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U.S. Senator Merkley and Congresswomen Schakowsky and Jayapal Reintroduce Resolution Recognizing Children's Fundamental Rights and Need for Climate Recovery Planning after First U.S. Youth-led Climate Rights Trial

Youth from across the United States urge Congress to protect their constitutional rights and recognize the disproportionate harms of the climate crisis to children

WASHINGTON, DC – Today, Senator Jeff Merkley (D-OR), Chair of the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee and member of the Environment and Public Works Committee, Congresswoman Jan Schakowsky (IL-09), a Chief Deputy Whip and Ranking Member on the House Innovation, Data, and Commerce Energy and Commerce Subcommittee, and Congresswoman Pramila Jayapal (WA-07), a Senior Whip, the Chair of the Congressional Progressive Caucus and Ranking Member of the House Immigration Integrity, Security, and Enforcement Judiciary Subcommittee, reintroduced concurrent resolutions in the United States Senate and House of Representatives to protect the fundamental rights of the nation's children given the accelerating human-caused climate crisis.

Twelve Senators, including Senators Blumenthal, Booker, Duckworth, Durbin, Markey, Murray, Padilla, Sanders, Van Hollen, Warren, Whitehouse, and Wyden and 64 Representatives, including Representatives Blumenauer, Castor, Chu, Frost, Grijalva, Jackson Lee, Khanna, McGovern, Nadler, and Raskin joined as original cosponsors of the Children's Fundamental Rights and Climate Recovery resolution.

Last month, youth climate leaders provided testimony in open court to protect their constitutional right to a safe climate in the first youth-led constitutional climate trial in U.S. history, [Held v. State of Montana](#). A second youth-led climate case, [Navahine F. v. Hawai'i Department of Transportation](#), is also heading to trial soon. Recently, members of Congress stood with the youth plaintiffs in the federal youth-led climate lawsuit, [Juliana v. United States](#), [expressing their support](#), releasing statements, and joining a Tweetstorm, shortly following U.S. District Court Judge Ann Aiken's June 1, 2023 favorable [ruling](#) which put their case back on track to trial.

However, on June 22, 2023, the U.S. Department of Justice (DOJ) [filed](#) yet another motion to dismiss the *Juliana* case and asked Judge Aiken to certify her forthcoming order on the motion to dismiss for interlocutory appeal, an anticipatory request. Then, on July 7, 2023, the DOJ [filed](#) a motion to stay litigation, as well as requested that Judge Aiken certify her June 1 ruling for interlocutory appeal. While youth in state climate cases progress toward trial where their claims are heard by a judge, as the judicial process is designed to do, the *Juliana* youth continue to wait for their day in federal court after almost eight years of unprecedented efforts by the DOJ to try to delay and dismiss their case.

In solidarity, young people from across the country joined *Juliana* youth plaintiffs to support the reintroduction of the resolution. They participated in virtual and in-person congressional Youth Meeting Days co-hosted by [Our Children's Trust](#), [Zero Hour](#), [Schools for Climate Action](#), and the [Rachel Carson Council](#), with a clear mission to urge members of Congress to recognize youth's constitutional rights to a safe climate system and demand climate recovery planning. Young Americans shared their extraordinary stories about the physical and mental health harms they have personally experienced as the climate crisis worsens and their fears about the future for themselves, their families, and their communities.

The Children's Fundamental Rights and Climate Recovery resolution recognizes that the current climate crisis disproportionately affects the health, economic opportunity, and fundamental rights of children, and demands that the United States develop a national, science-based, and just climate recovery plan to meet necessary emissions reduction targets. It also recognizes that a climate system capable of sustaining human life is fundamental to a free and ordered society and preserves other fundamental rights, including the rights to life, liberty, property, personal security, and the ability to transmit cultural and religious traditions. The resolution supports the principles underpinning *Juliana v. United States*, the landmark constitutional climate lawsuit brought by 21 young Americans, including 11 Black, Brown and Indigenous youth, against the executive branch of the federal government for creating a national energy system that causes climate change.

"Every child around the world deserves a healthy and prosperous future, but this reality is threatened by the increase of climate disasters, including catastrophic wildfires, extreme hurricanes, and frequent heat waves and droughts," said **Senator Jeff Merkley**. "I applaud the young activists in Oregon and elsewhere who are taking matters into their own hands with immediate and decisive steps to stand up for themselves and future generations, address the climate crisis, and tackle environmental injustice."

"Nearly eight years ago, 21 young Americans between the ages of 8 and 19 filed a constitutional climate lawsuit asserting their right to a healthy, safe climate. While we have made great strides, there is still work to be done. Just last week, we experienced four of the hottest days ever recorded on earth. Our young people deserve better," said **Congresswoman Jan Schakowsky**. "That is why I am proud to reintroduce the Children's Fundamental Rights and Climate Recovery Resolution, which demands a climate recovery plan that will put the U.S. on a path toward reducing global atmospheric carbon dioxide levels necessary to uphold children's fundamental rights. As leaders of this nation, we must recommit ourselves to protecting everyone, especially our youth, from the existential threat of climate change, and this resolution is a necessary and decisive step toward that end."

"Young people have the right to be angry with a world that hasn't protected our planet for their generation and future generations," said **Congresswoman Pramila Jayapal**. "As they fight to protect their constitutional right to climate and environmental justice, I'm proud to stand with them, recognize their rights, and acknowledge the disproportionate impact the effects of climate change have on children. As we witness catastrophic weather events happen more often, some of the hottest days our planet has ever seen, and lives put at stake every day, this resolution and the movement to protect our planet are more important than ever."

"The climate crisis is a true and present threat to our planet. It is our responsibility to act now to ensure that we pass on a livable Earth for our kids and grandkids," said **Senator Dick Durbin (D-IL)**. "I'm joining this resolution to express my support for a climate recovery plan that includes the bold initiatives necessary to give the next generation a stable climate and a better future."

Following the June 1, 2023 ruling, **Senator Sheldon Whitehouse (D-RI)** stated: “All of us have a responsibility to leave the next generation a healthy and hospitable planet. The window of opportunity to address climate change is still open, but we must follow the lead of our children and grandchildren to take action today. I’m proud to stand alongside Our Children’s Trust and young people across this country as we fight for a safer climate future.”

For more statements of support following the June 1, 2023 ruling, please see our [press release](#) and [additional statements by members](#).

The climate movement in the United States aligns with the historic civil rights movement which once again is being led by the nation’s courageous youth. In *Brown v. Board of Education*, children fought for their constitutional rights and sought a court order to desegregate schools. The *Juliana* plaintiffs are similarly fighting for their constitutional rights to a safe climate system, so that their generation and future generations can flourish. An additional parallel is evident as today’s youth demand racial justice and environmental justice. [Civil rights experts assert](#) that “climate change is a racial justice issue that has, and will continue to have, particularly devastating effects on communities and people of color, especially the children.”

In his congressional testimony at the September 2019 joint U.S. House Foreign Affairs and Select Committee on the Climate Crisis hearing, alongside Greta Thunberg, **Vic Barrett, youth plaintiff in *Juliana v. United States***, shared that as a young, Black, Latino, LGBTQ, Indigenous, first-generation Garifuna-American, his identities place him at a significantly higher risk to experience the impacts of climate change. “Just as my federal government sanctioned discrimination in schools and housing until the middle of the last century, a policy that harmed children, my federal government has also orchestrated and sanctioned a system of fossil fuel energy that is harming children in another way, irreversibly threatening our health, our personal security, our homes and our communities by creating a dangerous climate system,” Vic stated. “Like youth who have come before us in the civil rights movement and other social justice movements, it is often the youth that must shine a light on systems of injustice.” Vic still suffers from “grave anxiety about experiencing another climate-driven disaster like Superstorm Sandy” which left his family and school without power for days.

“This resolution sends a powerful message from our Congressional leaders to the nation, the U.S. Department of Justice, and the Biden administration that there is urgency to drastically change the trajectory of the climate crisis before it is past the point of no return. Our children deserve to have all three branches of their government - legislative, executive, and judicial - addressing the climate emergency. We must keep the door open to a livable, sustainable and just future for our children, instead of shutting the courthouse doors on young people and denying their access to climate justice,” noted **Julia Olson, Executive Director and Chief Legal Counsel of Our Children’s Trust**, the nonprofit law firm behind the *Juliana v. United States* case and recent first-ever U.S. climate trial in *Held v. State of Montana*. “The changing climate promises to be devastating to the health of people — particularly children — in causing physical and mental harm and death, creating food shortages, destroying property and livelihoods and tanking our economy.”

“The right to life, liberty and property that is enshrined in the U.S. Constitution is not protected if our government continues to enact policy that destroys the environment and fails to afford young people a livable future. Zero Hour is proud to endorse this resolution and the *Juliana v. U.S.* case because action on climate change is a mandate that is core to the ideals established by the constitution for everyone in the United States. It is time for the Department of Justice to end its opposition to the *Juliana* case proceeding to trial,” stated **Zanagee Artis, Founder and Executive Director of Zero Hour**.

Nancy Metzger-Carter, campaign director of Schools for Climate Action said, "Educators stand resolutely in our commitment to protect the fundamental rights of children – their rights to life, liberty, and property, which inherently encompass a climate system that sustains human life. We urgently call upon the executive branch to heed our collective voice and implement a national, comprehensive, science-based, and just climate recovery plan to ensure an equitable future where children thrive, where their rights are safeguarded, and where a sustainable climate provides the foundation for their success."

"It should not be controversial to say that young people and future generations deserve access to breathable air, unpolluted water, and a liveable planet," said **Bob Musil, President and CEO of the Rachel Carson Council**. "The youth climate movement is courageous, diverse, and incredibly inspiring. The least we can do is stand with them and fight for their futures."

Background Information

For the most up-to-date list of cosponsors and organizational endorsements, visit [here](#).

Download the fact sheet [here](#).

The final Senate and House concurrent resolutions will be posted [here](#) when they become available.

For more information on the resolutions, see Our Children's Trust website [here](#).

Learn more about the 21 *Juliana v. United States* plaintiffs [here](#).

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Our Children's Trust is the world's only nonprofit public interest law firm that exclusively 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 safe climate, based on the best available science. Globally, we support youth-led climate cases in front of national courts, regional human rights courts, and UN bodies. www.ourchildrenstrust.org