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Governor Jay Inslee
c/o Attorney General Robert Ferguson
1125 Washington Street SE
Olympia, WA 98504-0100

Re: *Aji P., et al. v. State of Washington, et al.*, No. 18-2-04448-1 SEA (King County Superior Court)
(filed February 16, 2018)

Dear Governor Inslee,

I write on behalf of thirteen young people, all under the age of 18, who have commenced a lawsuit against you and some of your state agencies in King County Superior Court. The youth seek to protect their fundamental constitutional rights that are being infringed by the State of Washington's energy and transportation system that results in dangerous levels of greenhouse gas emissions. As part of their effort, the youth invite you to meet with them to discuss ways in which we can collaborate.

You have met many of the Plaintiffs before, as some of them were litigants in a previous case against the Washington Department of Ecology known as *Foster, et al. v. Ecology*. In that case, King County Superior Court Judge Hollis Hill recognized the urgency of addressing the climate crisis and found that the youth had constitutional rights to live in a healthful and pleasant environment with the benefit of public trust resources. Ultimately, the case was resolved in light of your directive that Ecology promulgate the Clean Air Rule, the implementation of which is now in question in light of recent proceedings in Thurston County Superior Court. Other youth across the state have now joined them in their efforts to secure a constitutionally-compliant energy and transportation system in the state of Washington.

The youth have initiated this lawsuit in order to spur the systemic changes that need to occur immediately to address the climate crisis. There is no longer time to pursue half-measures that legalize dangerous levels of emissions and seek only to reduce Washington's greenhouse gas emissions by amounts that are consistent with allowing temperatures to rise to 2 degrees C or more above preindustrial levels, when the 1 degree C of warming these youth already face is highly dangerous. Even the federal government's climate scientists have acknowledged that the amount of warming experienced to date puts us in the "danger zone." As the youth explain in their complaint at paragraph 206:

Having an emissions level target of 50% (statewide) and 57% (state agencies) by 2050 embedded in law inevitably permits the State and its agencies (Defendants) to violate

constitutional rights of children, including the Plaintiffs. It is akin to saying in a statute that public education for children can be funded at 50%, or only 50% of public schools need be desegregated to protect the rights of African American children. Absent court intervention, as history has shown, government will do the minimum required of it by the legislature, and young people will suffer.

The heart of the problem is that Washington continues to rely on fossil fuels for its transportation and energy systems. As history has demonstrated, systemic societal changes necessary to rectify constitutional violations require the participation of all three branches of government, including the judiciary. The youth applaud and appreciate your vocal concern about the dangers posed by climate change and the need to urgently address it. However, Washington State's policies continue to violate the youth's fundamental rights because the needed systemic changes are yet to be called for or implemented. For that reason, the youth have once again sought the assistance of the judicial branch of government to secure their constitutional rights.

The youth seek your assistance as well, Governor Inslee, in the nature of your response to this lawsuit. They do not bring this lawsuit to challenge your conviction on climate change or your character. They bring it to protect their land, their homes, their food sources, their water supply, their physical and mental health, their lives and liberties. They cannot vote, but they hold these inalienable rights to be secure in their persons and to benefit from the public trust resources that should be passed down to every generation healthy and functioning. Government defendants can lawfully concede liability where systemic constitutional violations are occurring, just as the State of California did during prison reform litigation to protect the constitutional rights of those incarcerated in overcrowded prisons. Also during the civil rights movement, youth-led organizing and litigation spurred systemic change, but it also took bold political leaders to stand and lead with those young people, to not repel the role of the courts but to embrace their important place in issuing judgments to guide the political branches in creating constitutionally-compliant desegregated school systems and rectifying other systems of discrimination.

Experts have clearly articulated the need for massive, near-term emission reductions coupled with energy and transportation system changes. These systemic changes are technically and economically feasible and urgently needed, but the political will to implement those systemic changes at the pace needed to avert climate catastrophes has been sorely lacking for decades, indeed, for longer than these children plaintiffs have been alive. These youth have no more time to barter and plead with those whose metric is political feasibility instead of constitutional duty and scientific necessity.

At any time, we invite you to meet with the youth and their experts if you are interested in discussing ways in which you can work with them to achieve a constitutionally-compliant Climate Recovery Plan that protects the rights of young people and future generations.

With respect and sincere hope for your partnership,



Andrea K. Rodgers
Attorney for Youth Aji P., et al.