

For immediate release: Feb. 8, 2021



Contacts:

Andrea K. Rodgers, Senior Litigation Attorney, Our Children's Trust, 206.696.2851, andrea@ourchildrenstrust.org

For interviews with youth plaintiffs, Beth Kim, 415.350.5455, beth@ourchildrenstrust.org

Young Climate Change Plaintiffs Denied Court Trial, Will Take Their Case to State Supreme Court

SEATTLE – Today, the Washington State Court of Appeals ruled against 13 young plaintiffs in [*Aji P. v. State of Washington*](#) who had asked that their constitutional climate change case be heard in court.

Despite acknowledging that “the right to a stable environment should be fundamental,” that “climate change poses a very serious threat to the future stability of our environment,” and that “the federal and state governments must act now to address climate change,” the court ruled that the case presents a political question rather than one that should be decided in a courtroom.

“This decision is a travesty of justice,” said Andrea Rodgers, Senior Litigation Attorney with Our Children's Trust, who represented the plaintiffs. “The panel fundamentally fails to grasp the role of the judicial branch in interpreting the Constitution and declaring the law. This decision will go down in history as an example of a court abandoning their duty to enforce the Constitution in the face of an existential crisis.”

The lawsuit, [filed in 2018](#), names the state, Gov. Jay Inslee, and several state agencies as defendants. It claims that actions the defendants are taking make the climate crisis worse and cause the youth plaintiffs harm. The complaint asserts that in causing climate change, Washington has violated the youngest generation's constitutional rights to life, liberty, property, and equal protection of the law and has caused impairment of essential public trust resources.

The plaintiffs seek a declaration of their fundamental rights to life, liberty, and a healthful environment -- and thereafter a government-created plan to comprehensively address the crisis.

Attorneys for the youth plaintiffs will be petitioning the Washington Supreme Court to review the decision.

Plaintiff India B, whose family farm in Eastern Washington has been devastated by recent wildfires, said, “Since when have wildfires and my right to life been a political question? My constitutional right to live here in Washington should not be up for a vote. It’s an objective fact that climate change is impacting me, the political branches are making the problem worse, and the court should step up to protect my rights.”

Plaintiff Athena F., who has been seeking judicial protection of her constitutional rights for over six years, said, “I am really frustrated with the decision because the judges realize climate change is a big problem, but they say they don’t have the power to do anything about it. We have three branches of government for a reason. There should be a role for all of them to play. The court just isn’t brave enough to hear our case. I’m only 17 and I still can’t vote so climate change is not a political question for me.”

[Aji P. v. State of Washington](#) is one of several youth-led climate change lawsuits brought by [Our Children’s Trust](#). Other state cases include [Held v. State of Montana](#), [Sagoonick v. State of Alaska](#) and [Reynolds v. State of Florida](#). Our Children’s Trust also represents the youth plaintiffs behind the landmark federal constitutional climate lawsuit, [Juliana v. United States](#), which was brought by 21 young Americans and the youth-led climate organization, Earth Guardians.

Our Children’s Trust is a nonprofit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth’s climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths’ legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global levels. www.ourchildrenstrust.org/