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Dear friends,

Following the Supreme Court's devastating rulings last week on issues like *Miranda* rights, gun safety, and access to abortion, a majority of Justices [voted today](#) to restrict the Environmental Protection Agency's (EPA) ability to limit and reduce deadly carbon dioxide pollution that poisons our atmosphere, harms our communities, and accelerates the deadly climate emergency.

Let us be clear: today's ruling **does not affect the progress of *Juliana v. United States* or any of our youth-led state constitutional climate lawsuits.**

If anything, today's ruling further demonstrates how important these children's constitutional climate lawsuits are to address the deadly effects of our government-sanctioned fossil fuel-based energy system.

West Virginia v. EPA is a case brought by states who argued that one statute - the Clean Air Act - did not properly give one federal agency - the EPA - authority to regulate greenhouse gases, and that the authority to do so is vested only in Congress. However, our cases are brought by children, our most vulnerable citizens, who argue that their federal and state [constitutions](#) - not individual statutes - require that their federal and state governments stop worsening the climate crisis. The youth we represent also argue that the actions of their governments that exacerbate the crisis violate their constitutional rights, including their rights to life and liberty. These cases are apples and oranges.

While today's egregious decision is a significant setback for the EPA to address the climate crisis, it does not impact the forward momentum of our youth plaintiffs or their constitutional cases, nor does it change the critical role of our courts in considering the constitutionality of fossil fuels.



What Happened Today?

In a 6-3 decision, the Supreme Court ruled in favor of the state of West Virginia - and the nineteen Republican Attorneys General and two coal companies who brought [*West Virginia v. Environmental Protection Agency*](#) - holding that the EPA did not have authority under one section of the Clean Air Act to implement emissions caps that would shift power generation from coal to renewables like wind and solar energy, the approach taken by the EPA in the 2015 Clean Power Plan.

As Justice Kagan characterized in her dissent to today's decision: "Today, the Court strips the Environmental Protection Agency (EPA) of the power Congress gave it to respond to 'the most pressing environmental challenge of our time.' *Massachusetts v. EPA*, 549 U. S. 497, 505 (2007)." Justice Kagan went on to note that, even though "[c]limate change's causes and dangers are no longer subject to serious doubt," and even though "[i]f the current rate of emissions continues, children born this year could live to see parts of the Eastern seaboard swallowed by the ocean," the majority opinion stripped the EPA of "any effective approach for addressing climate change."

What Does This Mean for Our Youth-Led Climate Litigation?

Today's ruling in *West Virginia v. EPA* does not change our course nor does it in any way weaken our litigation.

Today's ruling does not affect or prevent a court from issuing a declaratory judgment that the nation's fossil fuel energy system is unconstitutional.

Today's ruling does not affect or prevent our young plaintiffs from securing legal protection of their right to a safe climate.

And today's ruling does not hinder, slow, or make vulnerable the legal claims or evidence our young clients, attorneys, and experts are ready to present at trial.

In fact, our youth-led constitutional climate litigation remains the strongest, most durable solution to the climate crisis.

TAKE ACTION: Urge President Biden's DOJ to End Opposition to *Juliana v. U.S.* Proceeding to Trial

The Biden Administration should review today's decision in light of the youth plaintiffs' urgent effort to protect their constitutional rights in *Juliana v. United States*. Without a court-ordered durable solution to the climate crisis - a declaratory judgment rooted in our nation's Constitution - politics as usual will continue to impede both congressional and executive efforts to rapidly transition our nation's energy system off of fossil fuels and these youths' rights will continue to be violated by their government. To secure its legacy of saving the planet for our children, the Biden Administration should reconsider its position in *Juliana v. United States* and [end the U.S. Department of Justice's opposition to the case proceeding to trial.](#)

In November 2021, nearly 50 members of Congress sent [letters](#) to President Biden expressing their support for the fundamental rights of children to a safe climate and the *Juliana v. United States* plaintiffs. "The climate crisis poses an existential threat to the future of our planet and the young people who will inherit it. Specifically, young people like the *Juliana v. United States* plaintiffs," said Representative Jones who led the House letter. "I'm proud to stand with them as they fight for their fundamental right to a safe climate and a livable future...I urge President Biden to stand in solidarity with these young people and end the efforts of his administration to impede their path. It's time our federal government finally aligns its actions on climate change with its rhetoric, and takes the bold action necessary to avert climate catastrophe. Our young people are counting on us."

[SIGN A PETITION TO THE U.S. DEPARTMENT OF JUSTICE TODAY, URGING ATTORNEY GENERAL GARLAND AND THE DOJ TO END OPPOSITION TO JULIANA V. UNITED STATES PROCEEDING TO TRIAL](#)

Victory in *Juliana v. United States* would provide our children with

constitutional protection from government actions that worsen the climate crisis. In light of today's decision, it is more important than ever for this case and all of our youth-led constitutional climate litigation to proceed and prevail.

What Happens Now?

Today's ruling in favor of those who prioritize the profits of fossil fuels over the lives of Americans was the result of a decades-long campaign by climate deniers and fossil fuel profiteers to relentlessly attack our systems of government at every branch: the executive branch, Congress, and the judiciary. These deniers and profiteers have been ferocious in their efforts to test our laws for vulnerabilities, challenge the jurisdiction of our courts, and exert their will onto every legal precedent until they could find - or manufacture - a weak link. Today they found one, without any remorse or regard to the impacts their actions will have on today's children and future generations.

However, we are equally as ferocious. We are equally as determined. And we are equally as relentless in our efforts to bring case after case to our nation's judges and justices where we will reinforce judicial precedent, refute the "evidence" of those who seek personal wealth over national wellness, and argue vociferously the constitutional foundations of our claims, all on behalf of our most vulnerable citizens.

We Are Relentless. And We Are Going to Win.

The rulings we have seen issued by the Supreme Court these last few weeks have been devastating for individual rights and we, along with our fellow Americans, are angry. But we are not deterred and we are not discouraged. We are determined. We are bringing litigation on behalf of our children that provide the best, most sustainable solutions to the accelerating climate crisis and, with your support, we are going to win. And we will continue to bring our relentless pursuit of justice to every court in our nation, from coast to coast, until we have secured lasting climate justice and protection for our children.

Join us,

The Team at Our Children's Trust

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P.O. Box 5181 Eugene, OR 97405

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