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## **YOUTH SEEK TO PROTECT THEIR LIBERTY FROM FEDERAL GOVERNMENT'S FOSSIL FUEL ENERGY SYSTEM**

***Desperate to Evade Trial on Climate Change, Trump Administration Seeks Dismissal in Simultaneous Motions Pending Before the U.S. District Court, the Ninth Circuit Court of Appeals, and the Supreme Court***

Eugene, Oregon -- Today, U.S. District Court Judge Ann Aiken heard oral argument in the constitutional climate lawsuit *Juliana v. United States*. Judge Aiken considered the Trump administration's latest procedural tactics to avoid trial: a motion for judgment on the pleadings ("MJP") and a motion for summary judgment ("MSJ"). Supporters for the youth plaintiffs packed the Wayne Morse Federal Courthouse courtroom in Eugene and three overflow rooms.

Arguing on the MJP, the Department of Justice ("DOJ") attorneys attempted to reargue issues already rejected by the District Court and the Ninth Circuit Court of Appeals. They also sought to dismiss President Trump from the lawsuit saying he was not a necessary party given the presence of other defendants. Plaintiffs agreed to stipulate to dismiss the President without prejudice to later bring claims against him if necessary to vindicate their rights. In open court, the DOJ counsel told the Court that they had received instruction from the White House that President Trump could only be dismissed with prejudice, meaning that the youth plaintiffs would be barred from ever bringing claims against him in the future.

During argument, attorneys for the DOJ admitted there is a global climate crisis and the youth plaintiffs have shown they have been injured by climate change. Despite these admissions, the DOJ lawyers contended the United States is not responsible for the youth plaintiffs' injuries. As DOJ attorney Frank Singer told Judge Aiken: "It is really third parties that are contributing to this, not the United States."

Plaintiffs argued that whether and how much the federal defendants are responsible for climate change is a question of fact that is disputed and one that should be decided after a trial on the merits.

Several of the youth Plaintiffs in attendance took issue with Singer's statement.

**Jacob Lebel**, 21-year-old plaintiff from Roseburg, Oregon, said:

"I see the forest dying around my farm due to drought stress and I breathe the smoke that is getting worse every summer. To know that this is just the beginning of the destabilization that climate change has in store for my generation is one of the worst feelings I can think of. Of all the crimes a nation's government can commit, the deliberate and conscious poisoning of the very basic resources on which its youngest citizens depend is the most far-reaching and insidious. This administration is running from the truth of science and our voices but it's time for it to face justice."

**Jayden F.**, 15-year-old plaintiff from Rayne, Louisiana, said:

"My government continues to promote the development of fossil fuels even though they know that it threatens my life and my home. They opened up the Gulf of Mexico for gas leasing, the Bayou Pipeline is going to pass through most of South Louisiana, including my town. These actions are only going to further climate change and worsen the storms and flooding in my area."

**Aji P.**, 17-year-old plaintiff from Seattle, Washington, said:

"The wilderness around my home in Seattle is my safe space; it's where I process. For some people it's exercise, writing, art, going out with friends...For me, it's time in the woods. When fires created by climate change ravage entire forests, there's no more woods to spend time in. By knowingly contributing to climate change, the federal government is deliberately threatening my mental health."

**Julia Olson**, executive director and chief legal counsel of **Our Children's Trust** and co-counsel for youth plaintiffs said:

"The Constitution is silent on whether there should be a fossil fuel energy system, but it speaks loudly about protecting liberty. We believe the courts will use their authority under the Constitution to protect young Americans from the climate crisis. We continue to look forward to presenting the climate science at trial in October."

During oral argument Judge Aiken noted that several other important constitutional rights cases have addressed systemic deprivations of liberties and that it is the core role of the judiciary to do so. She noted cases about prison systems, foster care systems, mental health facilities. Plaintiffs' counsel added that public education, public housing systems, voting systems, and jury selection processes have all been

addressed by the courts under constitutional review. During today's hearing, Judge Aiken asked defendants if it wasn't survival that was at issue in *Juliana*.

Judge Aiken indicated she will promptly decide the two motions.

In other efforts to avoid trial, on July 5, the Trump Administration filed a second "writ of mandamus" petition with the U.S. Court of Appeals for the Ninth Circuit and a second motion to stay all proceedings in the district court. On July 16, Chief Judge Thomas and Judges Berzon and Friedland of the Ninth Circuit Court of Appeals again ruled in favor of the youth plaintiffs and denied the motion. In another attempt to prevent trial, on July 17, the Trump Administration filed an application with the United States Supreme Court to stay discovery and trial in the U.S. District Court of Oregon. The Supreme Court has yet to issue an order on that motion, but Justice Kennedy has asked Plaintiffs to respond to the application on Monday, July 23 by noon Eastern.

**Philip Gregory**, of Gregory Law Group and co-counsel for the Youth Plaintiffs commented:

"It is clear that the Trump administration is desperately trying to avoid allowing the climate science to be presented at trial. However, it is extremely unusual for one case to have simultaneous motions pending before the District Court, the Ninth Circuit Court, and the Supreme Court. These important liberty interests must be heard before our climate crisis passes the point of no return."

*Juliana v. United States* is *not* about the government's failure to act on climate. Instead, these 21 young plaintiffs between the ages of 11 and 22, assert that the U.S. government, through its *affirmative actions* in creating a national energy system that causes climate change, is depriving them of their constitutional rights to life, liberty, and property, and has 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, and all seeking science-based action by governments to stabilize the climate system.

*Counsel for Plaintiffs are Julia Olson, Esq. of Eugene, OR, Philip L. Gregory, Esq. of Gregory Law Group of Redwood City, CA, and Andrea Rodgers, Esq. of Seattle, WA.*

***Our Children's Trust*** is a nonprofit organization, leading a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentrations to below 350 ppm by the year 2100. We elevate the voice of youth, those with most to lose in the climate crisis, to secure the legal right to a healthy atmosphere and stable climate on behalf of all present and future generations. [www.ourchildrenstrust.org/](http://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](http://www.earthguardians.org)

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