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Our Children's Trust on DOJ stonewalling: The Youth Will Not Stand Down

Constitutional climate case Juliana v. United States struck with unprecedented seventh writ of mandamus, rare and obscure legal tool used to stop cases

EUGENE, Ore.—Our Children's Trust (OCT) today called the Department of Justice's [filing of emergency motions to throw out a climate suit](#) brought by 21 young people an egregious abuse of the court process.

"This is yet another egregious delay tactic, happening in an election year, coming from an administration that had vowed to address the climate emergency," said Julia Olson, Our Children's Trust chief legal counsel. "In the normal process of justice, facts are presented in open court - precisely what the DOJ is endlessly attempting to circumvent here."

Our Children's Trust originally filed [Juliana v. United States](#) in 2015 on behalf of a group of young people who asserted that U.S. actions that cause climate change violate their constitutional rights to life, liberty, and property.

Two weeks ago, the DOJ filed for a stay in the U.S. District Court; Our Children's Trust [filed its opposition](#) yesterday. Without waiting for the District Court to rule, the DOJ then filed both another stay and a petition for a writ of mandamus with the 9th Circuit, to prevent evidence from being heard in the case. It is an unprecedented parallel and multi-pronged attack to end a case the DOJ fears it will lose at trial, Olson said.

Last year, in [Held v. State of Montana](#), the judge ruled in favor of the 16 Montana youth represented by OCT, invalidating as unconstitutional and enjoining Montana laws that promoted fossil fuels and required turning a blind eye to climate change. *Juliana* is the subject of the 2020 independent award-winning documentary, [Youth v. Gov](#), streaming on Netflix.

“The *Juliana* youth are being singled out and targeted with unheard-of practices by the incredible power of the Justice Department,” Olson said. “Every court to review their case has said that the lives of young people are at stake, the survival of the nation is at stake, and there is merit to their constitutional claims.”

In its [January 18 motion to stay filing](#), the DOJ complained about the money it’s spent on the case—money it’s chosen to waste, Our Children’s Trust noted, by pursuing a premature appellate process reserved for emergencies.

“The argument that the DOJ (or even the federal government) is somehow 'irreparably harmed' by having to spend time preparing for trial, given the amount of money the DOJ has spent and will spend in attorney and expert time in defending this case, is a ludicrous argument,” [wrote Joseph E. Stiglitz](#), professor at Columbia University and chief economist at the Roosevelt Institute in a Declaration of Support for the youth.

“To suggest the harm to children’s health and homes and constitutional rights is worth less than the money the government has to spend to litigate a case is to suggest every case could be stayed only because it cost taxpayer dollars to litigate,” Stiglitz wrote.

As the DOJ worries about its budget, the U.S. government’s continued promotion of fossil fuels in the face of climate disasters is costing all Americans trillions of dollars and untold numbers of lives in fires, floods, hurricanes and tornadoes, Olson said.

In Declarations, several of the youth plaintiffs noted extreme climate events they’ve experienced throughout the government’s eight-year delay of their case: wildfires that keep people indoors; extreme heat; unprecedented snow and ice storms.

“When I was a young child, we never had to wear masks from wildfire smoke,” [wrote plaintiff Avery M.](#) “We might have had one or two smoky days, but now there are weeks at a time where we should be wearing N95 masks or regulators trying to protect our lungs from smoke and things that could potentially cause cancer in the future. It makes me dread the end of summer...”

“It’s been so painfully clear that if a powerful interest doesn’t want something to proceed, they have a litany of ways to stop it,” [wrote plaintiff Nathaniel B.](#) “In this case, we are up against our own Department of Justice and the executive branch of our federal government trying to keep us out of court, targeting us specifically with arguments they don’t make anywhere else.”

Over the past eight years, the Justice Department has made an extraordinary 14 attempts to stay this litigation, Olson said.

“That’s because they know the youth have a strong legal case,” Olson said. “We will not let the future of these young people—and the future of a safe, more prosperous America for everyone—be roadblocked.”

Read the [full petition for a writ of mandamus and opposed motion for a stay of proceedings here.](#)

For more information, including background and timeline of events, please refer to the Dec. 31, 2023, press release [Judge Denies DOJ’s Motions to Dismiss and for Early Appeal in Juliana v. United States.](#)

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Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected. www.ourchildrenstrust.org