



For immediate release:

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Washington Court Places Washington's Fossil Fuel Use Above the Constitutional Rights of Youth: Formal Statement to Follow

Seattle, Washington -- Today, King County Superior Court Judge Michael Scott granted the State of Washington's motion to dismiss *Aji P. v. State of Washington*, the constitutional climate lawsuit brought by 13 young plaintiffs. Given the significance of the Court's decision and the pronounced departures from proper judicial procedure and consideration of Plaintiffs' claims, Our Children's Trust will issue a formal statement regarding the decision tomorrow. The immediate reactions of the Plaintiffs and their attorneys are set forth below.

Kailani, 13-year-old plaintiff from Spokane said:

"I am deeply saddened by the Court's decision. My rights as a Native American person are being taken away because of climate change. Camas, huckleberries, salmon, and other traditional foods are disappearing and this is because of climate change that the government continues to contribute to. How long are people going to ignore that climate change is a real threat to my life and my culture? It's very disappointing. The government is not taking the kind of action necessary to protect my rights. This is a fight that we will continue to fight. It's not going to be easy, but this needs to change."

Wren, 17-year-old plaintiff from Seattle said:

"As youth on this planet, we are absolutely heartbroken to hear that the judge in this ruling has decided to dismiss our case. In his ruling Judge Michael R. Scott decided that we do not have individual fundamental rights to a clean environment because this right is simply a "desirable

objective” even though the legislature has already said we have this right. As plaintiffs on this case we believe that the ability to grow up and raise healthy families of our own on this planet is not simply desirable, but rather crucial to the prosperity of humanity on Earth. This summer alone, increasingly dangerous wildfires throughout the United States have destroyed communities and families, polluted and clouded our air, and taken human lives. I haven’t been able to leave the house without my inhaler this week because wildfire smoke has settled in Seattle. This is not the environment I believe any American deserves. What American youth deserve is to have their futures protected in our courts of law.”

James, 17-year-old plaintiff from Taholah said:

“It’s hard to capture the magnitude of the effects of Judge Scott’s decision. Our winters get more and more extreme. Our summers are drier. I miss our clean, crisp and pristine air on days like today when our clouds have a red overlay from wildfire smoke. We had another season without blueback sockeye salmon and our spring chinook is looking grim. This are only going to continue to get worse.”

Kylie, 13-year-old plaintiff from Taholah said:

“I am extremely disappointed with the Court’s decision. We have limited time to turn climate change around and every delay means more harm to me, my family, and my culture. We cannot continue down this path. I am hopeful that the appellate courts will do the right thing and allow this case to go to trial so that our voices can be heard.”

Andrea Rodgers, counsel for plaintiffs and senior staff attorney at **Our Children’s Trust** said:

“On a day when the sun in Seattle is shrouded in smoke from wildfires, the youth plaintiffs are devastated that Judge Scott declined to give them an opportunity to present their constitutional claims in a court of law. By deferring to the Executive and Legislative branches of government that have affirmatively placed these plaintiffs in harm’s way, without an appropriate legal analysis, the court has unfortunately chosen not to engage to protect the rights of these plaintiffs, to their detriment. The youth intend to continue to pursue the vindication of their constitutional rights before higher courts of law, as they have no other option.”

Andrew Welle, co-counsel for plaintiffs and staff attorney at **Our Children’s Trust** said:

“Plaintiffs intend to continue the pursuit of their urgent constitutional claims by appealing Judge Scott's decision to Washington's appellate courts. The United States Supreme Court recently ruled that similar claims against the federal government must advance to the trial stage, affirming that the judiciary has a duty to resolve constitutional claims of this nature. Given the urgency of climate change and the important constitutional issues involved, the political branches

of government cannot be immune from liability for the constitutional climate crisis of their own making.”

The youth filed the case because the state of Washington is violating their constitutional rights by perpetuating an energy and transportation system that is dependent upon fossil fuels. The case follows up on historic victories secured by young people in the case of *Foster v. Ecology*, which ultimately led to the adoption of Washington’s Clean Air Rule. In spite of the *Foster* court’s 2015 recognition that “the scientific evidence is clear that the current rates of reduction mandated by Washington law cannot achieve GHG reductions necessary to protect our environment and to ensure the survival of an environment in which [Youth] can grow to adulthood safely,” the State of Washington continues to pursue policies that cause dangerous levels of GHG emissions and harm the rights of young people.

The young plaintiffs, who range in age from 8 to 18, are supported by Our Children’s Trust, the nonprofit that supports legal actions across the world, including the landmark lawsuit against the United States, *Juliana v. United States*, that seek science-based action by governments to secure a safe climate and healthy atmosphere for all present and future generations.

Our Children’s Trust is a nonprofit organization, leading a coordinated global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentrations to below 350 ppm by the year 2100. We elevate the voice of youth, those with most to lose in the climate crisis, to secure the legal right to a healthy atmosphere and stable climate on behalf of all present and future generations.

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