



## ***Chernaik v. Brown Curriculum:***

***Youth Leaders Come Before the Oregon Supreme Court on November 13  
at David Douglas High School, in Portland, Oregon,  
in a Fight to Preserve Natural Resources That Are Held in Trust for All Oregonians.***

Use this 3 lesson curriculum to bring this critical issue and current event to your students.



*Chernaik v. Brown* plaintiffs Kelsey Juliana and Ollie Chernaik

## **OREGON TEACHERS:**

Use this three lesson plan to:

- Bring A Crucial Real Time Current Event To Your Students
- Highlight The Power Of Youth To Effect Change
- Underscore Government's Duty To Preserve Natural Resources For All Oregonians.

On Wednesday, November 13, 2019, two young Oregonians will have their climate change lawsuit heard before the Oregon Supreme Court, on a critical issue for all Oregonians.

The youth argue, under the Public Trust Doctrine, that certain natural resources are so essential for human life and well-being that our government must hold them in trust for all citizens. The youth argue that the State of Oregon is failing to protect these shared natural resources, including the atmosphere, from the devastating impacts of climate change.

The Supreme Court will hear arguments about whether the government has a duty to protect our atmosphere as a public trust resource for the benefit of our children, grandchildren, and future generations.

The following curriculum explores this case through lessons on civics, science, law, and social movements.

## **Lesson 1: Young People at the Forefront of Movements for Change**

### **Central Focus:**

Through an in-class group research project on particular youth activists, this first lesson is designed to introduce students to young people who lead social movements and to the power youth have to influence the world.

### **Materials:**

- [Research Packets](#)
- White board and expo markers

### **Time:**

70 minutes

### **Procedure:**

#### Introduction of assignment to students and breaking up into groups (10 minutes)

- Break your class into five groups. Write research questions on the white board (examples: Where does/did this person come from? What social movement do/did they lead? How did they get involved in the issue? What challenges do/did they face? What are/were they trying to achieve?) . Distribute a research packet for each of the following youth:
  1. [Linda Brown](#)  
Youth activist leading the equal education movement in the U.S. [civil rights movement post-Brown](#) (including the Little Rock Nine, Chicago Freedom Day Boycott, and The Children's Crusades)
  2. [Emma Gonzalez](#)  
Youth activist leading the gun control movement in the U.S.
  3. [Malalah Yousafzai](#)  
Youth activist leading the female education movement in Pakistan
  4. [Greta Thunberg](#)  
Youth activist leading the climate movement internationally
  5. [Vic Barrett](#)  
One of 21 young Americans suing the U.S. government for science-based climate action in Juliana v. U.S.

#### Student Group Research (30 minutes)

- Students use the research packets to investigate and collect information on each youth leader to answer the research questions.

#### Student Presentations (25 minutes)

- All five groups will take five minutes each to report back to the class.

Final Questions (5 minutes)

- Take the final five minutes to prompt student questions about the youth leaders for teacher led responses.

## **Lesson 2: Young People in Oregon at the Forefront of the Climate Movement** **Right Now**

### **Central Focus:**

This lesson will introduce students to the current Oregon court case, *Chernaik v. Brown*, and concepts including the three branches of government and the Public Trust Doctrine. The first part of class will be spent with an instructional powerpoint, and the second half of class will focus on individual or group questions that critically engage students with the material covered in the first part of class.

### **Materials:**

- [Powerpoint](#)
- [Powerpoint script](#)
- Student journals or paper and pens/pencils
- White board and expo marker

### **Time:**

70 minutes

### **Procedure:**

#### Powerpoint (linked above) on *Chernaik v. Brown* (15 minutes)

- Use the powerpoint to provide an introduction to *Chernaik*. Each slide will cover a topic related to the lawsuit, from an introduction to climate change to an overview of the case. In each slide, you'll see suggested talking points and questions to ask your students in the "notes" section. Make sure to cover the following before diving into the brainstorm questions:
  - Climate change
  - Three branches of government
  - Federalism: roles of the state v. federal government
  - *Chernaik v. Brown*
  - Public Trust Doctrine
  - Intergenerational justice
  - Remedies

#### Brainstorm Questions for Students (55 minutes)

- Choose from the following questions for your class, and ask them to spend time individually journaling on each question, either to report back to the group or to discuss in a large group format:
  - What natural resources should the government protect? Why? (teachers can include list of natural resources that could include: air, water, soil, minerals)

- If you think elected officials aren't doing what should be done on an issue, do you think the courts step in? Should the courts step in to enforce the Public Trust Doctrine?
- What is the court's role in enforcing the remedies being asked for in case?
- What might make youth different from other people in the eyes of a court?
  - Examples:
    - Youth have no voting rights and little opportunity to use their political influence over public officials.
    - Youth are often dependent upon adults for protection of their physical, mental, and social well-being.
    - Youth are more vulnerable during childhood, because they have not fully developed mentally or physically.
    - Youth generally will outlive older generations and so will have to live with the consequences of adults' present-day decisions.
- How can people under 18 participate in democracy?
  - Examples: talking with your family and friends about issues; through court action as a plaintiff, amici, attendee; speaking out and mobilizing for change, attending local government meetings, joining community groups, affiliating with organizing social movements

## **Lesson 3: What Happened in *Chernaik* and What Happens Next**

### **Central Focus:**

This final lesson is designed to follow through with students on what happened in *Chernaik v. Brown*, which was argued before the Oregon Supreme Court on November 13, 2019 at David Douglas High School. The lesson will include interactive material (news stories, select audio and livestream clips from the courtroom proceedings) that will provide students with an understanding of what transpired in the court, and will conclude with discussion questions for individual journaling or full group discussion.

### **Materials:**

- *Chernaik* material: In the week following oral arguments, OCT will provide educators links to **news stories** and select courtroom **audio clips** from the hearing.
- Student journals or paper and pens/pencils
- White board and expo marker

### **Time:**

70 minutes

### **Procedure:**

#### Engage with *Chernaik* oral arguments (70 minutes)

- Instructors will complete this three-day lesson by asking their students to read and listen to the provided material.
  - As an example of what these resources might look like that we will provide, review coverage of our June 4th *Juliana v US* hearing:
    - Livestream of the [hearing](#)
    - Newspaper stories re the hearing and rally
      - [WaPo](#)
      - [E&E](#)
      - [Oregonian](#)
    - [OCT Press Release](#)
- Instructors will strategically interject or pose the following questions to ensure students understand the case:
  - What did you learn through your review of the audio/articles?
    - What are the Oregon students asking the Court to do?
    - What can you tell us about the Public Trust Doctrine?
    - Did you learn anything new about the science or impacts of climate change?
  - What did you think of the questions asked by the Justices of the Oregon Supreme Court?

- How about the answers given by the attorney for the youth plaintiffs? The attorney for the State?
- Do you agree with the youth plaintiffs: does the state of Oregon have a duty to protect the natural resources essential to Oregonians?
  - What about the State's argument: do you agree that the state of Oregon should be under no legal obligation to mandate a reduction in greenhouse gases?
  - Do you think that future generations of Oregonians have a right to the water, land, and wildlife resources you have today?
- What do you think of the idea of youth turning to the court system to spur systemic change?
  - Can you think of other systemic changes that the Courts may be able to aid in?
- How do you think the OR Supreme Court will decide this case?
  - Will they overturn the Court of Appeals' decision and send the case back for a trial on what the government has done and failed to do that has contributed to the climate crisis?



## **Vocabulary List**

*Teacher note: The following list of vocab words are for your reference and use as you and your students work through the curriculum.*

- **Amicus Curiae**: A group or person who are not parties to the case, but who file a legal brief with the court about one of the issues in the case because they have an interest in the case, even though they aren't a party. These briefs are informational briefs that a court can consider, or not, as it deems appropriate. There are several amicus briefs that have been filed in this case from many youth and non-profit groups, law professors, elected officials, and others.
- **Defendant**: The person defending or denying; the party against whom relief or recovery is sought in an action or suit.
- **Democracy**: That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens; as distinguished from a monarchy, aristocracy, or oligarchy. According to the theory of a pure democracy, every citizen should participate directly in the business of governing, and the legislative assembly should comprise the whole people.
- **Global Warming**: The long-term warming of the overall temperature of the Earth's surface and the lower atmosphere. The pace of warming has significantly increased in the last hundred years due to the burning of fossil fuels (coal, oil, and gas) which leads to increased levels of carbon dioxide and other greenhouse gases that absorb sunlight, causing the Greenhouse Effect.
- **Natural Resources**: An asset or substance, like light, air, water, oceans, minerals, land, forests, wildlife, that contributes to a state's natural wealth and is not created by humans. Some natural resources benefit humans in their natural state by providing natural services, such as biodiversity and oxygen. Some natural resources are extracted, processed and refined in order to turn them into something of economic value in a market system.
- **Plaintiff**: A person who brings an action; the party who complains or sues in a personal action and is so named on the record.
- **Public Trust Doctrine**: The principle that certain natural resources, like air and water, are preserved for public use and enjoyment, and that the government holds these resources in trust for all citizens and must protect and maintain these resources for the public's use today and for all future generations. A government trustee must not allow the substantial impairment of public trust resources.
- **Remedy**: Remedy is the means by which the violation of a right is prevented, redressed, or compensated. Judges award remedies to plaintiffs who prevail in their case.
- **Submerged Land**: Soil lying beneath water or on the oceanside of the tideland.

- Submersible Land: **Land lying** above the line of ordinary low water and below the line of ordinary high water of all title navigable and tidally influenced water within the boundaries of the State of Oregon.
  - Lands lying between the line of ordinary high water and the line of ordinary low water of all navigable waters and all islands, shore lands or other such lands held by or granted to this state by virtue of her sovereignty, wherever applicable, within the boundaries of this state as heretofore or hereafter established, whether such waters or lands are tidal or nontidal.