

### Children say U.S. climate policy violates constitutional rights (D.Or.)

(August 17, 2015) - A lawsuit filed by children, a climate scientist and environmental groups says the approval of an Oregon liquefied natural gas export terminal opens the door to declare as unconstitutional parts of the Energy Policy Act.

*Juliana et al. v. United States et al.*, No. 15-cv-1517, *complaint filed*, 2015 WL 4747094 (D. Or. Aug. 12, 2015).

In a suit filed in the U.S. District Court for the District of Oregon, the plaintiffs say the U.S. government blatantly ignored a history of data showing how carbon emissions detrimentally harm the environment when approving the proposed Jordan Cove LNG terminal in Coos Bay, Oregon.

The decision to approve Jordan Cove was made pursuant to Section 201 of the Energy Policy Act, 15 U.S.C.A. § 717b(c), which mandates the approval of natural gas imports and exports to nations with whom the United States has authorized a free trade agreement.

In doing so, the government violated the plaintiffs' rights under the Fifth Amendment of the U.S. Constitution, the complaint says.

The plaintiffs have asked the court to set aside the federal order approving the Jordan Cove project. The plaintiffs have also asked the court to declare unconstitutional Section 201 of the Energy Policy Act.

The named defendants include President Obama, several Cabinet secretaries, and federal agencies and their directors.

### Jordan Cove

According to the complaint, the Department of Energy approved the Jordan Cove project in December 2011. The project is scheduled to be complete in 2018, the complaint says.

Natural gas from the project will come from Wyoming, Colorado, Utah, Nevada and California for export to other countries, the complaint says.

This decision came despite decades of studies discussing the ramifications of carbon dioxide emissions on the world's environment, the complaint says.

The plaintiffs say that if completed, the Jordan Cove project will be the second-largest single source of greenhouse gas emissions in Oregon.

The effects of emissions from the project will make an already-high atmospheric carbon dioxide concentration even worse, "the consequences of which will be irreversible and catastrophic in plaintiffs' lifetimes," the complaint says.

### Due process

According to the complaint, the Energy Policy Act's mandatory authorization for export and import of natural gas is a discriminatory action.

Children say U.S. climate policy violates constitutional rights (D.Or.), 2015 WL 4862658

---

The plaintiffs also say the Energy Policy Act's LNG provisions deprive them and future generations of equal protection, as they will uniquely experience the harmful effects of carbon dioxide emissions.

"The affirmative aggregate acts of Defendants reflect a *de facto* policy choice to favor influential and entrenched short-term fossil fuel energy interests to the long-term detriment of Plaintiff — precisely the sort of dysfunctional majoritarian outcome that our constitutional democratic system is designed to check," the complaint says.

"Such a check is especially appropriate here because our country will soon pass the point where Plaintiffs will no longer be able to secure equal protection of the laws and protection against an uninhabitable climate system," the complaint says.

By Gregory Gethard

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.