

## Judge: Kids can move ahead with case

By **Phuong Le**  
Associated Press

SEATTLE (AP) — Eight Seattle children should have “their day in court” to argue that Washington state and others aren’t protecting them from climate change, a judge ruled.

King County Superior Court Judge Hollis Hill on Monday, December 19, allowed the young petitioners to move ahead in their case against the state, writing that “it is time for these youth to have the opportunity to address their concerns in a court of law, concerns raised under statute and under the state and federal constitutions.”

The petitioners, between 12 and 16 years old, had asked the judge last month to find the state Department of Ecology in contempt for failing to adequately protect them and future generations from global warming.

The judge on Monday said Ecology had complied with her orders by adopting the Clean Air Rule within the timeline set by the court, and so denied the youth’s request to find Ecology in contempt.

But the judge allowed the young people to amend their complaint and move ahead

with their constitutional claims “so as to have their day in court,” she wrote.

“The Court takes this action due to the emergent need for coordinated science based action by the State of Washington to address climate change before efforts to do so are too costly and too late,” Hill wrote.

The petitioners can now go to court and argue that the state has violated their rights under the state constitution and the legal principle called the public trust doctrine, which requires the government to protect shared resources, said Andrea Rodgers, a Western Environmental Law Center attorney representing the youth.

All of the policies that the state has implemented in response to climate change are not resulting in emissions reductions that comply with state law and science, she said.

Ecology spokeswoman Camille St. Onge said the state has adopted one of nation’s most progressive carbon pollution reduction regulations and “will continue to do our part to help slow climate change.”

The case is part of a larger effort led by the

Oregon-based nonprofit Our Children’s Trust to force governments to take action on climate change.

Last month, a federal judge in Eugene, Oregon, allowed a similar climate change case against President Barack Obama’s administration to proceed. In that lawsuit, 21 activists ages 9 to 20 argue that the federal government’s actions violate their constitutional rights to life, liberty, and property, and the government has violated its obligation to hold certain natural resources in trust for future generations.

The judge in Seattle noted that the youth argued in their initial petition for a rule limiting greenhouse gas emissions based on the best available science. A rule was adopted but, the judge wrote, Ecology agreed that it isn’t intended to meet the requirements of a state law requiring specific reductions of greenhouse gas emissions over the next decades.

The petitioners say governments must adopt science-based prescriptions that protect the rights of young people and future generations to a stable climate.

The judge said she would retain jurisdiction in the case.

## Oregon law professor blasts school report

EUGENE (AP) — A University of Oregon law professor who wore black-face to a Halloween party is harshly criticizing an investigative report by the university that found she violated the institution’s anti-discrimination policies and caused damage to the law school, a newspaper reported Friday.

In a statement released through a public relations firm Thursday, Nancy Shurtz said the investigation into her actions that was released by the UO earlier this week was a form of “supremely public retaliation” and amounted to a public shaming, the *Register-Guard* reported.

Shurtz said in the statement that the university’s investigation by two Portland-based attorneys includes errors and omissions that she tried to correct before it was released that take her actions out of context. She said she is consulting with an attorney.

The report was released Wednesday.

The university’s media relations office did not immediately respond Friday to a

telephone message seeking comment.

In an earlier apology, Shurtz said she had dressed up as Dr. Damon Tweedy, a black psychiatrist who wrote a best-selling memoir called “Black Man in a White Coat” about his experiences with racism while in medical school. Her costume included black paint on her face and hands, the wig and a white doctor’s coat paired with a stethoscope.

The costume was intended to provoke discussion about racism and societal injustices, Shurtz has said.

Shurtz did not respond to phone and email messages seeking additional comment on Friday or Wednesday, the day the report was made public.

The university’s investigation found that Shurtz’ right to free expression — even though she was in her home — did not outweigh the university’s interest in maintaining a lawful and orderly atmosphere.

It also found that some students felt compelled to attend the party because she

was their professor — a claim Shurtz vehemently denied in her statement, citing her use of an “anonymous” grading system.

Investigators agreed that Shurtz did not intend to offend anyone, but said the costume had caused serious damage to race relations and deepened rifts that already existed at the law school. The reaction, including debates on social media, has caused anxiety among minority students at the law school, the report found.

As a result, some are skipping classes or altering their study habits and a few are considering transfers because of “a mistrust toward professors and faculty beyond just Shurtz,” investigators said.

“The open discussions in class have also resulted in racial hostility between the students,” investigators wrote.

Thirteen students, three faculty members and two alumni were at the party at Shurtz’s house, investigators wrote, but no one approached her about her costume.

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