Kaur, Amneet

4/30/2025

Word Count: 3144

**Juliana v. United States and Environmental Governance Through the Lens of Youth-Led Climate Litigation**

In Juliana v. United States, 21 youth plaintiffs argued that the U.S. government's support of fossil fuel development violated their constitutional rights.[1] The case was backed by the non-profit organization Our Children's Trust. Juliana argued that these actions violated constitutional rights and the government's duty to protect public trust resources. At its core, the case argued for a constitutional right to a stable climate system capable of sustaining human life. Courts can serve as arenas for environmental rulemaking, especially amid government inaction on climate change. The case illuminates the tension between democratic process and judicial intervention, and how constitutional arguments may be reshaped in response to the escalating climate crisis. Juliana exposes failures in regulatory systems and judicial hesitation deepening the climate crisis instead of solving it.

Juliana unfolded over a decade. The case was first filed in 2015 then the case moved forward after the Ninth Circuit denied the government's writ of mandamus petition in 2018. In 2020, the Ninth Circuit dismissed the case for lack of standing. From 2021 to 2023, the plaintiffs amended their complaint, but the District Court dismissed it again.[2] The plaintiffs' efforts to challenge that decision in the U.S. Supreme Court were unsuccessful, as the Court denied their petition for a writ of certiorari, refusing to review the Ninth Circuit's ruling.[3]

[1] (*Juliana v. United States*, 947 F.3d, 1159-1165)
[2] (Our Children's Trust, 2024)
[3] (*Juliana v. United States,* 2025 U.S. Supreme Court, LEXIS 1138)

The plaintiffs based their claims on several legal principles, most notably the Due Process Clause of the Fifth Amendment, which they argued guaranteed a right to a climate system capable of sustaining life. The public trust doctrine was another key principle of this case and is rooted in the idea that the government is responsible for protecting shared natural resources, including the atmosphere, for current and future generations. Over eight years, they compiled decades of evidence, showing the government's role in enabling and accelerating climate change through policy choices and regulatory neglect.[4]

In fact, the plaintiffs presented extensive evidence showing that the federal government had been warned for decades, if not over a century, about the dangers of fossil fuel use, yet continued to expand support for coal, oil, and gas development.[5] The plaintiffs argued environmental protection was essential to the Constitution's "basic structural principle embedded in our system of ordered liberty" and does not allow the federal government to "condone the Nation's willful destruction."[6] Their case claimed that a livable future is not a policy choice, but a constitutional necessity.

While environmental regulation in the US usually falls under statutory law like the Clean Air Act or the National Environmental Policy Act, the Juliana case attempted to establish a constitutional right to environmental stability. However, the court ruled that the plaintiffs lacked Article III standing.[7] Article III standing, as the Supreme Court puts it is that, "the constitutional requisites under Article III for the existence of standing are that the plaintiff must personally have: (1) suffered some actual or threatened injury; (2) that injury can fairly be traced to the

[4] (*Juliana v. United States*, 2023 U.S. Dist. LEXIS 231191, 24)
[5] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 13)
[6] (*Juliana*, 947 F.3d, 1175)
[7] (*Juliana*, 947 F.3d, 1171).

challenged action of the defendant; and (3) that the injury is likely to be redressed by a favorable decision."[8]

Though the Ninth Circuit acknowledged the severity of climate change and the government's role in advancing fossil fuel use, it concluded that crafting a remedial plan to phase out emissions was beyond the court's institutional capacity. The Ninth Circuit recognized that "the record conclusively established that the federal government has long understood the risks of fossil fuel use and increasing carbon dioxide emissions."[9] Yet despite accepting the foundation of the plaintiffs' case, the court ruled that the remedy, phasing out fossil fuels, was a political task beyond judicial authority. This reveals a striking gap in governance.

The major stakeholders in the Juliana case included the youth plaintiffs, many who experienced direct harm from climate change such as wildfire displacement, flooding, and health impacts. These plaintiffs were all minors or young adults, chosen because they are too young to vote and lack political power in traditional democratic processes. By not providing a remedy, the government failed to extend to them and to future generations, the same protections of fundamental rights enjoyed by earlier generations, raising serious questions about fairness and intergenerational equity.[10] The lawsuit itself became a mechanism for them to exercise their voice in the only institutional forum available, which is the courts, to demand that the government change course on climate policy.[11]

As Layzer explains, environmentalists have long relied on litigation not just as a last resort, but as a recurring and strategic method of pushing for change when other avenues stall.

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[8] (*Lujan*, 504 U.S. 555, 560-61)
[9] (*Juliana*, 947 F.3d, 1171).
[10] (Novak, 746)
[11] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 7-8)

The tradition of "adversarial legalism" shows Juliana's place in a broader pattern of turning to the courts to compel government action when regulatory or collaborative efforts fail.[12] Although scientists have issued urgent warnings about climate change, those warnings alone have not led to meaningful federal legislation highlighting how scientific consensus often fails to produce political action unless advocates frame it in compelling legal or moral terms.[13] This legal strategy also added urgency and moral weight to the case. If it was brought by adults, the courts would have dismissed or regarded it as a policy dispute rather than a constitutional crisis.

On the opposing side was the federal government, represented by the Department of Justice, which included a few federal agencies, such as the EPA, the Department of Energy, and the Department of the Interior. The Department of Justice under both the Trump and Biden Administrations repeatedly tried to halt the case using extraordinary legal maneuvers including an unprecedented seventh petition for a writ of mandamus in early 2024. These petitions are usually reserved for urgent, exceptional cases, and were instead used as procedural barriers to delay trial and silence the plaintiffs' efforts to hold the government accountable for its role in the climate crisis.[14] In addition to procedural barriers, the plaintiffs faced powerful institutional resistance fueled by the deep political influence of fossil fuel industries. As Layzer explains, opposition to greenhouse gas reductions has been driven by a "powerful coalition of oil and coal producers and fossil-fuel-dependent industries" that maintain strong financial and political ties to elected officials.[15] This entrenched network hindered reform, reinforcing why the plaintiffs turned to the courts.

[12] (Layzer, 401)
[13] (Layzer, 299)
[14] (Our Children's Trust, 2024)
[15] (Layzer, 298)

Numerous NGOs, public health experts, business coalitions, and religious organizations submitted amicus briefs supporting the plaintiffs, while fossil fuel interests and conservative legal groups opposed them. This shows that climate governance is not just technical but rooted in social values. As Layzer observes, litigation has become "an especially potent resource for making transparent the values, biases, and social assumptions that are embedded in many expert claims about physical and natural phenomena."[16] The Juliana case thus made visible the contested ideologies underlying both climate science and government policy, particularly over issues of constitutional interpretation and generational equity.

The core of Juliana's case was the claim that the Constitution protects the right to a climate system that supports human life. The plaintiffs argued that this right is fundamental, like the rights to life and liberty, and essential to enjoying all other rights. As the district court emphasized, fundamental rights are not limited to those explicitly listed in the Constitution. They also include rights that are "deeply rooted in this Nation's history and tradition" or "fundamental to our scheme of ordered liberty," a standard applied from McDonald v. City of Chicago and cited by the court in affirming a right to a stable climate system.[17] This idea is different from traditional environmental governance, which regulates pollution or land use as discrete issues. This also goes back to Palko v. Connecticut, where the courts held that only rights "implicit in the concept of ordered liberty" and "so rooted in the traditions and conscience of our people as to be ranked as fundamental" are protected under the Fourteenth Amendment.[18] Juliana contended that a livable climate is not a policy preference but a prerequisite to the exercise of all other rights so essential to liberty and justice that its loss would violate the constitution. The resources

[16] (Layzer, 12)
[17] (Novak, 746)
[18] (Palko v. Connecticut, 302 U.S. 319, 325)

at stake include not only atmospheric stability but also land, water, public health, and biodiversity. The plaintiffs detailed having suffered injuries from forced relocation to exacerbated medical conditions, which shows how climate change takes away basic human needs.

Some plaintiffs even provided individualized accounts of how climate change has already caused them harm. For example, Jaime B. was forced to relocate due to water scarcity, which separated her from relatives on the Navajo Reservation, a type of injury recognized by the court as concrete. Levi D., another plaintiff, had to evacuate his coastal home multiple times due to flooding, which the Ninth Circuit Court has identified as a legally valid injury through reduced property value. These are not hypothetical harms but are immediate and measurable.[19]

As early as 1986, a U.S. Senate subcommittee warned of the "very real possibility" that human actions driven by "ignorance or indifference, or both" were "irreversibly altering the ability of our atmosphere to perform basic life support functions for the planet."[20] This statement pinpoints that federal officials were fully aware of climate risks decades ago yet still pursued policies that intensified them. As legal scholar Julia Olson states, a stable climate is the foundation for children's ability to access all other rights from physical and emotional health to education, food security, and the safety of their homes and communities.[21] According to the plaintiffs' experts, these harms represent only the beginning of a much larger and rapidly approaching catastrophe one that threatens to dismantle the societal, ecological, and geographic foundations of life in the United States if left unaddressed.[22] One must note that the government

[19] (*Juliana*, 947 F.3d, 1168)
[20] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 25)
[21] (Olson, 2023, 779).
[22] (*Juliana*, 947 F.3d, 1176)

did not dispute the factual basis of the plaintiffs' allegations about climate change and its harms.[23] This hinted acknowledgment of the crisis paired with continued inaction illustrates a major governance failure. The government's failure to act, or its continued support of fossil fuel industries, was argued as a violation of these fundamental rights.

Among the evidence presented by the plaintiffs was a striking 1969 memo from a top aide to President Nixon's domestic policy adviser, warning that rising sea levels could one day wipe out major U.S. cities like New York and Washington illustrating just how early the federal government understood the existential risks of fossil fuel emissions.[24]

The ruling of the Juliana case shows how deeply limiting the current framework of environmental governance is. The Ninth Circuit found the plaintiffs' injuries to be concrete and traceable to government actions but held that the judiciary could not offer a remedy because it would require "designing and supervising a national decarbonization plan," a task that the courts claimed was political rather than judicial.[25] No regulatory protections were directly added as a result of Juliana, but the case shifted legal and public discourse by framing climate stability as a constitutional right. This gap in court-driven remedies displays a larger challenge when executive agencies attempt to address climate change, they are often constrained by legal and political barriers. As Layzer notes, the Obama administration's Clean Power Plan, an effort under the Clean Air Act to curb $CO_2$ emissions, was halted by the Supreme Court in 2016 before it could be implemented, casting doubt on the EPA's authority and the court's use of the major questions doctrine.[26] The Court acknowledged that while it may not be able to fully remedy the

[23] (*Juliana*, 947 F.3d, 1167)
[24] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 24-25).
[25] (*Juliana*, 947 F.3d, 1172)
[26] (Layzer, 294)

plaintiffs' climate-related injuries, even partial redress can satisfy legal standing.[27] As the Ninth Circuit has clarified in past rulings, "a plaintiff need not show a favorable decision is certain to redress his injury," but only that there is "a substantial likelihood it will do so."[28] This legal standard reinforces the idea that court intervention can still be meaningful even when it cannot fully resolve the crisis.

However, as legal scholar Professor Mary Wood argues, climate change is not a typical policy dispute, it is an unprecedented and imminent emergency that must be treated as "sui generis," or in a class of its own.[29] Wood's framing challenges the idea that traditional legal hesitation should apply, insisting that the judiciary has a constitutional obligation to confront a threat of this magnitude. The Court itself echoed this urgency, stating "This catastrophe is *the* great emergency of our time and compels urgent action."[30] This framing makes clear that the climate crisis is not merely a policy challenge but a constitutional emergency demanding judicial attention. The court emphasized that it cannot abdicate its constitutional responsibility to decide on the rights of individuals who bring legitimate cases reinforcing that courts, as a coequal branch of government, have a duty to act, not defer entirely to Congress.[31]

This judicial reluctance reflects a broader mismatch between science and U.S. policymaking. As Layzer notes, the dominance of entrenched interests in environmental governance not only gives them an upper hand in shaping debates but also causes policies to lag far behind what science demands.[32] At its core, the judiciary's role is to uphold constitutional

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[27] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 30, (Meese v. Keene, 481 U.S. 465, 476 (1987))
[28] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 30, (Washington Env't Council v. Bellon, 732 F.3d 1131-1146)
[29] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 11)
[30] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 7)
[31] (*Juliana*, 2023 U.S. Dist. LEXIS 231191, 10, (Marbury v. Madison))
[32] (Layzer, 396)

rights independently of legislative or popular opinion. As Justice Kagan emphasized in a recent Supreme Court argument, the very essence of a right is that it does not require the approval of Congress or the majority to be protected.[33] This shows the irony of courts deferring to political branches that have repeatedly failed to act.

As some legal scholars warn, continued judicial refusal to hear climate cases on political question grounds risks eroding not only the perceived legitimacy of the courts but also the foundational credibility of the rule of law itself.[34] When courts sidestep such urgent constitutional claims, they risk appearing complicit in the failure of democratic institutions to safeguard fundamental rights. Similarly, Judge Staton puts it in her dissent, that the government's inaction in the face of the climate crisis is "as if an asteroid were barreling toward Earth and the government decided to shut down our only defenses."[35] While agencies may regulate emissions and Congress may pass environmental laws, there has been little coordinated action in line with the climate crisis. The courts have refused to mandate such coordination even when petitioned by those most vulnerable to climate change. Despite acknowledging the gravity of the plaintiffs' claims, the Ninth Circuit ultimately held that addressing such systemic climate harm was the responsibility of the political branches or the electorate, not the judiciary. This reinforces the limits of environmental governance when it depends on courts to deliver structural change.[36] The result is a fragmented system where neither statutory nor constitutional tools adequately safeguard environmental rights. Even if judicial intervention cannot fully resolve the climate crisis, "properly framed, a court order even one that merely postpones the day when remedial measures become insufficiently effective" could still "have a real impact on preventing

[33] (Olson, 2023, 779)
[34] (Novak, 743)
[35] (*Juliana*, 947 F.3d, 1175)
[36] (*Juliana*, 947 F.3d, 1175)

the impending cataclysm."[37] As the Ninth Circuit acknowledged, we are living in a uniquely critical moment, one in which society both understands the science of climate change and still has a narrow window to act before reaching irreversible tipping points.[38] The judiciary's refusal to intervene in climate governance overlooks its constitutional duty to protect fundamental rights when other branches fail. In the face of escalating environmental injustice, courts are uniquely positioned and increasingly obligated to enforce the right to life for younger generations. Without judicial enforcement, political inertia is likely to persist, endangering both current and future generations.[39]

The Juliana case forced courts to confront the severity of climate impacts and the insufficiency of current governance. Even though Juliana failed in court, it reshaped public discourse. As scholars have noted, legal proceedings can still be powerful even without winning a case they can raise an issue's visibility and reframe how the public and institutions perceive it.[40] The plaintiffs' strong factual record made it harder for political leaders to ignore the government's role in causing climate change and its moral duty to address it.[41]

As Layzer notes, "filing civil or criminal suits in hopes of proving liability—can prompt changes in the behavior of a polluter even in the absence of regulatory change."[42] Juliana similarly sought to shift the federal government's stance on climate responsibility, even without securing a court-mandated remedy. Layzer also notes that persistent efforts by opponents of climate policy to discredit mainstream science demonstrate how the framing of climate change in

[37] (*Juliana*, 947 F.3d, 1182)
[38] (*Juliana*, 947 F.3d, 1180-81)
[39] (Olson, 2023, 779)
[40] (Layzer, 401)
[41] (*Juliana*, 947 F.3d, 1175)
[42] (Layzer, 401)

political debate has been a barrier to effective action, reinforcing why litigation like Juliana is crucial for reasserting climate harms as constitutional and human rights issues.[43]

As the dissent by Judge Staton stated, the Constitution does not permit the government to knowingly destroy the nation's ability to sustain itself.[44] Judge Staton further states that the right at stake in Juliana, the right to a livable future, is inseparable from what she called the "perpetuity of the Republic," a foundational principle that, like the right to vote, serves as a "guardian of all other rights." This shows the plaintiffs' claims are not abstract environmental concerns but are essential to the preservation of constitutional democracy itself.[45]

Juliana v. United States shows the challenges and possibilities of climate governance in the 21st century. Although the case was dismissed for lack of standing, it raised eye-opening questions about the role of the judiciary in environmental protection, the importance of youth-led advocacy, and the boundaries of constitutional rights. The failure of courts to provide redress does not invalidate the claim that the right to a livable climate may be a necessary extension of life and liberty in a warming world. Going forward, Juliana will inspire new legal cases and increase public demand for structural reform. It also shows the urgent need for our executive and legislative bodies to take meaningful, science-based climate action, or else face further erosion of public trust in democratic governance itself.

[43] (Layzer, 298)
[44] (Juliana, 947 F.3d, 1176-1177)
[45] (Novak, 2020, 746)

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