

Juliana v. United States: “No ordinary lawsuit”

This groundbreaking case is currently on hold.

BASIC Three years ago, the young people you see here sued the U.S. government. **What does this mean?** (*They filed a lawsuit, asking a court to solve a certain problem.*) People who bring lawsuits are called plaintiffs. The 21 plaintiffs in this case were all 18 years old or younger when the case began. Since Kelsey Juliana was listed first, the case became known as *Juliana v. United States*. These plaintiffs say their lives have been made worse by pollution and global warming. **What is global warming?** (*Earth’s rising average temperature.*) They say the U.S. government has known about

global warming for a long time, but hasn’t done enough to stop it. **Who wants to read the quote here from Kelsey?**



Government lawyers have tried to get the case thrown out of court. But Judge Ann Aiken refused to do that, saying it was “no ordinary lawsuit.” **Would you agree?** Judge Aiken scheduled it for her federal court in Eugene, Oregon. But the trial is currently on hold. NEXT

GENERAL In 2015, 21 young people brought a lawsuit against the U.S. government for not doing enough to protect them from climate change. **What is a lawsuit?** (*A legal claim or argument brought to court, or trial, for a judgment.*) Since then, the case has been delayed many times. But if it ever comes to court, the case of *Juliana v. United States* could change the world.

say the U.S. government has known that global warming was a problem for more than 50 years, and hasn’t done enough to prevent it. The suit argues that the government’s lack of action has affected their lives, and represents a big threat to future generations. **Who wants to read Juliana’s quote? Do you agree with her point of view? Why or why not?**

Earlier this year, Federal Judge Ann Aiken ruled that the case would begin on October 29th in Eugene, Oregon. She called *Juliana v. United States* “no ordinary lawsuit.” **Would you agree?** Government lawyers asked the Supreme Court to stop the trial, and the Court refused. But at press time, the lawsuit is still on hold. **Why do you think the government does not want Juliana v. United States to be heard?** NEXT

When the suit was originally filed, the plaintiffs ranged in age from 7 to 18 years old. A plaintiff is the person or party bringing the complaint, or case, to court. The case gets its name from the lead plaintiff. **What is her name?** (*Kelsey Juliana.*) She is a student at the University of Oregon, but has been fighting to protect the environment since she was in grade school. Juliana and the other plaintiffs

the U.S. All of them have stories about how climate change has adversely affected their homes and local communities. **What does Juliana’s quote here mean to you?**

This trial has been delayed many times since it was first filed in 2015. Many of these delays were due to government lawyers trying to get the case thrown out of court. **Why is the government fighting so hard to get the case dismissed?** Earlier this year, Federal Judge Ann Aiken ruled that the case, which she called “no ordinary lawsuit,” would begin on October 29th in Eugene, Oregon. The Supreme Court denied another government motion to throw out the case. Currently, however, the Ninth Circuit Court of Appeals is deciding if the lawsuit will go forward. **Should it go forward, in your opinion?** NEXT

ADVANCED Three years ago, 21 young people became plaintiffs in a lawsuit against the U.S. government. **What is a plaintiff?** (*The person or party bringing the complaint, or case, to court.*) At that time, they were all between seven and 18 years old. **Do you know what their lawsuit is about?** (*They are suing to force the government to take stricter action against global warming.*)

This suit gets its name from lead plaintiff Kelsey Juliana, now a student at the University of Oregon. In the lawsuit, the plaintiffs show proof that the U.S. government learned about global warming more than 50 years ago. They argue that governmental inaction about pollution and greenhouse gases has harmed their health and their happiness. These plaintiffs come from many places around

Juliana v. United States: “No ordinary lawsuit” (cont'd)

The case rests on two fundamental arguments.

BASIC

Juliana v. United States makes two main arguments. One of them is based on the Fifth Amendment to the U.S. Constitution. This amendment says “No person shall...be deprived of life, liberty, or property, without due process of law.” **What do you think this means?** (*That all people in the U.S. have a right to their lives, freedom, and possessions.*) **Who wants to read the first argument shown here? Why would a clean environment be important for people’s lives, liberty, and property?** The second argument is based on an idea called the “public trust.” This means that voters trust their elected

officials to take care of certain environmental interests. **Do you trust the government to do its job?**

Why or why not? The lawsuit says the U.S. has not been looking out for its citizens — especially young people who cannot yet vote. **Do you agree with this? Which of these arguments is the strongest, in your opinion? Why?** NEXT



GENERAL

The plaintiffs in *Juliana v. United States* all argue that pollution and climate change have negatively affected their lives. Some have developed health problems due to pollution; others have lost their homes due to flooding. **What does flooding have to do with climate change?** (*Sea levels are higher because of melting ice at the North and South Poles.*) **Can you point to ways in which environmental problems have made your life worse?**

Ultimately, this lawsuit rests on the two ideas shown here. **Who wants to read the first argument here?** This argument refers to the words in the Fifth Amendment to the U.S. Constitution, which state: “No person shall...be deprived of life, liberty, or property, without due process of law.” The plaintiffs argue that this happens regularly

ADVANCED

The plaintiffs in *Juliana v. United States* are ready to testify about the adverse effects of pollution and global warming on their lives — and the lives of future generations of Americans. But in order for a lawsuit to prevail, it must be grounded in the law. Here, you see the two basic arguments supporting the lawsuit. **Who wants to read the first argument?** The language refers to words in the U.S. Constitution: “No person shall...be deprived of life, liberty, or property, without due process of law.” **In which constitutional Amendment do these words appear?** (*The Fifth Amendment, part of the “Bill of Rights.”*) The plaintiffs argue that climate change deprives all current and future Americans of life, liberty, and property, but that young people are unfairly affected

to children, who don’t even get to influence the government through voting. **How does the condition of the environment relate to our Fifth Amendment rights to “life, liberty, and property?”**

The second argument shown here has to do with an ancient legal idea called the “public trust doctrine.” This means that people trust the government to take care of certain resources that cannot be privately owned. **Can you think of some of these?** (*Rivers and oceans; the shoreline; national parks; and so on.*) **Can you explain what the second sentence here means in simpler words?** (*It says that the government has so far failed to protect the interests of young people by not taking care of our precious natural resources.*) **Do you agree? Why or why not?** NEXT

because they cannot vote. **Is this a strong argument, in your opinion?**

The second main argument involves the “public trust doctrine.” This phrase is not included in the Constitution. Instead, it is carried over from English common law. **What is common law?** (*Legal doctrines derived from court decisions, not from written laws.*) Under the public trust doctrine, the government is supposed to take care of certain resources that cannot be privately owned. **Can you think of some of these?** (*Rivers and oceans; the shoreline; national parks; and so on.*) The lawsuit charges that the government has violated the public trust by failing to protect our precious natural resources for future generations. **Do you agree that the government has so far failed in this regard? Why or why not?** NEXT

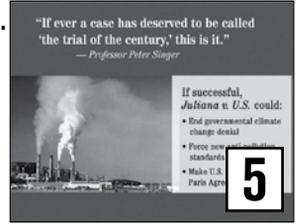
Juliana v. United States: "No ordinary lawsuit" (cont'd)

If the plaintiffs win, the government will have to slash carbon emissions.

BASIC Many people are very excited about *Juliana v. United States*. One of them is Professor Peter Singer, an environmentalist. **Can someone read his quote? What do you think "trial of the century" means?** (*That it would be the most important trial of our lives.*) If the plaintiffs win, the U.S. government would have to admit that global warming is real — and that it is caused by human activities. The United States would also have to set up a very strict policy about cutting back on pollution. Cars and companies would have to cut way back on their carbon emissions. **What are they?** (*"Greenhouse*

gases" that are caused by burning certain fuels like coal and oil, and make Earth's atmosphere warmer.)

Experts say the U.S. would also have to re-join the Paris Agreement. This is an international promise to cut carbon emissions. **Why isn't the U.S. part of this already?** (*President Trump pulled the U.S. out of it in June, 2017.*) **How do you think these changes would affect your life?** END



GENERAL **Who wants to read the quote here from Peter Singer? Why would this case be so important?** Many legal scholars point out that *Juliana v. United States* would be important because it is the first to argue that a safe climate is a civil right, and the government is causing the plaintiffs harm by denying that right. To fix this problem, they want the government to put policies in place that keep global warming in check. So what is at stake if *Juliana v. United States* goes to trial and the plaintiffs win?

recent report from the U.S. government itself. That report stated that the country will suffer even worse disasters if stronger action isn't taken to combat warming. **What have you heard about this report?**

If the plaintiffs win the lawsuit, the government would also be forced to make a plan to reduce "greenhouse gas" emissions by something like 40 percent. Sticking with this plan would mean big changes for many Americans. For example, there would have to be stricter limits on pollution from vehicles and factories. **How would this affect you?** The U.S. would also likely have to re-join the Paris Agreement, from which President Trump withdrew in June of 2017. **Do you think this trial will ever take place? Do you think it has a chance of winning? Should it win, in your opinion?** END

For one thing, the U.S. government would have to admit that human actions are causing global warming. Elected officials could not cast doubt on this idea, which has been backed up by virtually all scientific evidence, including a very

warming. In fact, even a new scientific report from the U.S. government warns of dire consequences in the coming decades from global warming. **What have you heard about this report?** (*It warned of more costly and devastating disasters, and a shrinking economy, if action isn't taken to curb warming.*)

The government would also have to come up with a plan to reduce "greenhouse gas" emissions by approximately 40 percent. It is also likely that the U.S. would have to re-join the Paris Agreement and work together with the international community. **Why aren't we part of this environmental treaty?** (*Pres. Trump pulled out of it in June 2017, saying it was unfair to the U.S.*) **Do you think this lawsuit will win if it goes to court? Why or why not?** END

ADVANCED Many environmentalists believe that legal action will be the only way to force the government to act on climate change. **What do you think Peter Singer means in the quote shown here?** Legal scholars are saying *Juliana v. United States* would be a landmark case if it makes it to trial. It would be the first case to claim that a safe climate is a civil right. **Do you agree with this premise?** The plaintiffs further argue that by denying this right the government is causing them irreparable harm.

As relief in this case, the plaintiffs want the government to establish policies that prevent the continued rise in global temperatures. A win would cause important changes in U.S. policy. For one thing, the government could no longer deny that human activity is the main cause of global