

Student Handout 12AD.10: Teacher Key

Analyzing the Plaintiffs' Argument

Directions: The following text is composed of excerpts from the plaintiffs' arguments in *Juliana v. United States*. For the purposes of analysis, it has been divided into three sections, with references to the defendants (the federal government of the United States of America) in bold, and some key verbs highlighted. Use these markings to complete the text analysis questions that follow.

I.

For over fifty years, the **United States of America** **has known** that carbon dioxide ("CO₂") pollution from burning fossil fuels was causing global warming and dangerous climate change, and that continuing to burn fossil fuels would destabilize the climate system on which present and future generations of our nation depend for their wellbeing and survival. **Defendants** **also knew** the harmful impacts of **their** actions would significantly endanger Plaintiffs, with the damage persisting for millennia. Despite this knowledge, **Defendants** **continued** **their** policies and practices of allowing the exploitation of fossil fuels. ...

Since 1990, **Defendants** **have known** that CO₂ levels in the atmosphere must be stabilized at or below 350 parts per million ("ppm") in order to protect our nation's climate system and that a swift transition away from fossil fuels was necessary. ...

...**Defendants** **have known** of the unusually dangerous risks of harm to human life, liberty, and property that would be caused by continued fossil fuel burning. ... **Defendants** **have willfully ignored** this impending harm. By **their** exercise of sovereign authority over our country's atmosphere and fossil fuel resources, **they** **permitted, encouraged, and otherwise enabled** continued exploitation, production, and combustion of fossil fuels, and so, by and through **their** aggregate actions and omissions, **Defendants** **deliberately allowed** atmospheric CO₂ concentrations to escalate to levels unprecedented in human history, resulting in a dangerous destabilizing climate system for our country and these Plaintiffs. ...

II.

Through its policies and practices, **the Federal Government** **bears** a higher degree of responsibility than any other individual, entity, or country for exposing Plaintiffs to the present dangerous atmospheric CO₂ concentration. In fact, **the United States** **is** responsible for more than a quarter of global historic cumulative CO₂ emissions. ...

III.

Absent immediate, meaningful action by **Defendants** **to cease** **their** permitting, authorizing, subsidizing, and supporting fossil fuel exploitation, production, and consumption, and otherwise **to act to phase-out** CO₂ emissions, Plaintiffs would suffer increasingly severe consequences. By 2100, these Youth Plaintiffs (many of whom should still be alive), and future generations, would live with a climate system that is no longer conducive to their survival.

Section I of the text focuses on the federal government's past actions.

Variations of the verb know appear four times in the first section of the text. (These are highlighted for you.) Paraphrase the four things the prosecution claims the federal government "knew." Also, when it is specified, note when the prosecution claimed the federal government knew it.

What did they know?	When did they know it?
CO ₂ is causing climate change.	"For over fifty years"
Many future generations would be endangered.	

<i>CO₂ levels need to be stabilized at a certain level.</i>	<i>“Since 1990”</i>
<i>Fossil fuel burning causes high risk to “life, liberty, and property.”</i>	<i>“Since 1990”</i>

What other verbs/verb phrases in this section are used for actions or inactions ascribed to the federal government? Circle the verbs in the text and paraphrase the corresponding actions/inactions in the first column below. If there are any adverbs modifying how these actions were done, write those in the second column.

What else did the federal government do or not do?	How did they do it?
<i>Continued allowing fossil fuels.</i>	
<i>Ignored the harm caused by these fossil fuels.</i>	<i>“willfully”</i>
<i>Allowed and encouraged fossil fuels.</i>	
<i>Allowed CO₂ concentrations to dangerously rise.</i>	<i>“deliberately”</i>

Underline any descriptions of the threat to life, liberty, and property posed by the government’s actions/inactions in section I.

Section II of the text focuses on the federal government’s present state of responsibility (as seen through the use of the verbs *is* and *bears*).

Summarize the argument being made in this section:

The United States is the most responsible party for putting the livelihoods of younger people at risk from dangerous CO₂ concentrations.

Underline any descriptions of the threat to life, liberty, and property posed by the government's actions/inactions in section II.

Section III of the text focuses on the prosecution's expectations for future government action.

Highlight the verbs/verb phrases used to describe desired federal government actions. Summarize the specific demands the prosecution is making upon the federal government:

Stop supporting fossil fuel production and use (through permits, subsidies, etc.).

Actively phase out CO₂ emissions.

Underline any descriptions of the threat to life, liberty, and property posed by the government's actions/inactions in section III.

After having examined each part of the text, how would you summarize the *Juliana* plaintiffs' argument overall?

The United States federal government has understood the impacts fossil fuels have on climate change and the long-term risks the use of fossil fuels pose to future generations. The federal government has essentially ignored this problem and has done little or nothing to change policies to remedy it. The government holds more responsibility for climate change than any other single entity, and it needs to enact policy changes to phase out CO₂ emissions immediately.