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Alaska Youth File Petition for Rehearing in Constitutional Climate Case

ANCHORAGE – Today, attorneys for 16 young Alaskans, including Alaska Natives, [filed](#) a petition for rehearing to the Alaska Supreme Court in the children's constitutional climate case, [Sagoonick v. State of Alaska](#).

The petition for rehearing was filed in response to a split 3-2 decision on January 28th, where the Alaska Supreme Court [denied](#) the young Alaskans their right to challenge the constitutionality of a state law that requires Alaska to promote fossil fuel development, transport, and use. Only one active justice on the bench, Justice Winfree, ruled against the youth in that decision; two retired justices who are no longer on the bench - Justices Bolger and Stowers - joined the majority. Two active justices - Justices Maassen and Carney - [dissented](#), ruling that the youth should be able to protect their rights to a climate system that sustains life under the Alaska Constitution.

In the petition, attorneys for the youth plaintiffs explained that “the judge-made doctrine of ‘prudential concerns’ should not be misused to evade the Court’s duty to check the State’s endangerment of the lives of politically-powerless children. The Opinion perverts the concept of ‘prudence,’ allowing Alaska’s political branches to implement a policy the Court acknowledges ‘creates an existential threat to human life[.]’” Attorneys for the young Alaskans continued, “The profound harms posed to Youth Plaintiffs can be proven at trial and prevented by a declaratory judgment. Or they can be proven by the further unfolding of the climate catastrophe Defendants continue to perpetrate...The Opinion guarantees the latter.”

“Our hope is that the justices will take another look at how urgent and important constitutional review of the statute challenged in this case is to the lives of these young people,” said Andrew Welle, lead counsel for the youth plaintiffs. “Every day that the State’s statutory fossil fuel promotion policy remains on the books is another day that Alaska’s political branches continue to irreversibly harm these young Alaskans. If courts don’t step in to review the life-threatening conduct of the political branches now, it will soon be too late to protect these youth.”

The Court will now consider whether to grant the youth plaintiffs’ petition to rehear their case. If the Court grants the petition, it must first request a response from the State.

Filed in 2017, the youth plaintiffs in *Sagoonick v. State of Alaska* claim that Alaska's fossil fuel energy policy causes and exacerbates the climate crisis in Alaska, harming their health, safety, homes, and cultures in violation of their fundamental rights under Alaska's Constitution.

The youth are supported by [Alaska Native groups](#), [the League of Women Voters Alaska](#), and [31 law professors from 26 law schools](#), all of whom filed *amicus curiae* (friend of the court) briefs with the Alaska Supreme Court arguing that the youths' case should go to trial.

Counsel include Andrew Welle, Esq. of Eugene, Ore. and Brad De Noble, Esq. of Eagle River, Alaska.

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[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.