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**Biden's U.S. Department of Justice Takes Up Trump's Tactics in *Juliana v. U.S.***

*On June 1, Federal Judge Ruled Children's Constitutional Climate Case Can Proceed to Trial*

**Eugene, Ore.**— Two days after Our Children's Trust lawyers [concluded](#) trial in *Held v. State of Montana* – the first ever children's constitutional climate trial in the U.S. – the U.S. Department of Justice (DOJ) [filed](#) another motion on June 22 to dismiss the youth-led *Juliana v. United States* case, despite a recent [ruling](#) from U.S. District Court Judge Ann Aiken that the case could proceed to trial on an amended complaint.

The DOJ filed their motion one day after an online petition, signed by more than 255 organizations and over 50,000 individuals, was [delivered](#) to the DOJ by the People vs. Fossil Fuels coalition, urging Attorney General Garland to end opposition to the *Juliana* case proceeding to trial.

"This decision, made at the highest levels of the Department of Justice, to seek to deny the 21 young plaintiffs in *Juliana* their day in court is shameful," said Julia Olson, Chief Legal Counsel for Our Children's Trust and lead counsel for the youth plaintiffs. "The DOJ told Our Children's Trust attorneys that they would consult with the named defendants, including the Secretaries that make up President Biden's cabinet, and Administrator Regan of the EPA."

"It is appalling that the Biden administration, which claims to support young people's right to a safe climate, would try to stop the 21 *Juliana* youth in the same manner that the Trump administration did, all while continuing to authorize new fossil fuel projects like the Willow Project."

"If President Biden wants to win the youth vote in this next election, he must keep his promises to young people, not try to deny them their constitutional rights and access to our courts. The White House and Attorney General Garland should strongly reconsider how they are directing the DOJ to defend against 21 of our nation's youth in *Juliana*, who have been asking to be heard now for eight years."

Judge Aiken's June 1 ruling granted the *Juliana v. United States* youth plaintiffs, who have faced eight years of incessant and unprecedented efforts by the DOJ to delay or dismiss their case, the ability to finally move forward to trial on the question of whether the federal government's fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional.

Similar to trial in *Held v. State of Montana*, which concluded Tuesday, trial in *Juliana v. United States* would create a factual record of the youth's evidence as well as provide the U.S. Department of Justice with the opportunity to present their case and cross-examine experts for the youth.

Montana Attorney General Austin Knudsen sought twice for *Held v. State of Montana* to be dismissed before trial but these requests were both [denied](#) by the Supreme Court of Montana. Trial commenced on June 12, 2023, and concluded June 20, 2023, demonstrating not only the ability of courts to handle these trials efficiently, but the enormous importance of putting climate facts on record under oath.

"Sixteen young Montanans in *Held v. State of Montana* just demonstrated the power and importance of putting on evidence of their government's continued promulgation of a fossil fuel energy system in open court while the world watched," Olson said. And the Supreme Court of Montana abided by the ordinary rules of litigation practice to allow the youth to present their evidence at trial. Montana's courts recognized and upheld the role of the judiciary in hearing constitutional claims from children so why doesn't the United States Department of Justice?"

The 21 youth plaintiffs in *Juliana v. United States* filed their constitutional climate lawsuit in 2015, asserting that, through the government's affirmative actions that cause climate change, it has violated the youngest generation's constitutional rights to life, liberty, and property, as well as failed to protect essential public trust resources.

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*Our Children's Trust is the world's only nonprofit public interest law firm that exclusively provides strategic, campaign based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth's climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and safe climate, based on the best available science. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. [www.ourchildrenstrust.org](http://www.ourchildrenstrust.org)*