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Against Strong Dissent, Washington State Supreme Court Denies Youth Their Day in Court

SEATTLE – Today, in a 7-2 vote, the Washington State Supreme Court declined to hear the case of 13 young plaintiffs in [Aji P. v. State of Washington](#) who were seeking to have their constitutional rights protected in the face of the climate crisis.

In a powerful dissent, Chief Justice González and Justice Whitener called the case “an opportunity to decide whether Washington’s youth have a right to a stable climate system that sustains human life and liberty. We recite that we believe the children are our future, but we continue actions that could leave them a world with an environment on the brink of ruin and no mechanism to assert their rights or the rights of the natural world. This is our legacy to them described in the self-congratulatory words of judicial restraint.”

The two Justices noted that the plaintiffs are, for the most part, unable to vote yet, and that they’ve asked the court “to recognize a fundamental right to a healthful and pleasant environment that may be inconsistent with our State’s maintenance of a fossil-fuel-based energy and transportation system that it knows will result in greenhouse gas emissions. These greenhouse gases hasten a rise in the earth’s temperature. This temperature change foreshadows the potential collapse of our environment. In its place is an unstable climate system, conceivably unable to sustain human life and continued enjoyment of ordered liberty under law.”

They added that the case “raises significant questions of constitutional law and issues of substantial public interest warranting our review,” among them whether the youths’ claims are justiciable.

A declaration of rights from the state Supreme Court would be “meaningful relief,” the dissenting Justices asserted, “even if it is not a magic wand that will eliminate climate change ... The court should not avoid its constitutional obligations that protect not only the rights of these youths but all future generations who will suffer from the consequences of climate change. For these reasons, I would have granted review.”

The lawsuit, [filed in 2018](#), names the state, Gov. Jay Inslee, and several state agencies as defendants. The complaint asserts that in causing climate change, Washington state government has violated the youngest generation’s constitutional rights to life, liberty,

property, equal protection of the law, and to a healthful and pleasant environment, and has caused impairment of essential public trust resources.

“Despite rising emissions, devastating forest fires, and loss of life from unprecedented heatwaves, a majority of our state Supreme Court deferred to the very political branches that are causing the crisis. It is a tragedy that with all of the hardships our youth are facing, our highest state court has voted to deny them justice. We take solace in the powerful dissenting opinion penned by Chief Justice González and Justice Whitener, and know that someday soon it will control the day,” said plaintiffs’ attorney Andrea Rodgers of Our Children’s Trust.

The dissent also noted the many amici that urged the court to review “based on the accelerating harm that present and future generations will incur from climate changes within the State’s control, for example, three local tribes with land abutting marine waters have already seen impacts from rising sea levels, as well as impacts from wildfires and changes to river systems ... These are specific, localized harms.”

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 state Court of Appeals ruled earlier this year that the case could not be decided by Washington’s courts.

“While the decision is disappointing, it’s not surprising,” said plaintiff Adonis. “I have gotten pretty used to having those in power deny me my future. At least two of the Justices understand the gravity of the crisis and were willing to stand up for us. Hopefully others will follow their lead.”

“Just as the dissents in Dred Scott and Plessy led the way to right those wrongs, so too will the mounting dissenting opinions in the United States that would protect our children,” said Julia Olson, chief legal counsel for Our Children’s Trust.

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[*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.

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.