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Editorial: Open court serves public in hearings

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Now it's time to prove it in court.

Judge William Sessions heard opening arguments Tuesday in U.S. District Court in Burlington in the auto industry's challenge of vehicle greenhouse-gas emission limits adopted by Vermont. The case, the first of several such challenges around the country to come to trial, could help set the precedent for how much power states have in setting vehicle emission standards under the Clean Air Act.

The arguments on Tuesday were made in a courtroom open to the public, as will the entire hearing estimated to take three weeks, thanks to a ruling last month by Sessions denying auto industry requests to close the trial to protect trade secrets.

In making his ruling, Sessions said "only the most extraordinary situations" would justify closing the hearing to the public. He followed up three days later by questioning how he would explain a ruling to the public that was based, at least in part, on secret testimony.

And that is exactly the point. Vermonters are divided about the validity of the emission limits because of the impact they would have on their lives, and they have the right to know why the court upheld or struck down the regulations.

There's a lot of rhetoric coming from both sides of the case.

The auto industry makes an economic argument, saying that the emission standards pose a financial threat to the auto makers with possible impact on jobs, and will mean consumers will be unable to buy some of the most popular models of cars and trucks in Vermont. The industry adds that the Vermont standards will have negligible impact on climate change.

Vermont argues that every little bit counts when it comes to combating climate change, and that the emission standards the state adopted are part of a needed effort to fight global warming. Assistant Attorney General Scott Kline also told the court Tuesday that Vermont was optimistic automakers could meet the emission standards.

But the key issue before the court is whether Vermont and other states can legally set greenhouse-gas emission standards for vehicles even if those rules force car makers to improve gas mileage. States maintain that the Clean Air Act gives them that authority. The industry says only the federal government can set mileage standards.

Whatever the outcome of the trial, Vermonters will have access to the full arguments for and against the emission limits. That's the only way to debate public policy.