

No. 87198-1

SUPREME COURT OF THE STATE OF WASHINGTON

ADORA SVITAK, a minor child by and through her guardian, JOYCE SVITAK; TALLYN LORD, a minor child by and through his guardians JUSTIN LORD and SARA WETSTONE; HARPER LORD, a minor child by and through his guardians JUSTIN LORD and SARA WETSTONE; ANNA IGLITZIN, a minor child by and through her guardians DMITRI IGLITZIN and EILEEN QUIGLEY; JACOB IGLITZIN, a minor child by and through his guardians DMITRI IGLITZIN and EILEEN QUIGLEY; COLIN SACKETT, a minor child by and through his guardians BJ CUMMINGS and TOM SACKETT,

Petitioners,

v.

STATE OF WASHINGTON; CHRISTINE GREGOIRE, in her official capacity as Governor of Washington state; TED STURDEVANT, in his official capacity as Director of the Department of Ecology; PETER GOLDMARK, in his official capacity as Commissioner of Public Lands; PHIL ANDERSON, in his official capacity as Director of the Department of Fish and Wildlife,

Respondents.

MOTION TO SUBMIT *AMICI CURIAE* MEMORANDUM IN SUPPORT OF PETITION FOR DIRECT REVIEW OF BISHOPS BOERGER, HOFSTAD, AND WELLS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA; FAITH ACTION NETWORK; THE PACIFIC NORTHWEST CONFERENCE OF

MOTION TO SUBMIT *AMICI CURIAE* MEMORANDUM IN SUPPORT OF PETITION FOR DIRECT REVIEW

**THE UNITED CHURCH OF CHRIST; THE PACIFIC
NORTHWEST CONFERENCE OF THE UNITED METHODIST
CHURCH; THE RIGHT REVEREND GREGORY RICKEL, VIII
BISHOP OF OLYMPIA, THE EPISCOPAL CHURCH IN
WESTERN WASHINGTON; THE SISTERS OF ST JOSEPH OF
PEACE; WASHINGTON UNITARIAN UNIVERSALIST VOICES
FOR JUSTICE**

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I. RELIEF REQUESTED

Representatives of seven diverse faith-based communities apply for permission to submit an *Amici Curiae* Memorandum in support of direct review of the above-captioned case pursuant to RAP 10.6 and RAP 13.4(h).

II. IDENTITY AND INTERESTS OF *AMICI*

Through combined spiritual care, healthcare, education, and advocacy, *Amici* serve thousands of people in the State of Washington. *Amici* include Bishops Boerger, Hofstad, and Wells of the Evangelical Lutheran Church in America; Faith Action Network; The Pacific Northwest Conference of the United Church of Christ; The Pacific Northwest Conference of the United Methodist Church; The Right Reverend Gregory Rickel, VIII Bishop of Olympia, The Episcopal Church in Western Washington; The Sisters of St Joseph of Peace; and Washington Unitarian Universalist Voices for Justice.

Amici share a deep traditional and spiritual commitment to caring for the Earth, sustaining life on this planet, and increasing justice for people who are poor, marginalized, and vulnerable. *Amici* are united in their diverse religious traditions to “[c]hoose life, so that you and your children may live.” (Deut. 30:19). Climate change has strengthened the

urgency of this larger calling. *Amici* believe that “[t]o disrupt the climate that is the cornerstone of all life and to squander the extraordinary abundance of life, diversity, and beauty of the planet is a moral failure of the first order.”¹

The church bodies of the *Amici* have passed internal policies and issued governing statements confronting climate change as one of the most important moral and spiritual issues of our time. These faith-based communities have responded to calls to act on climate change from outside faith communities as well. In the “1992 World Scientists’ Warning to Humanity,” 1,700 leading scientists called for the world’s religious leaders to lend a moral voice to climate change and the dangers it poses to the Earth and its peoples, particularly communities of color, youth, elderly, and poor who will unjustly suffer the greatest burdens.²

The interest of *Amici* in this case is guided by three faith-based norms of social and environmental responsibility: (1) It is morally wrong to unjustifiably cause human suffering and death; (2) religious communities must honor our moral obligation for equity and justice; and

¹ Interfaith Call to Action on Climate Change [hereinafter Interfaith Call], <http://www.interfaithactiononclimatechange.org/> (last visited June 4, 2012).

² See Henry Kendall, Former Chair of Board of Directors, Union of Concerned Scientists, 1992 World Scientists’ Warning to Humanity (Nov. 1992), <http://www.ucsusa.org/about/1992-world-scientists.html> (last visited June 5, 2012).

(3) the Earth, which is the source of all life, must be protected.³ *Amici* believe that the protection of the atmosphere under the public trust is a human rights issue of significant importance in Washington and deserves urgent and direct review in this Court.

III. FAMILIARITY WITH ISSUES

Amici are familiar with the issues presented in this particular case and have read the arguments presented to the Court by the parties. *Amici* share a long-standing philosophical, theological, and spiritual concern about the issues of climate change and social justice and the disproportionate burden of climate change on the most vulnerable members of our society.

VI. SPECIFIC ISSUE TO BE ADDRESSED

Whether the protection of the atmosphere under Washington's public trust doctrine presents a fundamental and urgent issue of broad public import meriting direct and accelerated review?

V. NEED FOR ADDITIONAL ARGUMENT

The legal question at issue goes well beyond the interests of the parties. *Amici* wish to bring to the attention of the Court the linkages

³ See Interfaith Call, *supra* note 1.

between climate change and human rights protected by international human rights obligations. The threat of climate change to human rights is an issue of significant concern and importance to the members and the communities that *Amici* serve.

A moral and ethical perspective on climate change grounded in the authority of the principles and standards of international human rights law is unlikely to be provided by the parties or other *amici*.

VI. CONSENT OF OTHER PARTIES

Petitioners Svitak et al. and Respondents State of Washington et al. have consented to the filing of this brief. *Amici* therefore respectfully ask the Court to grant it permission to file an *Amici Curiae* Memorandum in Support of Petition for Direct Review of this case.

VII. THE *AMICI CURIAE* MEMORANDUM IN SUPPORT OF PETITION FOR DIRECT REVIEW

Submitted along with this Motion is the *Amici Curiae* Memorandum in Support of Petition for Direct Review of Bishops Boerger, Hofstad, and Wells of the Evangelical Lutheran Church in America; Faith Action Network; The Pacific Northwest Conference of the United Church of Christ; The Pacific Northwest Conference of the United Methodist Church; The Right Reverend Gregory Rickel, VIII

Bishop of Olympia, The Episcopal Church in Western Washington; The Sisters of St Joseph of Peace; and Washington Unitarian Universalist Voices for Justice.

RESPECTFULLY SUBMITTED this 6th day of June, 2012.

s/ Jennifer J Marlow
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DECLARATION OF SERVICE

I, Jennifer J. Marlow, hereby declare that on this day I caused this Motion to Submit an *Amici Curiae* Memorandum in Support of Petition for Direct Review to be served on Petitioners via electronic mail and on Respondents via electronic mail and U.S. Mail, next day delivery.

Stated under oath this 6th day of June, 2012, in Seattle, Washington.

s/ Jennifer J. Marlow
Jennifer J. Marlow