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***Juliana 21* respond to unprecedented DOJ effort to suppress youth voice in court**

**EUGENE, Ore.**—The youth plaintiffs known as the *Juliana 21* on Thursday [filed](#) a response in the U.S. Court of Appeals for the Ninth Circuit to the Department of Justice’s unprecedented *seventh*, and final attempt to have their constitutional climate case, [Juliana v. United States](#), shut down before a single piece of evidence is ever heard at trial.

The plaintiffs note in their filing that the Ninth Circuit has already rejected similar arguments made by the DOJ several times over. It goes on to state that DOJ has failed to prove that it needs this rare and extraordinary process and that, instead, the case should be allowed to proceed in U.S. District Court—where it was heading to trial just last month.

“Youth are fighting for their lives, quite literally,” said Julia Olson, chief legal counsel for Our Children’s Trust, which is representing the plaintiffs. “This is the last opportunity for the Court of Appeals to rule that these youth—whose physical and mental health is threatened by wildfires, extreme heat and floods—deserve to be heard. The fact that the DOJ has gone to such outrageous lengths to silence them points to the gravity of what they have to say.”

The youth originally filed their case in 2015. They claim that U.S. actions that cause climate change violate their constitutional rights to life, liberty, and property. Since then, the DOJ has made 22 attempts across three presidential administrations to have *Juliana* thrown out. Meanwhile, the U.S. has become the top producer of crude oil in the world, more than any country in history.

Earlier last month, *Juliana* was headed to trial before the Department requested a writ of mandamus at the last moment—its seventh bid to use this rare and extreme tactic to prevent evidence from even being heard in the case. The DOJ itself [describes the maneuver](#) as an “extraordinary remedy, which should only be used in exceptional circumstances.”

“In almost 37 years on the bench, I have never been mandamused,” said Senior United States District Judge Ann Aiken at a status conference with the parties on Wednesday.

Not only is the use of mandamus a flagrant abuse of power, the argument behind it is on its face absurd and legally incorrect, Olson said. The DOJ contends *Juliana* cannot proceed because it would cost the government too much money to defend. Federal courts considering the issue have routinely rejected the use of mandamus because of the costs of litigation. Under DOJ’s reasoning, few cases at all could move forward. In fact, of the 40,000+ civil cases the federal government is now defending, it has made such an argument in only one: *Juliana*.

In the past three weeks, more than 47,000 emails have been sent to the president and members of the administration calling for an end to the DOJ’s egregious attempts to shut down the plaintiffs.

“These young people are trying to make sure that every child has a livable climate future, including generations to come,” Olson said. “The Biden Administration must join with legal scholars and reasonable people everywhere who are calling to let these youth speak.”

For background on the case, visit <https://www.ourchildrenstrust.org/juliana-v-us>.

**Statements from the plaintiffs and their supporters follow.**

“We live in a democracy, where people should be heard—all people, regardless of their age. This isn’t just about me, or my fellow plaintiffs. It’s about our generation and those that will come after us. I want them to know they have the right to fight for their lives, too. We’ll keep fighting because it’s the right thing to do. Keeping us from having our day in court is not.”

*Avery M., Plaintiff*

“We filed the lawsuit because we saw the state of our planet and our climate, knowing that if the government continued contributing to climate change it would get worse. Our trial dates have been taken away from us multiple times and each year our climate stability gets worse. We can no longer wait. We need to go to court.”

*Miko Vergun, Plaintiff*

“Young people can’t vote—but that doesn’t mean they don’t have rights. And when those rights are being violated, their remedy is the same as anyone’s: the courts. To file again and again and again for writs of mandamus to keep any evidence at all from being heard is an abuse of power. The plaintiffs have a case to make. Let them make it.”

*Barbara Bennett Woodhouse, Distinguished Professor Emeritus, Emory School of Law*

“These young people, who haven’t known a life that’s not threatened by extreme climate events, are courageously fighting for their future—and for everyone’s. We all have a Constitutional right

to life, liberty and property. But government policies enacted in our names are putting those rights at risk. This is America's Constitutional Climate Case and it deserves to be heard at trial."

*Zanagee Artis, Founding member and executive director of Zero Hour*

"These young people have fought tirelessly to be heard for nine years—that's more than half, or nearly half of many of their lives. Legal experts agree their case is legitimate. The Department of Justice's use of these extreme measures to block young people from accessing the justice system is a gross abuse of power."

*Catherine Smith, Professor of Children's Constitutional Rights, Sturm School of Law*

"The argument that the DOJ (or even the federal government) is somehow 'irreparably harmed' by having to spend time preparing for trial, given the amount of money the DOJ has spent and will spend in attorney and expert time in defending this case, is a ludicrous argument. To suggest the harm to children's health and homes and constitutional rights is worth less than the money the government has to spend to litigate a case is to suggest every case could be stayed only because it cost taxpayer dollars to litigate."

*Joseph Stiglitz, Professor of Economics, Columbia University*

"One of the key factors in young people's physical and mental health is climate change. We hear it from kids themselves as well as their doctors. The toll the climate crisis is taking on young people—not to mention the planet and our economy—cannot continue. The Juliana 21 are taking action because earlier generations have failed. It's up to us to stand with them. It's up to the Biden Administration to let them make their case at trial."

*Lisa Patel, Clinical Associate Professor, Pediatrics, Practices at Stanford Medicine Children's Health*

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*Our Children's Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children's climate rights by courts around the world and children's fundamental rights to life on this planet are protected. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*