

November 18, 2021

The Honorable Merrick Garland, Attorney General
The Honorable Elizabeth Prelogar, Solicitor General
The Honorable Todd Kim, Assistant Attorney General, Environment and Natural Resources
Division

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland, Solicitor General Prelogar, and Assistant Attorney General Kim,

We, the undersigned organizations, are dismayed with the Department of Justice's ("DOJ") position and tactics in the youth-led constitutional climate change lawsuit, *Juliana v. United States*. Throughout the legal proceedings, the Trump administration argued that the children have no right to access the courts to vindicate their constitutional rights when they are in a health- and life-threatening controversy with their government. Because of President Biden's many commitments to vigorously combat climate change, we expect something different, better and more commensurate with the climate crisis' urgency from this DOJ. We believe that DOJ's position in the *Juliana* litigation should align with and further the Biden administration's recent executive orders and policies addressing climate injustice and the climate crisis. Therefore, we urge the DOJ to reverse its position, stop fighting the youth, and bring to the settlement table tangible ideas to significantly address the youth's concerns for a safe environment.

In his January 20, 2021 Executive Order, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, President Biden acknowledged climate change's harm to "the health, safety, and security of the American people," the increased urgency to combat it, and the imperative to be "guided by the best science" to "advance environmental justice." President Biden's January 27, 2021 Executive Order, *Tackling the Climate Crisis at Home and Abroad*, again noted the urgency of what he termed "a profound climate crisis," concluding that "[w]e have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis." In April 2021, at the Leaders' Summit on Climate, President Biden pledged to combat the climate crisis for "all of our children and grandchildren."

The *Juliana* plaintiffs, together with children from across the United States, including those living in overburdened communities suffering from systemic environmental and racial injustices seek climate justice. The twenty-one young Americans, including eleven Black, Brown, and Indigenous youth, in 2015, filed the *Juliana* constitutional climate change lawsuit against the U.S government's executive branch challenging its affirmative actions that have caused the climate

crisis, thereby violating the young plaintiffs' constitutional rights to life, liberty, property, and equal protection of the law. When President Biden took office, the *Juliana* plaintiffs' attorneys repeatedly asked the DOJ to meet to discuss the Biden administration's position in the case, but the plaintiffs did not receive a response. Later, the district court ordered the parties into settlement discussions.

We stand with these youth in our dismay with the DOJ's position and tactics in the *Juliana* litigation. This position flies in the face of the Biden administration's recent executive orders and policies addressing climate injustice and the climate crisis. The DOJ and defendant agencies must honor President Biden's commitments to listen to the science across all agencies and work with the youth to protect their rights and those of future generations. A critical step in fulfilling this commitment is for the DOJ to reverse its legal position, pursue good faith settlement discussions, and if those discussions do not achieve a resolution of the case, allow the youth plaintiffs their day in court.

We appreciate your consideration for this urgent issue for our children and future generations.

Sincerely,

Bill McKibben
Co-founder of 350.org
Third Act

Jerome Foster II
Executive Director & Founder of OneMillionOfUs
White House Environmental Justice Advisory Council Member

Alliance for Climate Education
Alliance of Nurses for Healthy
Environments
American Sustainable Business Council
Amnesty International USA
Association for the Advancement of
Sustainability in Higher Education
(AASHE)
Athens County's Future Action Network
Atlantic Coast Conference Climate Justice
Coalition
Aytzim: Ecological Judaism
Bailey's Cafe
Beyond Extreme Energy
Biodiversity First!
Broward for Progress

Businesses for a Livable Climate
CA Businesses for a Livable Climate
Call to Action Colorado
Call To Action of SW Florida
Catholic Divestment Network
CatholicNetwork US
Center for Biological Diversity
Central Florida Progressive Democrats of
America
Change Begins With ME
Chesapeake Climate Action Network
Children's Environmental Health Network
Church Women United in New York State
Citizens Awareness Network
Clean Energy Action
Clean Power Lake County

Climate Action Families
 Climate Action Youth
 Climate Generation: A Will Steger Legacy
 Climate Justice at Boston College
 Climate Reality Project Dallas Fort Worth
 Chapter
 Climate to Thrive, A
 Climate XChange Maryland
 ClimateMama
 CO Businesses for a Livable Climate
 Coalition to Protect New York
 Colorado Small Business Coalition
 Conejo Climate Coalition
 Courage California
 Dayenu: A Jewish Call to Climate Action
 Delaware Electric Vehicle Association
 Don't Waste Arizona
 Earth Action, Inc.
 EarthDay.org
 Edmonds Unitarian Universalist
 Congregation
 Elders Climate Action
 Elders Climate Action - Arizona Chapter
 Environmental Data & Governance
 Initiative
 Environmental Historians Action
 Collaborative
 Environmental Justice Ministry Cedar Lane
 Unitarian Universalist Church
 Extinction Rebellion PDX
 Extinction Rebellion San Francisco Bay
 Area
 Extinction Rebellion Youth United States
 Fayetteville Police Accountability
 Community Taskforce
 Food & Water Watch
 Fort Collins Sustainability Group
 Fossil Free California
 Fossil Fuel Divest Harvard
 FrackbustersNY
 Fresh Water Accountability Project
 Friends of Buckingham
 Friends of the Cloquet Valley
 Friends of the Earth US

Future Coalition
 Glen Echo Heights Mobilization
 Global Warming Education Network
 (GWEN)
 Go Green Northbrook
 Greater Brunswick PeaceWorks
 Greater Highland Area Concerned Citizens
 Green House Connection Center
 Greenbelt Climate Action Network
 GreenFaith
 GreenLatinos
 Greenpeace USA
 Harford County Climate Action
 Hawai'i Institute for Human Rights
 Hawai'i Youth Climate Coalition
 Hazon
 HBS/Harvard Alumni for Climate Action
 Higher Ground Initiative
 Hip Hop Caucus
 HousingNOLA
 I-70 Citizens Advisory Group
 ICNA Council for Social Justice
 Interfaith Moral Action on Climate
 Interfaith Power & Light
 International Indigenous Youth Council, Los
 Angeles
 Jewish Youth Climate Movement
 JUJustice Washington
 Labor Network for Sustainability
 Larimer Alliance
 League of Women Voters of the United
 States
 Long Beach Environmental Alliance
 Long Beach Gray Panthers
 Long Beach Area Peace Network
 Madhvi4EcoEthics
 Maine Youth for Climate Justice
 Minnesota Democratic Farmer and Labor
 Party Environmental Caucus
 Montbello Neighborhood Improvement
 Association
 Multi-Faith Network for Climate Justice
 Muslim Delegates and Allies Coalition
 National Children's Campaign

New Energy Economy
New Party Coalition
NO RIGHTS/NO AID
North American Climate, Conservation and Environment (NACCE)
North Range Concerned Citizens
Occupy Bergen County
Ocean Conservation Research
198 methods
OneMillionOfUs
Oregon UU Voices for Justice
Our Children's Trust
Our Climate
Our Climate Education Fund
Our Revolution Florida
Our Revolution Minnesota
Peace Action Maine
People's Justice Counsel
Physicians for Social Responsibility - Pennsylvania
Quaker Earthcare Witness
Rachel's Network
RapidShift Network
Rebuild Maryland Coalition
River Project, The
RootsAction
San Luis Valley Ecosystem Council
Schools for Climate Action
Science and Environmental Health Network
Seven Circles Foundation
Shalom Center, The
Sierra Club
Sisters of Mercy of the Americas Justice Team
SLO Clean Water

Snake River Alliance
Social Eco Education (SEE-LA)
South Asian Fund For Education, Scholarship and Training, Inc.
Southwest Environmental Center
Spirit of the Sun
Sunflower Alliance
Sunrise Movement
Sunrise NYC
System Change Not Climate Change
Terra Advocati
350 Brooklyn
350 Colorado
350 Conejo / San Fernando Valley
350 Hawaii
350 Kishwaukee (Illinois)
350 Maine
350 New Orleans
350 Ventura County Climate Hub
350.org
Thrive_At_Life: Working Solutions
Transition US
Unitarian Universalist Justice Ohio
Unitarian Universalist Service Committee
Unitarian Universalists for a Just Economic Community
Unitarian Universalists for Social Justice
Unite North Metro Denver
United Native Americans
Wall of Women
WildEarth Guardians
Womxn from the Mountain
Young Voices for the Planet
Zero Hour

cc:

Mr. Matt Klapper, Chief of Staff to Attorney General Garland
Ms. Rebecca Rios, Assistant, Office of the Solicitor General
Mr. Pedro Meza, Assistant to Assistant Attorney General Kim, Environment & Natural Resources Division
Mr. Sean Duffy, Trial Attorney, Environment & Natural Resources Division
Mr. Frank Singer, Trial Attorney, Environment & Natural Resources Division