

Will the Climate Kids Save the Planet?

A determined group of young people is suing the federal government to force it into taking action against global warming

FEBRUARY 18, 2019 ([HTTPS://UPFRONT.SCHOLASTIC.COM/ISSUES/2018-19/021819.HTML](https://upfront.scholastic.com/issues/2018-19/021819.html))

By Chrisanne Grisé

One night in the summer of 2016, Jayden Foytlin awoke to the sound of her older sister, Grace, banging on her bedroom door, yelling that the house was flooding.

“I thought she was messing with me,” says Jayden, now 15. “It wasn’t until I stepped out of bed and into ankle-deep water that I realized it was for real.”

It was the start of a historic flood that ravaged much of Louisiana, including Rayne, the town Jayden’s family lives in. An unprecedented amount of rainfall led to heavy flooding; 13 people died, more than 30,000 others had to be rescued, and more than 109,000 homes—including Jayden’s—suffered damage. Officials deemed it a 500-year flood, meaning there is a 1 in 500 chance of a flood of this magnitude occurring in any given year.

“I felt shocked and a little numb,” Jayden says.

And that was only the beginning. Less than a year later, Rayne flooded again. This flood wasn’t as disastrous, but it strengthened Jayden’s **resolve** to do something about what she believes is the cause of the storms devastating her town: climate change.

Today Jayden is one of 21 young Americans, ages 11 to 22, who are suing the federal government to demand that it take action to stop global warming. The plaintiffs claim that the government’s actions—and inaction—in the face of



Julie Dermansky

Jayden Foytlin

AGE: 15

HOMETOWN: Rayne, Louisiana

When Jayden first joined the case *Juliana v. United States*, she faced criticism from her neighbors, many of whom work in the oil industry. “I lost my best friend,” she says. It was painful, but she remained certain that she was doing the right thing. “I don’t want my town to be destroyed. I want to be able to show my kids where their mother grew up and where her Cajun side comes from.”

change are a problem, but ultimately an **abstract** one since they may not be around to experience them. Today's children, however, will be dealing with environmental disaster within their lifetimes; the youngest of the plaintiffs, Levi Draheim, will be just 33 in 2040, the year by which a United Nations scientific panel expects some of the biggest climate-related crises to begin, including widespread coastal flooding and food shortages.

But it's still unclear if and when the plaintiffs will get their day in court. The Trump administration has repeatedly requested stays of proceedings—which halt the legal process—and no one can be sure how long the delays will last or what the outcome will be.

If the case, *Juliana v. United States*, does move forward, it could be a game changer, determining whether the judicial branch should play a role in dealing with global warming, and whether U.S. citizens have a constitutional right to a safe, stable climate.

No Ordinary Lawsuit

One of the young people suing the federal government over climate change explains his motivations.

The Obama Administration

Juliana v. United States began in 2015, when environmental attorney Julia Olson and her nonprofit, Our Children's Trust, filed a federal suit in Eugene, Oregon, against the Obama administration. They'd found the 21 plaintiffs through human rights and environmental organizations.

The lawsuit they filed called for faster action from a president who was generally considered to be friendly to environmental interests. (Olson had previously filed climate-related lawsuits with youth plaintiffs in all 50 states, some of which are still pending.) Their argument was based on a legal principle known as the public trust doctrine, which can be used to compel the government to preserve natural resources for public use. The initial complaint declared that the government had "willfully ignored" the dangers of fossil fuels.

'Now more than ever, we need

people on both sides working together.'

The Obama administration sought to have the case dismissed on the grounds that the courts are ill-suited to oversee an issue that spans the globe.

"Climate change is a very serious problem. We do not question the science," Sean Duffy, a lawyer for the Justice Department, told a federal court in September 2016. "Our position is that Congress and the executive branch should address climate change in the first instance and should do so by coordinating with other nations."

However, the plaintiffs—often referred to as the climate kids—are hoping the judicial system will force the government to write a recovery plan that drastically reduces carbon emissions and **stabilizes** our climate system.

"We need pressing, urgent, aggressive action," says Kelsey Juliana, 22, the plaintiff named first in the case. "We're going to go big, because we're talking about the survival of humanity."

Stays & Delays

The election of President Trump has added to the plaintiffs' concerns, as his administration is reversing Obama-era climate policies and encouraging the use of fossil fuels, which scientists say greatly contribute to warming.

"In the view of the plaintiffs, Obama was moving too slowly, and now Trump is moving backward," says Michael Gerrard, director of the Sabin Center for Climate Change Law at Columbia Law School.

As with the previous White House, however, the Trump administration's lawyers are not arguing that climate change is a hoax. Instead, they contend that the young people don't have standing to sue (a legal formula requiring plaintiffs to show that they have suffered real harm because of the actions of the defendant) and that the courts are the wrong place to deal with the issue.

"This lawsuit is an unconstitutional attempt to use a single Oregon court to control the entire nation's energy and climate policy," Jeffrey H. Wood, the Justice

Department attorney in charge of the division representing the government, said in a statement.



Tamara Rose Roske

Xiuhtezcatl Martinez

AGE: 18

HOMETOWN: Boulder, Colorado

At age 6, Martinez began attending meetings of Earth Guardians, an environmental group started by his mother. Raised in the Aztec tradition, he feels deeply connected to the mountains and rivers of his home state—and he channels that bond as he travels around the world speaking about climate change. He also writes and performs hip-hop songs to get his message across. “Music sparks something within people that none of the rest of the work that I do does,” he says.

But Judge Ann Aiken, who is scheduled to preside over the trial, has been receptive to the plaintiffs' theory.

"I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society," she said in a November 2016 decision allowing the case to go forward.

A court date was originally set for February 2018—and then again for October—but the Trump administration has continued to file petitions to have the case thrown out and applications for stays all the way up to the Supreme Court. At the moment, both parties are waiting for the U.S. Circuit Court of Appeals in San Francisco to decide whether the case will go to trial.

While the delays have been frustrating for the climate kids, they remain committed to the task at hand.

"The work we're doing is so much larger than this case," Juliana says. "Of course it's frustrating, it's heartbreaking, it's disappointing to not be in court. But it just builds our collective urgency and call to action."

Jayden agrees: "Y'all can stall as much as y'all want," she says, "but I still have faith that this trial is going to happen."

A Novel Legal Strategy

Experts aren't sure what kind of outcome to expect for this case. "The claims are compelling and the legal theory is creative," says David M. Uhlmann, a law professor at the University of Michigan and a former top Justice Department official on environmental crimes.

The courts are generally reluctant to **embrace** creative legal theories—although occasionally they use them to make new laws, like in *Brown v. Board of Education* (which desegregated the nation's public schools) and *Obergefell v. Hodges* (which legalized same-sex marriage).

Similar lawsuits have started popping up in other countries too. In 2015, a Dutch

court ordered the government to reduce carbon emissions by 25 percent within five years. Last year, Colombia's Supreme Court sided with 25 young people—ages 7 to 26—and declared that the government has a duty to protect the rainforest. And several other nations—including India, the Philippines, and Uganda—have pending environmental cases involving youth plaintiffs.



Catia Juliana

Kelsey Juliana

AGE: 22

HOMETOWN: Eugene, Oregon

Juliana first sued the state of Oregon to demand an emissions reduction plan when she was 15 (that case is still pending). Three years later, she marched from Nebraska to Washington, D.C. to urge world leaders to take climate action. Now in college, she's delayed graduation by two years and has transferred schools so

**she can be more involved in *Juliana v. United States*.
“I’ve gained a whole family from this case,” she says.**

No matter what the court eventually decides in *Juliana v. United States*, the climate kids are confident that their work is making a difference.

“We’re showing the world that young people are not going to be left out of this conversation,” says Xiuhtezcatl (*shu-TEZ-kaht*) Martinez, 18, another of the plaintiffs. “Our generation is plugging in right here, right now.”

He notes that although climate change has become a partisan issue, it wasn’t that long ago that politicians from both parties were willing to make changes in support of the environment.

“Now more than ever, we need people on both sides working together,” Martinez says. “We need conservative and progressive people hand in hand, fighting climate change.”

With reporting by John Schwartz of The Times.

Teens Seeking Justice

**Three more groups of young people who are turning to
the judicial system for help**

BETTER SCHOOLS

Seven students in Detroit sued the state of Michigan in the fall of 2016 (*Gary B. v. Snyder*), saying their inferior education deprived them of basic literacy skills.

PROTECTED STATUS

14-year-old Crista Ramos from California is the lead plaintiff in a March 2018

suit (*Ramos v. Nielsen*) challenging the federal government’s plan to end protected status for 300,000 immigrants.

MORE CIVICS

In November 2018, teens sued Rhode Island’s public schools (*Cook v. Raimondo*) over a lack of civics lessons, claiming their classes don’t prepare students for life in a democracy.



Courtesy Farida Jhabvala Romero/KQED

Crista Ramos
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Teaching Resources

VIDEOS (1)



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U.S. NEWS

SKILLS SHEETS (6)

upfront Name _____ Class _____

Test Your Knowledge

Choose the best answer to each of the following questions. Write the letter of the correct answer in the space provided.

1. What is the main purpose of the article?
 - a. To inform readers about climate change.
 - b. To persuade readers to take action against climate change.
 - c. To entertain readers with a story about climate change.
 - d. To describe the effects of climate change.
2. How do the scientists know the earth will heat up?
 - a. They have seen the earth heat up in the past.
 - b. They have seen the earth heat up in the future.
 - c. They have seen the earth heat up in the present.
 - d. They have seen the earth heat up in the past, present, and future.
3. What is the main problem?
 - a. Climate change is causing global warming.
 - b. Climate change is causing global cooling.
 - c. Climate change is causing global drought.
 - d. Climate change is causing global flooding.
4. What is the author's main point?
 - a. Climate change is a serious problem that needs to be solved.
 - b. Climate change is a minor problem that can be ignored.
 - c. Climate change is a natural phenomenon that cannot be controlled.
 - d. Climate change is a man-made phenomenon that can be controlled.

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upfront Name _____ Class _____

Carbon Dioxide Levels

Read the article and look at the graph. Then answer the questions.

CONCENTRATION OF CARBON DIOXIDE BY YEAR OF MEASUREMENT

Year	Concentration (ppm)
1958	315.2
1960	315.5
1962	315.8
1964	316.2
1966	316.6
1968	317.1
1970	317.6
1972	318.1
1974	318.6
1976	319.1
1978	319.6
1980	320.1
1982	320.6
1984	321.1
1986	321.6
1988	322.1
1990	322.6
1992	323.1
1994	323.6
1996	324.1
1998	324.6
2000	325.1
2002	325.6
2004	326.1
2006	326.6
2008	327.1
2010	327.6
2012	328.1
2014	328.6
2016	329.1
2018	329.6

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