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Attorneys General in 17 'Red' States Seek to Insert Themselves as Adversaries to *Juliana v. United States* Plaintiffs

EUGENE, Ore. – Six years after the filing of the constitutional climate case [*Juliana v. United States*](#) – and just days before settlement talks were scheduled between the youth and the government – attorneys general from 17 states have asked to insert themselves into the case so they can oppose any proposed settlement and stop the youths' case from proceeding to trial.

In action that seeks to effectively kill the Biden Administration's best opportunity for durable climate action, Alabama, Alaska, Arkansas, Georgia, Indiana, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, Texas, Utah, and West Virginia are seeking intervention to oppose the 21 youth plaintiffs' motion for leave to amend their complaint. The proposed intervenors said they want to "participate in settlement negotiations" even though they will "object to any proposed settlement" in order to fight Biden's climate agenda.

The intervention request comes after U.S. District Court Judge Ann Aiken ordered attorneys for plaintiffs and for the Department of Justice to meet for a settlement conference later this month with Magistrate Judge Thomas Coffin, calling it "a tremendous opportunity" to address the climate "crisis" and not just a "ministerial step."

The *Juliana* constitutional rights lawsuit, filed in 2015 against the Obama administration, argues that affirmative actions by the federal government under both political parties directly contributed to the climate crisis – including creating a national fossil fuel-based energy system that is a substantial factor in causing the plaintiffs' injuries. By doing so, the plaintiffs argue, the government has knowingly violated their constitutional rights to life, liberty and property, the public trust, and equal protection of the law.

"Our young plaintiffs want the people in these states to know that some of them come from states like Alaska, Montana, North Dakota, Utah and Louisiana," said Julia Olson, chief legal counsel for [Our Children's Trust](#), which represents the *Juliana* plaintiffs as well as youth plaintiffs in some of the intervening states. "They want the children and future generations in your states, regardless of their political affiliation, to be protected

from the ravages of the climate crisis and have opportunities to work in the jobs of our future that will keep communities healthy and prosperous with clean power. They stand with all people on the frontlines of this crisis around the country, whether you live with environmental racism or the prospect of losing a job in a dying industry.”

Because it appears the states do not intend to participate in the settlement process in good faith, attorneys for the *Juliana* plaintiffs will object to these states’ long-delayed effort to intervene in the case. Each state government should recognize its role in solving the climate crisis and should work to protect the children being harmed by climate change in their states, note *Juliana* attorneys.

The leader of the coalition and other state attorneys general that are involved have disturbing political histories of denying human and civil rights, *Juliana* attorneys said, and the climate crisis is the next front in their efforts to roll back protections of fundamental rights. In fact, the primary reason the coalition gave for seeking intervenor status was the fear that the Biden Administration would reverse the Trump DOJ’s legal position in *Juliana*, like was done in civil rights cases involving immigration and Title 10 funding to protect women’s health.

In its filing, the coalition said the Biden administration “has evinced a willingness to disregard these interests of the States in the name of its climate agenda. This behavior is itself deeply concerning, but coupled with the government’s recent appetite for collusive litigation maneuvers, the States reasonably fear they may be robbed of the right to voice their concerns and protect themselves and their citizens.”

The coalition, which is led by Edmund G. LaCour of Alabama, is following tactics used earlier by the nation’s fossil fuel interests, which intervened through trade associations as defendants in *Juliana* when Barack Obama was in the White House.

“The fossil fuel interests in our country, be it industry or states that back the fossil industry, have long seen the *Juliana* case as a threat to their outdated business model that is destroying children’s health, lives, and futures,” said Olson. “These state attorney general intervenors are acting as surrogates for those moneyed interests, not in the interests of their states’ children or public health and safety. The question now is which side will the Biden administration stand on – the side of our nation’s children, or the side of concentrated right-wing power that seeks to protect an antiquated and dangerous form of energy production.”

“Recognizing the importance of *Juliana*, these state attorneys general seek to protect the interests of the fossil fuel industry over the constitutional and public trust rights of these young American citizens,” said *Juliana* plaintiffs’ counsel Phil Gregory. “While we would normally welcome participation by states in a settlement process, it is obvious this coalition of state governments has no interest in protecting the constitutional rights of youth in this climate crisis.”

The *Juliana* plaintiffs' amended complaint is focused on winning a declaratory judgment that the nation's fossil fuel-based energy system is unconstitutional – much like the plaintiffs in [*Brown v. Board of Education*](#) argued the public school system of segregation was unconstitutional.

If U.S. District Court Judge Ann Aiken grants the motion to amend, and the settlement process is unsuccessful, the youth plaintiffs' case would be able to move forward in the trial court on the question of whether the federal government's fossil fuel-based energy system, and resulting climate destabilization, is unconstitutional.

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[*Our Children's Trust*](#), which represents the plaintiffs of *Juliana v. United States* as well as youth plaintiffs in *Montana*, *Alaska*, and a number of other states, is a nonprofit public interest law firm that 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 stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths' legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global levels.