

CLIMATE CHANGE FEDERAL APPEALS COURT REJECTS CLIMATE CHANGE CASE

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On Friday, the Ninth Circuit Court of Appeals ended a suit brought by children against the U.S. government for neglecting to take proper action to prevent climate change. Though it had collected some victories on its journey to the Ninth Circuit, the issues at hand are not meant to be decided in this venue. The ruling acknowledges that the government has long understood what causes climate change and where it is ultimately headed, policy decisions of the type this lawsuit demands are reserved for the executive and legislative branches, rather than the judicial.

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The majority opinion recognizes the injuries sustained by the Plaintiffs as a result of climate change (e.g. lack of drinking water forcing them to move, evacuation from flooding). However, they stop short of suggesting any form of relief, and not only because they believe the power to be outside the purview of the judicial branch. They also believe the problem of climate change is so big there's no means of solving it, and so there's no point in trying:

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"we note that although the plaintiffs contended . . . they challenge only affirmative activities by the government, an order simply enjoining those activities will not, according to their own experts' opinions, suffice to stop catastrophic climate change or even ameliorate their injuries. . . . they do not show that even the total elimination of the challenged programs would halt the growth of carbon dioxide levels in the atmosphere, let alone decrease that growth." (*Juliana v. United States*, 153-1 23 (9th Cir. 2020)

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Is this another version of "too big to fail"? Too polluted to bother? There's more. Lawyers for the federal government argued that the plaintiffs "**couldn't connect policies related to fossil fuel production and use to a specific injury**," which is possible, but a little like believing the earth is flat.-