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Tribes Well-Equipped To Sue US For Climate-Related Harm

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Oil companies are playing whack-a-mole against a new crop of lawsuits seeking relief from the impacts of climate change. While climate litigation is not new, impactful victories, such as federal regulation of greenhouse gasses resulting from the win in *Massachusetts v. EPA* in 2007, are few and far between. More recent climate cases filed by cities, states, fishermen and even a group of children impacted by climate change test different legal theories, such as liability under tort law (nuisance, negligence or strict liability), the Constitution (the due process clause) and the public trust doctrine.

Which claim will succeed is yet unclear; however, one group of plaintiffs missing from climate litigation that could assert unique rights in addition to the claims listed above is federally recognized Indian tribes.

Related People



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