

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	Snake River Alliance
New Party Coalition	Social Eco Education (SEE-LA)
NO RIGHTS/NO AID	South Asian Fund For Education, Scholarship and Training, Inc.
North American Climate, Conservation and Environment (NACCE)	Southwest Environmental Center
North Range Concerned Citizens	Spirit of the Sun
Occupy Bergen County	Sunflower Alliance
Ocean Conservation Research	Sunrise Movement
198 methods	Sunrise NYC
OneMillionOfUs	System Change Not Climate Change
Oregon UU Voices for Justice	Terra Advocati
Our Children's Trust	350 Brooklyn
Our Climate	350 Colorado
Our Climate Education Fund	350 Conejo / San Fernando Valley
Our Revolution Florida	350 Hawaii
Our Revolution Minnesota	350 Kishwaukee (Illinois)
Peace Action Maine	350 Maine
People's Justice Counsel	350 New Orleans
Physicians for Social Responsibility - Pennsylvania	350 Ventura County Climate Hub
Quaker Earthcare Witness	350.org
Rachel's Network	Thrive_At_Life: Working Solutions
RapidShift Network	Transition US
Rebuild Maryland Coalition	Unitarian Universalist Justice Ohio
River Project, The	Unitarian Universalist Service Committee
RootsAction	Unitarian Universalists for a Just Economic Community
San Luis Valley Ecosystem Council	Unitarian Universalists for Social Justice
Schools for Climate Action	Unite North Metro Denver
Science and Environmental Health Network	United Native Americans
Seven Circles Foundation	Wall of Women
Shalom Center, The	WildEarth Guardians
Sierra Club	Womxn from the Mountain
Sisters of Mercy of the Americas Justice Team	Young Voices for the Planet
SLO Clean Water	Zero Hour

cc:

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