



Written by [James Murphy](#) on May 2, 2024

Federal Appeals Court Dismisses Oregon Climate Case Brought by Kids — Again

On Wednesday, a panel of federal judges from the Ninth Circuit Court of Appeals directed U.S. District Judge Ann Aiken in Eugene, Oregon, to dismiss a case brought by youth climate activists who claim that their constitutional rights are being trod upon by the federal government. *Juliana v. The United States* was first brought in 2015, and argues that the children’s right to “life, liberty, and property” is being damaged by the government’s inaction on so-called climate change.

“Trial courts across the country address complex cases involving similar jurisdictional, evidentiary, and legal questions as those presented here without resorting to interlocutory appeal or petitioning for a writ of mandamus,” Aiken [wrote in April](#), adding that “the proper place for the trial is in the trial court.”

But the Biden administration DOJ disagreed and asked the Ninth Circuit to take up the matter.

Previously, [in 2020](#), another three-judge panel from the Ninth Circuit [dismissed](#) the case, but Aiken allowed it to go forward in December after the plaintiffs reworked it. The plaintiffs are ostensibly 21 young climate activists headlined by Kelsey Juliana, now a young adult. But in reality, the plaintiff is an NGO known as Our Children’s Trust, whose mission is to “[provide] strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate.”

This time around, the court was acting upon a request from the Biden administration to settle the issue. The case was dismissed, with no opening to amend the complaint going forward.

Julia Olson, founder of Our Children’s Trust, [called the ruling](#) “tragic and unjust.”

“The Biden administration was wrong to use an emergency measure to stop youth plaintiffs from having their day in court,” she said in a statement. “The real emergency is the climate emergency.”

Nevertheless, Olson vows to fight on. “President Biden can still make this right by coming to the settlement table,” she said. “And the full ninth circuit can correct this mistake.”

“This decision offers a dire reminder that the courts are vital to a functioning democracy. The court’s opinion that declaring dangerous and discriminatory government systems unconstitutional doesn’t matter, is simply false. The youth plaintiffs are now considering their options to move forward — they are not giving up!” the group’s [website](#) declared.

“I have been pleading for my government to hear our case since I was ten years old, and I am now



Ekaterina Bolovtsova/pexels



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nearly 19,” [said Avery McRae](#), one of the youth activists. “A functioning democracy would not make a child beg for their rights to be protected in the courts, just to be ignored nearly a decade later. I am fed up with the continuous attempts to squash this case and silence our voices.”

The case is part of a disturbing trend by climate activist groups to have judges order climate measures that politicians are unwilling to do — and they’re hiding behind children to do it.

Groups such as Our Children’s Trust have seen some success.

In Montana in January, the state Supreme Court upheld a decision from a lower court judge who said that regulators must consider the effects of greenhouse gas emissions when issuing permits for fossil fuel development. Montana Governor Greg Gianforte had requested that the Court invalidate the opinion of District Court Judge Kathy Seeley. They are currently appealing the ruling.

There are youth climate lawsuits moving forward in Hawaii, Florida, Utah, and Virginia, and Our Children’s Trust is [suing the Environmental Protection Agency](#) on behalf of several California children, claiming that the EPA is knowingly harming children by not more effectively halting what it refers to as “greenhouse gas pollution.”

“We are running from wildfires, being displaced by floods, panicking in hot classrooms during another heatwave. We feel a constant worry about the future, and all around us no one is moving fast enough,” said 15-year-old Noah, a plaintiff in that case.

Without regard for the truth of the matter, climate activists are seeking judicial recognition of the “fact” of climate change, which many will see as authoritative proof of the so-called climate crisis. Whether they actually win these cases is secondary to that end. And, unfortunately, they’re using children in their quest.



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