Opinion
EarthBeat



HollyFrontier refinery in West Bountiful, Utah (Unsplash/Patrick Hendry)



by Donna Schaper

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It comes as no surprise that most people are infatuated with their grandchildren. They haul out pictures at the drop of a hat. They tell cute stories. It's a loving, cherished relationship.

After I had children, I never thought I could love a little baby again so much. My cup had run over. Now that I have four grandchildren, my cups overflow even more. And I want air and water and land for them with a vicious hope. I want them to have long life expectancy and joy — even a vigor I had not known before.

I am not alone.

The best example of collective action from the grandparent generation interestingly comes from a group of teenagers known as Our Children's Trust. These 21 young people are working with attorneys, scientists and filmmakers. They are being supported by their grandparents. This coalition of children, teens and young adults argue that it is the duty of the government to protect the climate, and that they have a constitutional right to a future not destroyed by climate change.

Our Children's Trust was set to appear Feb. 5 in U.S. District Court, in Eugene, Oregon, to plead their landmark case, *Juliana* vs. *the United States*, at trial. But a temporary stay issued in July by the 9th Circuit U.S. Court of Appeals has delayed proceedings. In December, the court heard oral arguments from the attorneys for the 21 plaintiffs — now ages 10 to 21 — and from the Trump administration, which has sought the lawsuit dismissed.

The 9th Circuit has yet to issue its ruling, and no new trial date has yet been set.

The young people, who filed rulemaking petitions on climate change in almost all 50 states, first filed their constitutional climate lawsuit in 2015 against then-President Barack Obama. Their complaint argues "that, through the federal government's affirmative actions that cause climate change, it has violated the youngest generation's constitutional rights to life, liberty, and property, as well as failed to protect essential public trust resources."

The lawsuit says that our children and grandchildren have a clear legal right to a much better world than they are going to get. If it is successful, the lawsuit will require profound changes in U.S. policies about climate change.

A group of Portuguese children, in the wake of this summer's deadly forest fires in their country, have brought a similar climate lawsuit against 47 European countries. In 2015, a group of Dutch citizens won their climate lawsuit against Holland's government, which was ordered to increase its target for reducing greenhouse gas emissions. There are other citizen-led legal efforts pressing for more aggressive climate policies, as well.

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Mary Christina Wood, a law professor at the University of Oregon and faculty director of its Environmental and Natural Resources Law Center, gave a lecture last September at the University of Colorado Law School on the public trust doctrine. Her basic argument is that "business as usual" on climate change will not provide the livable future that is the right of coming generations.

The Our Children's Trust case in federal court will essentially pose the question, "What kind of world do our children and grandchildren have a right to expect from us?"

Who knows what will come of this perfectly logical question, one based deeply in the common sense love many of us have for our grandchildren. What surely will happen is that the words public and trust will be joined at the knee.

We also know that children will keep coming into a world that will be either more or less responsive to their needs to breathe or hydrate. We together — children, grandparents and everyone in between — will find a way to breathe and drink; what matters is how many innocent ones will be lost along the way.

Thanks be to God for this refreshing effort of the Our Children's Trust lawsuit to ensure a healthy, breathable world for us all, both today and into tomorrow.

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