

Activating My Democracy

- MIDDLE SCHOOL -

LESSON

6

Our Future is a Constitutional Right!

How to use our rights to
defend what we love

ultimate
CIVICS



Activating My Democracy

Civics lessons and resources for grade 6-8
Second Edition, 2017

Explores how to: (1) Move ideas into action; (2) Understand values and liberties (3) Rights, privileges, and the balance of power; (4) Trace the historic roots of the democracy crisis in current events; (5) Repair a democracy and protect our liberties; and (6) Use our rights to defend what we love.

Empowers: Youth by nurturing self-efficacy and teaching skills and strategies to take control of their destiny.

Engages: Youth as change agents to define their roles as global citizens during a critical time in human history.

Contributors

Our Children's Trust
Sunnyside Environmental School teachers (grades 6-8)
Young Voices on Climate Change

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Our Future is a Constitutional Right

How to use our rights to defend what we love

Rationale

This lesson was inspired by and is dedicated to Sunnyside Environmental School (SES) sixth to eighth grade students in Portland, Oregon.

In January 2016, SES middle school students learned that their peers were suing the United States government over its failure to act to protect the climate for their generation and future generations.

“We are the first generation to feel the impact of climate change and the last generation that can do something about it.”

**~ Barack Obama
first session of COP21, 2015**

The students convinced their teachers to take them on a field trip to the U.S. District Court in Eugene for the first pre-trial hearing in the youth climate case in March 2016. In preparation, the students requested a lesson to explain how youth their age turned the climate science into a lawsuit. Because the SES students were already knowledgeable on climate science, the students specifically asked for the lesson to focus on legal issues.

The prototype for Lesson 6 reviewed the elements of a lawsuit, basic legal vocabulary, and the process of how cases proceed from trial courts to the Supreme Court. Students explored “standing” in a role-play exercise, based on the complaint filed by the youth plaintiffs. “You-be-the-judge” exercises were added to examine the four claims of human rights violations that link this teaching with Lessons 2, 3 and 4. The legal concept of the Public Trust Doctrine was also introduced.

The SES students had one more request in preparation for their field trip to the U.S. District Court: an after-school training on how to do an art build – a giant banner to express their opinion about the importance of this climate case. Only sixth graders were available. They explored slogan options, using their new vocabulary and legal concepts in a very rich conversation, and finally settled on: “Our future is a constitutional right!” Over the next few hours, the giant banner took form.

The rest of this story is history. The banner was iconic and became the backdrop for numerous media photos and social media at both pre-trial hearings (see slide 13). Many SES students who shared this experience became civically active and testify regularly on issues of concern at their state legislature and local city council meetings.

The youth-driven federal climate case is proceeding through the court system and has



garnered national and international attention. National Geographic even profiled six youth plaintiffs in its March 2017 article, "'Biggest case on the planet' pits kids v. climate change."

There are parallel cases in all 50 states. In 2017, the Massachusetts Supreme Judicial Court was the first state to find in favor of the youth plaintiffs. The governor ordered a comprehensive energy plan with annual reductions in greenhouse gas emissions – creating an opportunity for youth participation with municipal governments to plan and implement action plans for climate recovery.

The young mother and attorney leading these youth-driven climate cases and her team have developed Youth Climate Action Now or YouCAN campaigns to engage youth in this opportunity for civic involvement in arguably the most pressing issue of their generation.

The prototype lesson led to more questions about the Bill of Rights, Constitution, government's role and powers, the balance of power, how to get involved in YouCAN campaigns... and ultimately the development of this entire lesson set on Activating My Democracy to support this final Lesson 6, "Our Future is a Constitutional Right."

"Climate change is the defining issue of our time. The actions those in power take and decisions they make today, will determine the kind of world future generations will inherit."

**~ Xiuhtezcatl, youth plaintiff,
Juliana v. U.S. climate lawsuit**

Enduring Understanding for Civics Grades 6-8*

- Describe the roles of political, civil, and economic organizations in shaping people's lives. (D2.Civ.6.)
- Assess specific rules and laws as a means of addressing public problems. (D2.Civ.12.)
- Analyze the purposes, implementation, and consequences of public policies in multiple settings. (D2.Civ.13.)

**C3 Framework for Social Studies State Standards*

<http://www.socialstudies.org/system/files/c3/C3-Framework-for-Social-Studies.pdf>

Essential Questions

- What are the basic elements of a lawsuit?
- What are the basic principles of the Public Trust Doctrine?
- What is the legal basis – harm and remedy – for the youth-driven climate cases?

Learning Objectives

Students can:

- Explain the basic elements of a lawsuit.
- Describe how cases proceed through the court system.
- Explain the basic principles of the Public Trust Doctrine.
- Describe the legal basis – harm and remedy – for the youth-driven climate cases.

"Climate change isn't just about temperatures and weather, it's about people. Our earth will be here for millenniums, it's up to us to decide if humanity will be too."

**~ Victoria, youth plaintiff
Juliana v. U.S. climate lawsuit**



Our Future is a Constitutional Right!

How to use your rights to defend what you love

Students examine and discuss elements of landmark climate cases brought by youth plaintiffs in federal and state courts. Using an interactive exercise, students explore how values and harm to personal wellbeing determine "standing" in a court of law. Students examine select legal rights and the Public Trust Doctrine to gain an understanding of how values, law, and science interface to address complex public problems with multiple perspectives.

Time

Approximately 50 minutes: interactive exercises supported by films and power point slides.

Materials

- Power point notes and slides
- One pocket copy of Declaration of Independence and U.S. Constitution per student
- One double-sided, ½-sheet copy per student of the WORKSHEET "Unscramble this case!"
- Four (4) single-sided copies, collated, of the WORKSHEET SET "Declaration of standing"
- One single-sided, ½-sheet copy per

student of EXIT TICKET "Legal tools to protect what we love"

Preparation

- Review power point notes and slides including teaching guides for exercises and vocabulary
- Give each student:
 - » 1 WORKSHEET "Declaration of standing"
 - » 1 WORKSHEET "Unscramble this case!"
- Hand out EXIT TICKETS about 5 minutes before the end of class
- Clean white board
- On poster paper to side of white board, write:
 - » Essential questions
What are the basic elements of a lawsuit?
What are the basic principles of the Public Trust Doctrine?
What is the legal basis – harm and remedy – for the youth climate cases?
 - » Vocabulary & concepts
complaint
defendant
plaintiff
public trust doctrine
remedy
standing



Power Point Notes

Lesson 6

1. *Ultimate Civics!* COVER SLIDE

Today we will learn how youth leaders your age are using science and the law to defend their rights to a healthy future, a healthy atmosphere, and a stable climate system. And we will learn how you can support these efforts by taking local and state actions.

2. Meet some climate kids & their law team

Meet some of the climate kids, the 21 youth who are suing the federal government over failure to protect the climate for their generation. These youth were between 8 and 16 years old when the case was filed in federal court in 2015.

Before we get started, let's review some legal vocabulary.

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Instructions



- Get a WORKSHEET "Unscramble this case!" On the back are some legal terms and definitions – but the definitions don't match the words.
- As we go through this lesson, listen for new words and match them with their definitions.
- Like this...

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A "*plaintiff*" is a person claiming harm from another person's illegal actions and bringing a lawsuit against them. ("Person" includes natural persons and artificial entities.)

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A "*defendant*" is a person being accused of illegal and harmful activity and being sued in court.

So, you should have matched two words right now... [**check** to see if students are filling in their WORKSHEETS]

In the climate case, the defendant is the President of the United States and several departments in the executive branch like the U.S. Department of Energy and the U.S. Department of Transportation.

The plaintiffs and defendants are each represented by their own legal team, and the lead lawyer argues the case before a judge.

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RESOURCES

Our Children's Trust: leading the game-changing, youth-driven, global climate recovery campaign to secure the legal right to a stable climate and healthy atmosphere
<https://www.ourchildrenstrust.org/>

CNN profile on Julia Olson, chief legal counsel for Our Children's Trust
<http://www.cnn.com/2016/09/12/opinions/sutter-julia-olson-climate-kids-profile/>



The youth plaintiffs are represented by a small law firm, based in Eugene, Oregon. The lead lawyer is Julia Olsen, a young mother.

3. Elements of a lawsuit

Here are a few more legal terms. All lawsuits have five basic elements.

Instructions



- Turn over your worksheet to fill out Parts 1 & 2 as we work through the 5 elements of a lawsuit.

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Lawsuits start when the lawyer for the plaintiffs files a "complaint." A complaint is a description of the harm suffered, plus the "remedy" or fix for the harm.

For a lawsuit to be accepted by a court of law, plaintiffs must show personal harm from illegal actions of the defendants and describe how the court can remedy or fix the harm. If the judge accepts the claims of personal injury and illegal activity, and the proposed legal remedy, then the plaintiffs have "standing" and the court accepts their case.

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Once plaintiffs prove standing, the case proceeds to trial. A "trial" is a hearing in a court of law where the lawyers present evidence and argue legal points. The plaintiffs are trying to prove harm, and the defendants are trying to show that their activities did not cause harm.

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The jury or judge reaches a "decision" or conclusion after evaluating all of the evidence. The judge or jury decides if there is harm, how much harm, and an appropriate remedy for the harm. The decision may be reviewed by higher courts of law, but in the



end, a decision is final.

If the plaintiffs win part or all of their case, then the decision will include a remedy as a court order that the parties must obey or face penalties.

Did everyone finish Parts 1 & 2 of your WORKSHEET? Discuss if needed.

Now let's take a closer look at some of these elements.

4. Interactive exercise on standing

We're going to do a role-play exercise to learn how the Climate Kids declared standing.

Instructions



- Review your WORKSHEET on declaration of standing. These declarations were taken directly from the complaint filed in court.
- You will have 5 minutes to read your plaintiff's declaration.
- Make notes on harm in the left column and explain what action of the defendants caused the harm in the right column.
- Be specific. For example: Jayden's family home has been damaged from more frequent storms and more severe storms that are caused by an unstable climate system.
- When we are all ready, we will all get up and find another plaintiff. You will each have 1 minute to state your name and what harm you have suffered from the action of the defendants.
- This SOUND [demonstrate sound] will let you know when to switch turns.
- We'll repeat this 3 times total.

CONDUCT EXERCISE

Ask students to return to their seats.

Guide for Interactive Exercise

Plaintiff	Personal things enjoyed	Harm claimed
Journey	<p>taro farm & fish swim, snorkel, canoe & paddle board personal safety & health</p> <p>cultural values & sense of stewardship</p>	<p>flooding & erosion ocean acidification poor water quality & high bacteria more shark activity</p> <p>emotionally painful to lose traditions</p>
Nick	<p>church values & sense of stewardship hiking, fishing, camping grow own food, buy local food biking, hiking & tennis ski</p>	<p>emotionally painful to lose traditions wildfires, droughts, floods hail, rainstorms, pests destroy food too hot to enjoy outdoor activity warmer winters mean less snow</p>
Jamie	<p>cultural values & sense of stewardship move from homeland & resettle</p> <p>hikes, spending time in forest health evacuations</p>	<p>emotionally painful to lose traditions water scarcity, springs drying up costs of hauling water too high forest killed by beetles & fires allergies worsen by dry, hot weather fires, worried may lose home</p>
Isaac	<p>involved in climate justice & civics home & yard hiking along creeks & in forests mind/body benefits playing in snow personal health soccer, basketball, hiking</p>	<p>wants to reduce carbon emissions trees dying from groundwater drop fire & drought harms enjoyment less snow means less recreating asthma increases with poor air quality asthma worsens performance</p>
Jaden	<p>family home, property & personal safety</p> <p>health</p> <p>swimming in ocean, playing at beach, eating seafood, crabbing visiting friends in coastal communities</p>	<p>damaged from more & more severe storms, hurricanes, floods, land loss, storm surge, sea level rise, erosion poor air/water quality from fossil fuel development & activities residual oil from BP disaster makes these foods & activities dangerous harder & dangerous to travel with increased storms & land loss</p>



Zealand involved in climate justice & civics
biking, rock climbing, rafting, camping

personal health
winter sports like skiing
job security
drinking water security
playing in dunes, photography, surfing,
boogie boarding, eating seafood

wants to reduce carbon emissions
high temps make outdoor sports less
fun & even dangerous
asthma worse with high pollen count
warmer winters, less snowpack
mother seasonal worker at ski resort
source snowpack disappearing
rising sea level & ocean acidification
threaten ability to enjoy activities

Avery involved in climate justice & civics
swimming in natural water bodies,
boating, hiking, backpacking, camping,
watching wild salmon spawn
personal health
sledding, showshoeing
coast visits, exploring tidepools, eating
seafood

wants to reduce carbon emissions
high temps, drought, fires, beetle-kill
forests & hungry bears make outdoor
activities less likely & enjoyable
allergies worse in high pollen & heat
reduced snowpack
coastal erosion, dead wildlife, high
temps, ocean acidification & sea level
rise lessen enjoyment of activities

Levi growing food in garden
beach activities

swimming in lagoon

watching sea turtles
family home & property

mind & body health

high temps make it harder
dying, smelly seaweed from high
temps harms enjoyment
dead fish & more flesh-eating bacteria
endanger personal safety
less wildlife from higher temps
less value from sea level rise, may be
lost completely
allergies worse, worries about his
favorite outdoor places & sea life



Instructions for class discussion



- Ask students to reflect a minute on what harm the plaintiffs might have in common with what activities they enjoy
- Ask students to identify and share activities in common with plaintiffs – either their plaintiff or stories they heard from other plaintiffs
- Do you have to own the “something” that is harmed?
(No, e.g., pleasure gained from hiking in forest or the liberty to enjoy your way of life)
- Does the harm claimed have to have a financial value?
(No, it just has to contribute to overall wellbeing)
- Does the harm have to come from the activity caused by the Defendant?
(Yes)
- Can students name which types of wealth were harmed?
(Economic, environmental, social)

5. Youth standing was challenged

In the youth climate case, the youths’

RESOURCES

Biggest case on the planet

<http://news.nationalgeographic.com/2017/03/kids-sue-us-government-climate-change/>

Trump lawyers fight to stop youth climate case

<http://www.climatechangenews.com/2017/06/12/trump-lawyers-use-extraordinary-trick-quash-youth-climate-case/>

standing was challenged. The federal government argued that children under 18 do not have constitutional rights and, therefore, cannot claim standing or bring a case to court.

The federal lawyer was not alone. Six hundred and fifty (650) of the world’s largest fossil fuel corporations joined the federal government as interveners.

An “*intervener*” is a person that the court allows to join an ongoing lawsuit when the decision in the case may affect that person’s rights or property. Interveners may join either the plaintiffs or defendants. Interveners present their own evidence through their own legal team.

How might the property of the fossil fuel corporations be affected by a victory for the youth plaintiffs? Think about what remedy might address the claims of personal harm.

Instructions

- Turn to a partner and answer the question.
- After a minute or so, ask students to share their answers.
 - » Answer: the remedy for a climate justice case will involve cutting back on use of fossil fuels to reduce greenhouse gas emissions. This remedy will cause economic harm to energy companies that are not creating, selling, and distributing green renewable energy.

6. Do kids under 18 have constitutional rights?

The pre-trial hearings took almost a whole year. The lawyer for the 21 youth plaintiffs argued against the federal government and 650 oil companies! A second judge had to review the first judges’ decision.



Now it's your turn to be the judge.

Instructions



- Turn to a partner.
- Either read the Preamble to the Constitution as a class or in partner teams.
- Discuss and answer the question. Allow about 3 minutes.
- Be ready to explain your answers.

Guide for class discussion

- Ask students to share answers.
- What is the key phrase and word that makes it clear that the Constitution applies to present and future generations? (“... and our Posterity.” Protecting “posterity” – future generations – is a stated purpose of our government under the Constitution.)

Both judges also decided in favor of the youth plaintiffs. The case is scheduled for trial in February 2018.

7. Climate kids' rights are being “infringed”

To have standing, plaintiffs must also show that harm is caused by illegal activity of the defendants.

In the youth climate case, the plaintiffs claim that government actions to encourage fossil fuel use and burning are causing harm by “infringing” or violating four inalienable rights.

Two rights are 5th Amendment equal protection and due process, because youth will bear more harm from increasing climate disruption, as the standing exercise showed.

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Another is the right to be sustained by earth's natural systems such as a stable

climate system. This right is claimed under the 9th Amendment, as one of the inalienable rights not listed in Bill of rights.

The Constitution prevents governments from infringing upon the rights of present and future generations. Harm is caused when rights are violated.

8. The Public Trust Doctrine

The fourth right is claimed under the Public Trust Doctrine.

As expressed in Roman Law from 533 A.D., the Public Trust Doctrine states: “By the law of Nature ... the air, the running water, the sea, and consequently the shores of the sea ... are common to mankind.”

- Consider this.
 - » What do you own? What do you think of as your property?
 - » (Discuss; students usually list private property.)
 - » What about public property? You own part of every national forest, national park, national monument, national museum, and more.
 - » When you breathe the air or swim in the ocean – did you have to pay anyone for that? (These are other examples of public property.)
 - » When sea turtles and dolphins, fish and otters, pelicans, seabirds, and more are killed by oil spills, the corporation that spilled the oil must pay a fine to the federal government on behalf of the public. Wildlife is part of the public trust.

The Public Trust Doctrine was carried forward from ancient Roman law into modern law. Since this law is older than the Constitution by several centuries, newer laws must be consistent with it.

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- certain natural and cultural resources

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- are held in trust by sovereign governments.

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- It is the duty of governments to protect and maintain these resources

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- for the survival and benefit of present and future generations.

Let's look more closely at this.

Instructions



- Fill in Part 3 of your WORKSHEET as we discuss the Public Trust Doctrine.

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- The word "certain" here means those natural and cultural resources that are essential to survival of humankind.

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- "Held in trust" here establishes a trust relationship, in which the public places special trust and reliance in the government to act for its benefit.

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- A trust relationship imposes a firm duty on the government to act for the benefit of present and future generations. This duty is firm, meaning the government has to do it; there is no choice. The government is the "trustee" and the citizens are the "beneficiaries."

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- Specifically, the firm duty is to "protect and maintain" the public trust resources for the "survival and benefit" of the beneficiaries. This means resources may be used by the present generation, but not used up – or so badly damaged or polluted that the resources do not benefit future generations. Governments must protect and maintain essential public trust resources.

[Make sure students have completed Part 3 of their WORKSHEETS before proceeding.]

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Instructions

- See if you and a partner can explain the Public Trust Doctrine to each other. Use your WORKSHEETS if needed.
- Are there any questions about the Public Trust Doctrine?

9. Climate system: a public trust resource?

The youth plaintiffs claim that their constitutional rights to life, liberty, and property cannot be secured without a healthy atmosphere and stable climate system, free from dangerous climate disruptions.

The youth plaintiffs, as beneficiaries under the public trust doctrine, claim the rights of present and future generations to those essential natural and cultural resources that are vital to survival and benefit of present and future generations.

The youth claim the government has failed its trust duty by not protecting and maintaining the climate, as part of the public trust resources.



Now it's your turn to be the judge.

Instructions



- Do you think the climate system is a public trust resource? Why or why not?
- Turn to a partner and discuss.
- Open to class discussion after about 3 minutes.

Summary points

If the court agrees with the youth plaintiffs, then:

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- The federal government would have a firm duty to protect and maintain the climate under the public trust doctrine.

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- The court could order government policymakers to work with youth plaintiffs and other youth to provide a framework for action.

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- The court could issue an order, allowing it to manage the remedy to make sure that the other branches of government follow the plan and take immediate action to reduce greenhouse gas emissions.

10. Why the judiciary?

Whenever one or two branches of government act in a manner inconsistent with the law, the judiciary may get involved, as the court did in *Brown v. the Board of Education*). The court ordered school desegregation, consistent with the 14th Amendment, and managed the remedy for over 40 years until the school complied.

In the climate case, youth plaintiffs are

claiming that the U.S. government – Congress and presidents – have known for more than 50 years that carbon dioxide produced from burning fossil fuels was destabilizing the climate system in a way that would greatly endanger plaintiffs and future generations.

Despite that knowledge, youth claim the government permitted, encouraged, and otherwise enabled continued use and combustion of fossil fuels and knowingly allowed carbon dioxide levels in the atmosphere to build to dangerous levels.

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The youth plaintiffs are asking the court to step in and enact adequate climate protections now.

11. The Remedy: Climate justice

Sophie is one of the youth plaintiffs. Dr. James Hansen is her grandfather. He's also one of the world's leading climate scientists and the former director of NASA (National Aeronautics and Space Administration).

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Dr. Hansen warns that the last time the Earth was this hot, the ocean was about 20 feet higher. Since the industrial revolution, human activities have caused an increase in the concentration of carbon dioxide in the atmosphere from 280 parts per million (ppm) to over 400 ppm. The excess carbon dioxide is heating the atmosphere and destabilizing the climate system, among other life-threatening horrors.

Dr. Hansen and many of the top climate scientists tell us that the maximum safe concentration of carbon dioxide in the atmosphere is 350 ppm.

We need to reduce the atmospheric level of carbon dioxide to 350 or lower immediately and as fast as possible by:



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- REDUCING activities that use and burn fossil fuels
- INCREASING activities that transition to green safe energies like solar and wind power, and activities that are proven to sequester carbon like planting trees.

Dr. Hansen and his team developed an emission reduction plan to return the global atmospheric level of carbon dioxide to 350 ppm and to limit the harm from the climate crisis and ocean acidification. This climate recovery plan is the remedy that the youth plaintiffs are seeking in court.

RESOURCES

Sunnyside Environmental School Climate Cohort, LNG: Just another dirty fossil fuel video
<https://www.youtube.com/watch?v=x8CQ9Qrei3c>

Kids vs Global Warming film
<http://www.youngvoicesonclimatechange.com/youth-climate-videos/kids-vs-global-warming/>

A People's Curriculum for the Earth, edited by Bill Bigelow & Tim Swinehart, 2014
<https://www.rethinkingschools.org/static/publication/apcekit/Climate-Justice-Seed-Kit-APCE-Preview.pdf>

12. Game Changers: Federal & state lawsuits

So far, we've been talking about the youth climate case in federal court. However, Our

Children's Trust is also working with youth to bring cases against state governments to compel states to adopt a climate recovery plan.

Before we review the state actions, let's look at how our court system works. The organization is the same in the federal and state court systems.

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Lawsuits start in trial courts when plaintiffs file a complaint. After the trial and oral arguments, the judge makes a decision or ruling.

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The party that loses can appeal to the next highest court, the Court of Appeals, and ask the appeals court judge to review the trial court's decision. There may or may not be oral arguments and eventually the appeals court judge will make a ruling.

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For the last time, the party that loses during this round can appeal to the highest court, the Supreme Court. The parties argue their case again before court justices and the court rules. This time, the court's decision is final.

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Youth filed official legal actions in every state in May 2011. The national effort was coordinated by Our Children's Trust. Let's look at six state climate cases to see how different state courts handle the youth cases.

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- In **Colorado**, the trial court denied the petition filed by 11-year old Xiuhezcatl (Shah-tez-caht). Youth appealed. In a surprise victory, the Colorado Court of Appeals ruled in favor of youth



plaintiffs in March 2017 – and ordered the case be returned to the trial court because the lower court erred in its decision.

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- In **Oregon**, youth plaintiffs' case was denied and appealed. The case is waiting for trial date in the Oregon Court of Appeals.

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- In **Maine**, the trial court denied the youths' petition for a lawsuit. A revised petition was also denied in 2016. Our Children's Trust is working with youth to revise and file another petition.

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- In **Washington**, the trial court judge decided in favor of the youth in 2015 and ordered the State of Washington to create a carbon emission reduction plan to protect the atmosphere for future generations. The state refused to comply with the court order. In 2016, the youth returned to court to demand action under a constitutional rights claim. The judge again ruled in the youths' favor. The case is waiting for a trial date.

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- In **Massachusetts**, youth filed a petition in 2012; when it was denied, they filed a lawsuit in 2014. In 2015, the trial court ruled against the youth plaintiffs and the youth appealed. However, the Massachusetts Supreme Judicial Court decided to skip the appeals court and took the case on review directly – and decided in the youths' favor! In 2016, the Massachusetts Supreme

Court ordered annual reductions in greenhouse gas emissions.

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- In **New Mexico**, youth filed a petition in 2011; it was denied and appealed. In 2015, the NM Court of Appeals ruled that the NM Constitution establishes the state's public trust responsibility to protect the atmosphere – huge victory. However, the court also ruled that the state's duty was met by the state's Air Quality and Control Act. In 2017, 28 youth started over and petitioned the state, challenging the act as unconstitutional, because it does not reduce greenhouse gas emissions.

Instructions

- Turn to a partner and take a couple minutes to discuss:
 - » What stood out for you in these six state stories?
 - » What would you like to learn more about?
- Open to class discussion after about 3 minutes.

Discussion guide

Students might observe:

- Trial court almost always denies or rules against plaintiffs at first
- Plaintiffs have to prepare for setbacks
- Plaintiffs almost always need to appeal decision by lower court
- The Massachusetts case was unusual in that the Supreme Court skipped over the Court of Appeals – and the youth prevailed. (In Pennsylvania, the Supreme Court also skipped the court of appeals, but ruled against the youth.)



RESOURCES

Comparing federal and state court systems

<http://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>

Status of cases in state courts

<https://www.ourchildrenstrust.org/state-legal-actions>

13. Game-Changers: Local actions

The state and federal lawsuits are supported by hundreds of youth taking local actions to reduce greenhouse gas emissions.

Here are some ideas for getting started.

Think about what YOU want to do first. Then... Find your passion. Find your power. Find your team.

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Consider starting or joining a YouCAN campaign – short for “Youth Climate Action Now.” This program was created by Our Children’s Trust to involve local governments in adopting local climate recovery laws.

Consider becoming an Earth Guardian – a youth-driven group of young activists, artists, and musicians. Youth director and founder Xiuhtecatli started this group to protect the planet for future generations and chapters are created by local youth.

Create an action plan, and the next thing you know, you’ll probably have a lot of new friends who share your passion – and a road map to your goal!

14. Ultimate Civics! COVER SLIDE

Determine if students are ready for a class project or extracurricular activities to follow through in their interest area. By creating and implementing their own action plans, students will learn lifetime skills in civic engagement.

RESOURCES

YouCAN contact: Coreal
Coreal@OurChildrensTrust.org

YouCAN Campaign manual & appendices

<https://www.ourchildrenstrust.org/learn-how-to-start-a-youcan-chapter>

Earth Guardians

<https://www.earthguardians.org/>



Vocabulary

Core Vocabulary

complaint: the first document filed with the court by a person claiming legal rights against another

defendant: a person being accused of illegal activity that caused harm and being sued

infringe: actively break the terms of (a law, an agreement, and such); violate

plaintiff: a person claiming harm from another's illegal actions and bringing a lawsuit against them

public trust doctrine: the principle that certain natural and cultural resources are held in trust by governments, and that it is the duty of governments to protect and maintain these resources for the survival and benefit of present and future generations

remedy: judicial relief; the means with which a court of law enforces a right, imposes a penalty, or makes a court order to impose its will

standing: ability of a person to participate in a lawsuit by demonstrating personal harm caused by illegal action of the defendants

Support Vocabulary

appeal: a legal proceeding by which a case is brought before a higher court for review of the decision of a lower court

decision: a conclusion reached by a judge or jury after an evaluation of evidence (facts and law)

intervener (law): a person that the court allows to join an ongoing lawsuit when the decision in the case may affect that person's rights or property

posterity: all future generations of people

precedent (law): a legal decision that sets a standard for future events

trial: a coming together of parties in a lawsuit to present evidence, as facts and legal issues, to the court so that the judge may resolve the claims and provide a remedy, if appropriate

