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New Mexico State Representative, Legal Scholars, and Conservation and Tribal Groups Support Youth in Climate Change Lawsuit

New Mexico Representative Gail Chasey, Legal Scholars, the Chaco Alliance, Amigos Bravos, Diné CARE, the Rio Grande Chapter of the Sierra Club, and the Climate Change Leadership Institute File an Amicus Curiae Brief to New Mexico Court of Appeals

Santa Fe, New Mexico – Yesterday, New Mexico Representative Gail Chasey, and conservation and tribal groups showed their support for youth plaintiff, Akilah Sanders-Reed and the non-profit, WildEarth Guardians' climate change lawsuit. They filed an *amicus curiae* ("friend of the court") [brief](#) documenting the significant threats of climate change to New Mexicans and to support plaintiffs' request that the Court of Appeals rule that the atmosphere is a public trust resource and that the State has an obligation as trustee to prevent further substantial impairment of the atmosphere from New Mexico's carbon emissions.

Sanders-Reed's and co-plaintiff WildEarth Guardians' lawsuit, filed on May 4, 2011 against Governor Susana Martinez and the State of New Mexico, is based on the inherent constitutional rights of citizens and the long-established principle of the Public Trust Doctrine, which requires governments to protect and maintain certain shared resources fundamental for human health and survival, like water and air, and in this case the atmosphere and climate system.

The youth also have the support of 28 top law professors and legal scholars from around the nation, including New Mexico law professors, who filed a separate *amicus curiae* [brief](#). Their brief informs the Court of the sovereign legal obligations that the Public Trust Doctrine imposes on government to protect the atmosphere from the adverse effects of greenhouse gas pollution. More specifically, they state that the "Public Trust Doctrine is an inalienable and constitutionally-based attribute of sovereignty that requires all sovereign governments, including the State of New Mexico, to act to prevent degradation of essential natural resources owned in trust on behalf of future and present generations." They urge the Court to recognize that the New Mexico government has an obligation to act now to ensure the atmosphere will continue to support the survival and welfare of present generations of New Mexican citizens.

The *amici* represent a broad-base of New Mexicans who seek to protect the State's public resources and its people from the harms of climate change. State Representative Gail Chasey is standing behind the youth and asking the State of New Mexico to take action on climate change,

while the window of opportunity exists to transition to clean energy sources and prevent runaway heating and persistent drought.

“I support the courageous advocacy of Akilah in invoking the Public Trust Doctrine, and I joined the *amicus* brief to urge this Court to reverse the district court’s ruling and recognize the obligation that the Public Trust Doctrine places on our government to act urgently in reducing greenhouse gas emissions,” stated Representative Chasey.

The Court of Appeals decision on whether the state has a public trust duty to protect the atmosphere is critical. A positive ruling would uphold the constitutional rights of young citizens and set important precedent on states’ duties to protect critical natural resources for present and future generations. As a frontline community already scorched by the consequences of climate change, New Mexico and all of its citizens have a lot at stake in the outcome of this case.

Akilah says she is leading this effort because she “wants to have a future in New Mexico that is not ravaged by constant drought, heat waves, wildfires, and a loss of the forests and wildlife she grew up with.”

Amici reference Senator Martin Heinrich’s remarks on the Senate floor earlier this month for the all-night #Up4Climate conversation:

“Climate change is very real and it is impacting our bottom line in the State of New Mexico... Things are only going to get worse if we don’t act and begin to address some of these conditions. If we have any hope of reversing the effects of climate change—and we truly must—it is critical we embrace this challenge now and that we lead the world in innovation, in efficiency, and in clean energy.”

Akilah and WildEarth Guardians’ lawsuit was filed with the help of [OUR CHILDREN'S TRUST](#), an Oregon-based non-profit orchestrating a game-changing, youth-driven legal campaign in the United States and across the world. Representative Gail Chasey and the conservation and tribal groups are represented by New Mexico public interest attorney, Steven Sugarman. Legal scholars are represented by the Western Environmental Law Center, based in Taos.

Plaintiffs’ opening brief can be found [here](#).

Our Children's Trust is a nonprofit organization advocating for urgent emissions reductions on behalf of youth and future generations, who have the most to lose if emissions are not reduced. OCT is spearheading the international human rights and environmental TRUST Campaign to compel governments to safeguard the atmosphere as a "public trust" resource. We use law, film, and media to elevate their compelling voices. Our ultimate goal is for governments to adopt and implement enforceable science-based Climate Recovery Plans with annual emissions reductions to return to an atmospheric carbon dioxide concentration of 350 ppm. www.ourchildrenstrust.org/

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