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Alaska Supreme Court Hears Argument in Constitutional Climate Lawsuit Brought by Young Alaskans

Anchorage, Alaska -- Yesterday, Alaska Supreme Court Justices Winfree, Stowers, Maassen, and Carney heard lively oral arguments in *Sinnok v. State of Alaska*, the constitutional climate lawsuit brought by 16 young Alaska Natives and Alaskans against the State of Alaska, Governor Dunleavy, and five state agencies. The oral argument took place before hundreds of people in a packed courtroom and was live-streamed to a broader audience. Chief Justice Bolger was not in attendance for the argument.

The State Supreme Court is reviewing Superior Court Judge Gregory Miller's dismissal of the youths' case and will decide whether under Alaska's system of separation of powers, Alaska's courts have the duty to determine the constitutionality of Alaska's statutory energy policy, which requires the State to promote fossil fuel development. The youth plaintiffs contend that Alaska's fossil fuel energy policy, and the fossil fuel development and ensuing greenhouse gas emissions that result from the law, have already placed them in danger and will continue to harm their health, safety, homes, and Native villages. They say that the State's actions that exacerbate the climate crisis violate Alaska's Constitution.

The State argues that the constitutionality of the State's promotion of fossil fuels cannot be reviewed by the courts because it is a "political question" for sole determination by the legislative and executive branches. The State has not argued yet with the facts of the case, and does not deny that climate change is having enormous impacts on Alaska and its youth. During

the argument, Assistant Attorney General Anna Jay argued only that the courts cannot decide whether the State’s energy policy is constitutionally permissible.

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

“It would be unprecedented for the Court to rule that it cannot decide the constitutionality of the State statutory energy policy. In the midst of the climate crisis, and with full knowledge of the dangers, the State codified a statute that promotes fossil fuels, contributes to climate change, and harms these young Alaskans. It is the core purpose of Alaska’s courts to decide whether such a statute violates the Alaska constitution.”

Esau Sinnok, 21-year-old plaintiff from Shishmaref, Alaska, said:

“I am here for my people and for the animals and the land that give so much to us. I am here because the animals and land do not speak English and I am here to give them voice. We are in the court to protect our very existence and our future.”

Summer, 18-year-old plaintiff from Unalakleet, Alaska, said:

“For the past few years we have struggled with our subsistence lifestyle. We hunt big game, which means we travel 200-300 miles total to catch Caribou. For the past few years we have been experiencing short and rainy winters. The snow melted early. The river never froze over completely. And this made it dangerous to travel by snow machine. Growing up I heard stories about how people traveled a half mile outside of Unalakleet just to catch Caribou. Because of climate change we have to travel about a five-day trip, considering if you could travel under the melting snow conditions. I care about my culture. It makes me who I am. We live off the land. We rely on our plants and animals to survive. Subsistence is MY life! I am Inupiaq and I am proud.”

Cecily, 9-year-old plaintiff from Homer, Alaska, said:

“I think we’re going to win! We need to because this summer we couldn’t go outside because of the smoke from wildfires and going outside is my favorite part of school.”

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 forward.

[Sinnok v. Alaska](#) is one of many related legal actions supported by Our Children’s Trust, and brought by youth in several states and countries, including [Juliana v. United States](#), seeking to end dangerous energy policies and secure a safe climate and healthy atmosphere for present and future generations.

Counsel for Plaintiffs include Andrew Welle, Esq. of Eugene, OR and Brad De Noble, Esq. of Eagle River, AK.

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

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