

## Young People's Day in Court: Part II

29 April 2014

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The U.S. Court of Appeals in Washington, DC<sup>1</sup> has decided that the one-hour oral proceedings, scheduled for 9:30 AM May 2, will not be required for a decision in the legal case filed by young people. This should not prejudice the outcome of the case, but the opportunity for young people to witness and participate in democracy in action, described in [my earlier note](#), will be missed.

This hour was to be divided with a half hour for the young people's legal team and a half hour for the defendant, the federal government. The latter half hour was to be divided between the federal government and their "friend in court", the National Manufacturers Association. Both sides already submitted detailed written arguments, but the oral proceedings would have provided the judges an opportunity to ask incisive questions of both sides. The give-and-take would have been illuminating, not only for young people in attendance, but the public at large.

There is concern that the courts in recent decades have become less protective of the rights of individuals. The courts have a crucial role to play, because of their ability to take a long view.

Regardless of the outcome of this specific trial, if we continue to improve the presentation and press for the rights of young people, their case will be won eventually. However, it is important that "eventually" be sooner rather than later. The inertia and delayed response of the climate system, thus the possibility that young people can be handed a situation that is practically out of their control, demands urgency in illuminating the current situation.

All people, but especially young people, need to understand the fundamental issues. Here is a summary of the two basic issues.

**Plans for CO<sub>2</sub> Emissions Phase-Down:** The objective of this court case is to make the government provide a plan for how it will reduce emissions at a rate required to safeguard the rights of young people and future generations. At present the U.S. government has no plan.

Yes, the government is taking steps to reduce CO<sub>2</sub> emissions, e.g., improved vehicle efficiencies and tougher standards on coal-fired power plants. However, other government actions contradict the objective of stabilizing climate and guarantee disastrous consequences if policies are not altered soon. The government is allowing and encouraging industry to go after almost every fossil fuel that can be found, including tar shale, deep-ocean and Arctic drilling, long-wall coal mining, hydro-fracking – all practices that will become more invasive and destructive as the most accessible fossil fuel deposits are exhausted.

That is why a quantitative plan is so important – it will expose the inadequacy of current policies, indeed, the nonexistence of a meaningful policy.

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<sup>1</sup> See [http://en.wikipedia.org/wiki/United\\_States\\_Court\\_of\\_Appeals\\_for\\_the\\_District\\_of\\_Columbia\\_Circuit](http://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_District_of_Columbia_Circuit)

**Policy Implications:** Young people must look out after their rights. They need to understand what is being asked of the government. They need to assess the implications of actions. I am asking a lot of young people, but the world they inherit depends on making the right demands.

There will be a time, possibly in the very near future, when the public will be ready to support actions to deal with climate change. It is crucial that those actions be the right actions.

In 2008 young people enthusiastically supported the candidate who spoke of “a planet in peril” and promised “change” of business-as-usual in Washington. The swing of support to Obama in Iowa and then nationally was spurred by young people.

The people who were elected in 2008 let young people down. However, the young people must share the blame, because they did not know what to ask of the government. They were satisfied by efforts to tweak business-as-usual. Proposed energy and climate legislation was highlighted by ineffectual cap-and-trade-with-offsets with thousands of pages of giveaways to every lobbyist who could write. Instead of a focus on eliminating subsidies to fossil fuels and making the price of fossil fuels reflect their costs to society, efforts were poured into achieving market-distorting subsidies to solar panels, windmills, and biofuels, adding costs to consumers and businesses, largely hidden in renewable portfolio standards for electricity generation.

This approach guarantees continued victory for fossil fuels. Given the economic clout of the fossil fuel industry and the number of fossil fuel jobs, any Administration will continue to support the industry including fracking, expanded drilling, and dirtier more energy-intensive fossil fuels, including tar shale. Fringe efforts such as tougher standards on mining pollution have fringe effect; they do not alter the direction of the global fossil fuel juggernaut.

Solution of the climate problem is consistent with good economics and improving life styles. It requires honesty in pricing and a single-minded focus on achieving that goal via a gradually rising carbon fee. The public will support a rising fee collected from fossil fuel companies, if the money is distributed to the public, with not one dime used to make the government bigger. As the price of fossil fuels rises to reflect their costs to society our economy will be more efficient, spurring the development of cost-effective clean energies and energy efficiency. Our industry and infrastructure will be modernized and our economy strengthened as we lead the inevitable movement beyond the fossil fuel era toward the clean energy world of the future.

With this approach, nobody has anything to fear but everything to gain. The fossil fuel industry will still be able to make money as fossil use is phased down, and they will have time to invest in the energy industry in general, with knowledge that the carbon price will continue to rise. This approach is simple and honest, but it will not happen if young people do not ask for it.

Jim Hansen