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### **Alaska Supreme Court Again Denies Justice for Young Alaskans in Constitutional Climate Case**

ANCHORAGE – Today, the Alaska Supreme Court [denied](#) a petition for rehearing filed by 16 young Alaskans following the Court's recent split 3-2 decision in the youths' constitutional climate case, [Sagoonick v. State of Alaska](#).

On January 28th, despite a powerful dissent written by Justices Peter J. Maassen and Susan M. Carney, the Alaska Supreme Court had ruled against the youth plaintiffs, denying the young Alaskans their right to bring their constitutional case challenging the state's policy of promoting fossil fuels. In today's decision, the Justices decided not to reconsider that decision. While the youth awaited this ruling, retired Justice Stowers, who joined the three Justice majority opinion against the youth, passed away on February 10th, leaving the Court with a possible 2-2 split on the question of whether young people should be able to bring a constitutional challenge to the state's fossil fuel energy policy.

In their petition for rehearing submitted on February 7th, attorneys for the youth plaintiffs had argued 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."

Since the Court's opinion was issued in January, it has been a topic of discussion in the halls of the state legislature. On February 9th, Alaska State Representative Ben Carpenter (R) [spoke](#) on the House floor about the split decision and how close the youth were to securing a favorable decision from the Alaska Supreme Court: "All it took

was one Justice to change their mind and the Supreme Court of the State of Alaska would have established a constitutional right to a safe climate.” He continued, noting that “this isn’t going away” and “the implication here [is that the Alaska state government’s] oil exploration policy, our energy policies...need to be adjusted to account for an individual’s right to have a safe climate.” He concluded with “I would ask all Alaskans to go read the case, especially the dissenting opinion.”

Andrew Welle, lead counsel for plaintiffs said, “Today’s decision is a travesty of justice for Alaska’s youth and a further betrayal of the courts’ duty to decide constitutional claims under Alaska’s system of checks and balances. If Alaska’s Constitution is to hold any promise for the children of Alaska, they must be able to access their courts. Alaska’s political branches cannot be allowed to continue to destroy the state and the futures of these youth.”

Julia Olson, Chief Legal Counsel for Our Children’s Trust, stated, “While the *Sagoonick* case has reached the end of judicial review, the youths’ efforts to have the third branch of government check the constitutional abuses of the political branches is not over. We are already preparing the next round of litigation for the youth of Alaska. The courts *must* exercise their constitutional role to interpret the law and say when conduct of the other branches is unconstitutional. Lives are at stake. Alaska is at stake. This is not an oligarchy, but a constitutional democracy. We aren’t going away.”

The youth plaintiffs and their attorneys are now working on next steps to hold their state government accountable for its affirmative actions causing and worsening the climate crisis in Alaska, thus harming the youth and violating their rights under Alaska’s Constitution.

Youth plaintiff Liszka, 20, stated, “The Supreme Court’s decision to deny our petition for rehearing reflects Alaska’s stance to continue relying on fossil fuels to the detriment of our environment, our livelihoods, and future generations of Alaskans. I am most disappointed that the Court won’t give me and my fellow plaintiffs a chance for our voices to be heard. However, we are not defeated and we will not give up until we secure protection of our legal right to a safe climate in Alaska.”

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.

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

*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.*