



For immediate release:

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Groundbreaking Constitutional Climate Lawsuit Heard Today by Ninth Circuit Court of Appeals

San Francisco - This morning, **Julia Olson**, executive director of Our Children's Trust and co-lead counsel, argued on behalf of 21 *Juliana v. United States* [youth plaintiffs](#) before a three judge panel of the Ninth Circuit Court of Appeals. The primary issue was whether President Trump and his administration can evade a constitutional climate change trial.

Deputy Assistant Attorney General [Eric Grant](#) argued, on behalf of the Trump administration and the U.S. government defendants, that the youths' climate change lawsuit should not be permitted to proceed to trial. In fact, in his arguments, Mr. Grant complained three times that, if *Juliana v. United States* was allowed to proceed to trial, it would be the "trial of century."

Near the end of **Julia Olson's** time, **Judge Alex Kozinski** asked:

"If District Court says one thing, and the EPA says another, your position is that District Court prevails?"

Julia Olson responded:

"It's important that the court be that impenetrable bulwark, to judicially safeguard against systemic abuses of government power that infringe on the substantive due process rights of these plaintiffs. We simply ask that the court lift the temporary stay and send it back to the district court so that these young people can go to trial and present their historical and scientific evidence."

Embeddable video of oral arguments:

<https://youtu.be/J3Z8TSw-Ou4>

THE HEARING

Before the youth plaintiffs entered the courthouse, Pennie Opal Plant led an indigenous prayer ceremony to ground the youth and community in this political moment.

Video from the press conference outside courthouse:

<https://www.facebook.com/youthvgov/videos/1827629650612998/>

Jaime Butler, 17-year-old plaintiff from Flagstaff, Arizona:

“I hope that the court understands the urgency of the climate crisis and allows our case to proceed to trial. This case will ultimately determine the livelihood of my tribe, the Navajo Nation, and all native people in this country.”

Nathan Baring, 17-year-old youth plaintiff from Fairbanks, Alaska:

“I felt that the court understood the gravity of our need for trial. It was obvious that they asked good clarifying questions and sought to fully understand the issues this case raises. With that being said, I’m confident that they will recognize this is an improper stage to dismiss the case. I believe that the momentum is on our side and it’s time for climate science to have its day in court.”

Philip L. Gregory, co-lead counsel for the youth plaintiffs and a Partner with the law firm of Cotchett, Pitre & McCarthy of Burlingame, CA, commented:

“It is clear the Ninth Circuit panel clearly understood the issues presented by this case. Based on its questioning, the panel recognizes the importance of a full trial on the merits, in particularly the scientific evidence. Given the urgency of the climate situation, we hope the panel issues a prompt order and allows the case to move forward.”

Hundreds of community members streamed to the courthouse to stand in solidarity with the young plaintiffs, filling up the courtroom and two overflow rooms. Many expressed direct threats from a changing climate including the recent wildfires devastating California.

During and after the oral arguments, hundreds of supporters rallied outside the Ninth Circuit building in San Francisco. The diverse groups who were present to support the youth plaintiffs include: 350.org; Idle No More; Citizens Climate Lobby; Friends of the Earth; Greenpeace; and Sunrise.

BACKGROUND

In June 2017, the Trump administration filed a “drastic and extraordinary” petition for writ of mandamus, asking the Ninth Circuit to direct the U.S. District Court for the District of Oregon to dismiss the youth plaintiffs’ case. The Trump administration’s mandamus petition seeks early review of U.S. District Court Judge Ann Aiken’s [2016 denial of motions to dismiss](#) the youth-brought climate case. In their petition, the federal government claims irreparable harm for having to participate in the ordinary pre-trial discovery process and having to go to trial. Trial is currently scheduled for February 5, 2018. The ordinary path for a constitutional lawsuit would be for the District Court first to conduct a trial of the youth plaintiffs’ legal arguments and scientific evidence, and then to later appeal an adverse ruling after a final judgment in the case.

Juliana v. United States is not about climate inaction. The 21 young plaintiffs and the organizational plaintiff Earth Guardians assert that the U.S. government, through its affirmative actions that cause climate change, has violated their constitutional rights to life, liberty, and property, as well as failed to protect essential public trust resources. The case is one of many related legal actions brought by youth in several states and countries, all supported by Our Children’s Trust, seeking science-based action by governments to stabilize the climate system.

Counsel for Plaintiffs are Julia Olson, Esq. of Eugene, OR and Philip L. Gregory, Esq. of Cotchett, Pitre & McCarthy of Burlingame, CA

Our Children’s Trust is a nonprofit organization, elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to below 350 ppm by the year 2100.

www.ourchildrenstrust.org/

Earth Guardians is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org

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