

For immediate release July 7, 2021



**Contacts:**

Julia Olson, 415-786-4825, [julia@ourchildrenstrust.org](mailto:julia@ourchildrenstrust.org)

Andrea Rodgers, 206-696-2851, [andrea@ourchildrenstrust.org](mailto:andrea@ourchildrenstrust.org)

Philip Gregory, 650-278-2957, [pgregory@gregorylawgroup.com](mailto:pgregory@gregorylawgroup.com)

For interviews with youth plaintiffs, email [beth@ourchildrenstrust.org](mailto:beth@ourchildrenstrust.org)

**Attorneys General in New York & Five Other States File Brief in Support of *Juliana v. United States* While Plaintiffs Oppose Attempt By Republican Coalition to Intervene**

**EUGENE, Ore.** – Attorney General Letitia James of New York on Tuesday filed a “friend of the court” brief in support of the landmark constitutional climate case [\*Juliana v. United States\*](#), spearheading a wave of support from states that also include Delaware, Hawai‘i, Minnesota, Oregon, and Vermont.

In their amici curiae motion, the six Democrat-led states noted that the wide-ranging effects of climate change -- “including the costs of combating rising sea levels, health risks posed by rising temperatures, and threats to States’ food and water supplies, among others -- implicate far broader quasi-sovereign interests in the health and well-being of state residents than those noted by proposed intervenors.”

Also on Tuesday, attorneys from [Our Children’s Trust](#), which represents the 21 *Juliana* youth plaintiffs, filed a brief opposing an earlier attempt by Alabama, Alaska, Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, Texas, Utah, and West Virginia to join the Biden administration in defending the case. In June, the coalition of Republican attorneys general said it wants to “participate in settlement negotiations” to “object to any proposed settlement” and threatened to go all the way to the Supreme Court to keep the youths’ case from going to trial.

In their filing opposing the attempt by some Republican-led states to intervene, the plaintiffs’ attorneys point out that those 18 states are suffering billions of dollars in losses related to climate impacts from extreme heat, sea level rise, and extreme storm events, and any economic losses to the fossil fuel sector are far outweighed by severe economic harm from the climate crisis.

“What the 18 Republican attorneys general seek is unprecedented,” said Julia Olson, chief legal counsel of Our Children’s Trust. “They want to be allowed to come into the case to fight the youth and prevent their claims from going to trial or be resolved through settlement, but they refuse to waive their sovereign immunity

under the U.S. Constitution, which means they would not be subject to any orders of the federal courts. They essentially want status as interlopers, with all the privileges to participate as a party-defendant and fight these kids, but with no responsibility or accountability. What they seek only hurts children in their own states too.”

The *Juliana* constitutional rights lawsuit, filed in 2015, 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.

The *Juliana* plaintiffs’ amended complaint -- which the coalition of Republican attorneys general is attempting to block -- 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.

In June U.S. District Court Judge Ann Aiken ordered attorneys for plaintiffs and for the Department of Justice to meet for a settlement conference with Magistrate Judge Thomas Coffin, calling it “a tremendous opportunity” to address the climate “crisis” and not just a “ministerial step.” Those talks are underway.

If Judge Aiken grants the motion to amend, and the settlement process is unsuccessful, the 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.

--30--

[\*\*\*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.