young people have a right to be agitated, but you will find Alec to be an intelligent, respectful spokesperson for young people.

ⁱ Usufruct is as American as the Declaration of Independence, implicit in the Preamble "...to ourselves and our Posterity...". It is explicitly discussed in a famous letter of 6 September 1789 from Thomas Jefferson to James Madison, discussing the proposed Bill of Rights to be added to the Constitution: "The question whether one generation of men has a right to bind another. . . is a

question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. . . . I set out on this ground, which I suppose to be self-evident, 'that the Earth belongs in usufruct to the living' . . ."

Jefferson's philosophy regarding generational relations was based on this "self-evident" principle. That we have an obligation to preserve Creation for today's and future generations is a widely held belief. Native American Oren Lyons, a Faithkeeper in the Onondaga Nation, discusses the belief of Native Americans in their obligations to the "seventh generation". It is also a biblical paradigm that the Earth, Creation, is an intergenerational commons, the fruits and benefits of which should be accessible to every member of every generation.

ⁱⁱ Alec, the founder of iMatter, is the namesake in this case (Alec L. v. Jackson, D.D.C., No. 11-CV-022235, 12/14/11). Similar lawsuits are filed in several states in the names of other young people, and there will be cases in other nations, but this Federal case is the most important one.