

## **US Supreme Court Could Intervene In Youths' Climate Change Lawsuit Against Trump**

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July 19, 2018

The U.S. Supreme Court will decide whether or not to block litigation brought against the federal government by environmentalists demanding more be done to fight man-made global warming.

The Trump administration asked the high court to issue a stay on litigation brought by environmental activists representing a group of young adults suing the federal government for violating their supposed constitutional right to a “stable climate system.”

While environmentalists framed the administration’s motion as a desperate attempt, legal experts said the Supreme Court could decide to block the youths’ climate lawsuit from moving forward.

“It’s an incredibly ambitious case, so I would not be surprised if the Supreme Court stayed discovery,” Jonathan Adler, a professor at Case Western Reserve University School of Law, told The Daily Caller News Foundation.

Andrew Grossman, an attorney at BakerHostetler, said the suit should have been dismissed out of the gate and plaintiffs only made it this far by “forum-shopping” for a sympathetic court. However, Grossman said activists’ enjoining of President Donald Trump might get the Supreme Court’s attention.

“Even those bizarre circumstances might not warrant intervention by the Supreme Court, but the highly unusual attempt to enjoin the president in the performance of his official duties and to force the government into a pointless show trial may attract its interest,” said Grossman, who’s also a Cato Institute adjunct scholar.

The environmental group Our Children’s Trust filed suit against the federal government in 2015 on behalf of 21 youths, arguing their constitutional rights were being violated.

The government should move “to ensure that atmospheric CO2 is no more concentrated than 350 [parts per million] by 2100 ... to stabilize the climate system,” reads the group’s legal complaint.

The U.S. District Court in Oregon ruled in 2016 the plaintiffs had standing to sue, which was reaffirmed by the 9th Circuit Court of Appeals in March. The Trump administration's motion to stay the suit and any discovery was rejected by the 9th Circuit on Monday.

The Trump administration asked the Supreme Court to intervene Tuesday and issue a stay that the 9th Circuit denied.

“The Supreme Court should see this as nothing more than the latest contortion by the Trump Administration to avoid facing these courageous youths in court, deny the government's request, and allow this case to proceed using the normal judicial process,” Erika Lennon, an attorney at the Center for International Environmental Law, told ThinkProgress.

Critics argue the lawsuit is nothing more than a way to circumvent the legislative process. It would let activists control policy decisions that should be left up to elected officials, they argue.

“The activist groups that brought it avoided that fate only through forum-shopping and the Ninth Circuit's unwillingness to exercise reasonable supervision over a district court that apparently believes it has the authority to determine the nation's climate policy and force the federal government to implement it,” Grossman told TheDCNF.

Federal judges heard oral arguments from the government and Our Children's Trust attorneys on Wednesday. The Supreme Court has yet to issue a decision on the Trump administration's request for a stay.