



Hi friends,

This week, the legal team at Our Children's Trust submitted three filings with the United States District Court of Oregon in support of *Juliana v. United States* regarding the Supreme Court's recent rulings in *Dobbs v. Jackson Women's Health Org*, *West Virginia v. EPA*, and *New York State Rifle & Pistol Assoc. v. Bruen*. These notices inform Judge Ann Aiken, who we anticipate will rule on our motion to amend the *Juliana* case any day now, about how these new Supreme Court precedents support the *Juliana* youth plaintiffs' arguments that they are entitled to have their constitutional claims heard at trial.

While we do not agree with the Supreme Court's majority opinions in these cases - and condemn the harm they have on human rights in America - these rulings do support advancing *Juliana* toward trial.

Rulings Can Be Wrong But Precedent is Critical

It may be surprising to see our legal team, which is actively defending and protecting human rights, cite these three cases in support of our litigation. But it's absolutely necessary to use this precedent in our favor, as well as to call out the hypocrisy in the Court's opinions, even while our legal community works hard to reverse those legal wrongs. These precedents are binding on our lower courts and must be considered in cases like *Juliana*.

In short, the majority opinions in *Dobbs*, *West Virginia*, and *Bruen* were wrong, but aspects of these Supreme Court opinions reinforce our claims and standing in *Juliana*.

Dobbs v. Jackson Women's Health Org is a ruling that Our Children's Trust condemns as an unlawful reversal of 50 years of constitutional protection of privacy, bodily autonomy, and reproductive rights. But in *Dobbs*, the Supreme Court has simultaneously reinforced that federal courts do indeed have the authority and duty to declare or deny the existence of fundamental rights.

“*Dobbs* stands for a dismantling of privacy and bodily autonomy rights that are critical for people across the nation, and we stand firmly with those who seek to right that constitutional injustice by our highest court. But *Dobbs* also stands for the rule that whether a right is constitutionally protected is up to our courts to decide and declaratory judgment is the appropriate remedy in a controversy over rights. In *Juliana*, the courts similarly have a duty to declare whether the young plaintiffs’ rights are constitutionally protected and are being violated by their government. Here, too, life is at stake, something the Supreme Court purports to claim as deserving of special consideration.”

- *Julia Olson, lead counsel in Juliana v. U.S.*

Similarly, while we disagree with the Supreme Court’s ultimate holding in *West Virginia*, the Chief Justice did reinforce EPA’s responsibility for controlling national air pollution and setting national standards, something we have long advocated for. The Supreme Court also ruled that EPA can’t act outside of its authority that Congress has given it. Well, folks, that is precisely what we have been arguing for seven years in *Juliana*. EPA has well exceeded its authority by allowing dangerous amounts of greenhouse gas pollution into our air that destroys our climate system and harms the health of the youth plaintiffs. All of that fossil fuel pollution that is wreaking havoc? It’s permitted, licensed, approved, and allowed by your EPA. And a trial in *Juliana* will prove it.

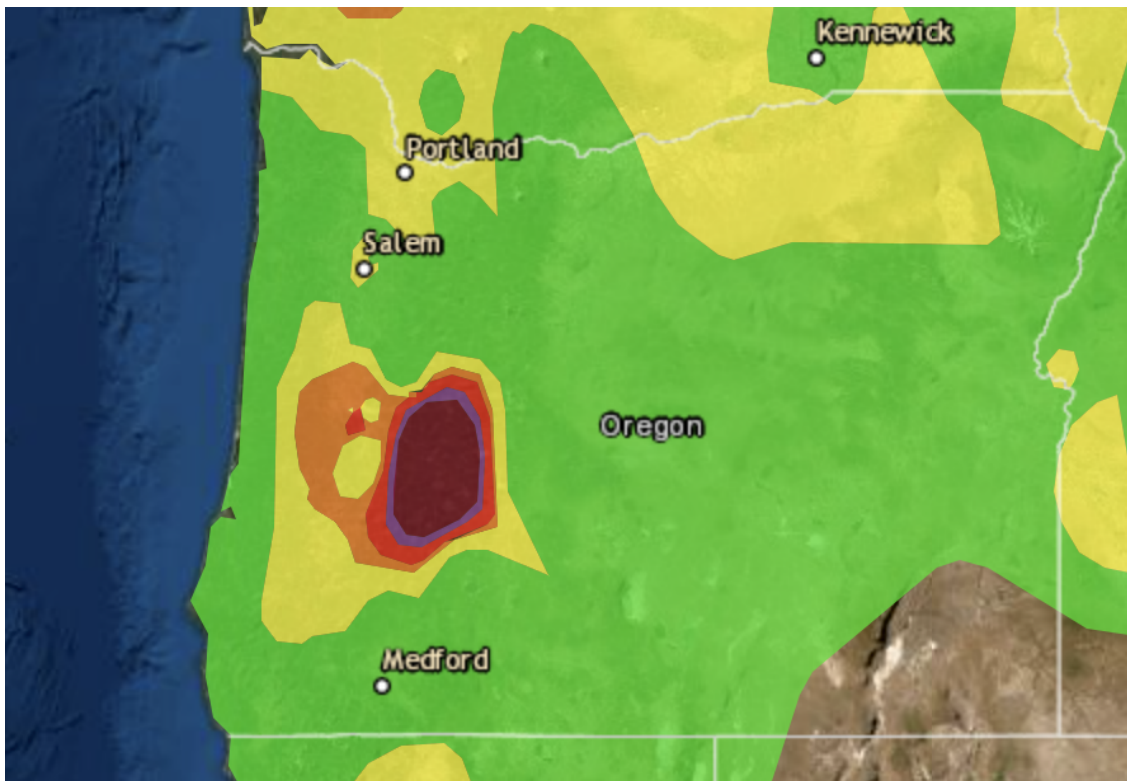
Bruen, the case about Second Amendment gun rights, presents a similar situation: the Supreme Court majority ruled that Americans have a constitutional right to carry guns in public places in order to protect themselves from potential threat to life and limb, even from unforeseeable risks and absent any evidence of immediate harm. But in *Juliana*, the 21 youth plaintiffs are not presenting an *idea* of *hypothetical* danger, but rather are prepared to present to the court the very real evidence of ongoing injury, perpetuated by their own federal government, that is damaging their health, threatening their safety, and endangering their lives, right now.

Since the Supreme Court has ruled these things to be true in *Dobbs*, *West Virginia*, and *Bruen* - that our courts have the authority to declare or deny constitutional rights, that declaratory judgment is indeed a substantial remedy, that the EPA is responsible for regulating air pollution, that courts look at human life specially, and that we have a right to defend our lives from threats to our safety - **then the same must hold true for the youth in *Juliana v. United States*.**

HELP US WIN THIS FIGHT! PLEASE DONATE TODAY AND
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We Will Cite Every Precedent and Pursue Every Path to Climate Justice

This week, and today as we write to you from Western Oregon, which several of the *Juliana* youth plaintiffs also call home, we are experiencing dangerous air quality as smoke from nearby climate-induced wildfires shrouds our cities. We are in the midst of an historic drought, high temperatures, and a sustained period of no rain, a rare occurrence for Western Oregon in October. Today alone, the air quality in Eugene, Oregon - home to the United States District Court of Oregon as well - is categorized as “Hazardous” with an accompanying recommendation for residents to “close windows, avoid outdoor activities, and wear pollution masks outdoors.” Children are advised not to go outside. Many of our young sit in schools with no air purification, inhaling toxic particles that impact their lungs and their brains.



Hazardous air quality in Western Oregon (Source: AirNow.gov)

The sky is burnt orange and the smell of burning forests is seeping through cracks in our windows and doors. There is no escaping this devastation and the dangers it presents for children’s respiratory and mental health.

This is not how our children should live. Not today, not tomorrow, nor any day.

This is why we litigate. This is why we won't bow to unjust rulings in *Dobbs*, *West Virginia* or *Bruen*, but instead will use them in this fight for life on behalf of children.

And this is why we have made a relentless commitment to securing climate justice for our young clients, here in Oregon and across the country.

Toward justice for all,

The Team at Our Children's Trust

**HELP US WIN THIS FIGHT! PLEASE DONATE TODAY AND
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