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Our Children's Trust Files Amicus Brief in *Trump v. Anderson*

"Friend of the Court" brief highlights need to protect children's rights

Washington, DC—On Wednesday, January 17, Our Children's Trust [filed an amicus brief](#) on behalf of 16 children's legal rights scholars, in support of neither party, with the Supreme Court of the United States to advocate for children's rights in *Trump v. Anderson*. The Supreme Court's analysis in this case, in which the Colorado Supreme Court rejected former president Donald Trump's constitutional eligibility as a 2024 presidential candidate because of his actions during the January 6, 2021, Capitol attack, should center the rights of children and future generations, the amicus brief explains.

The "friends of the court" include children's rights legal scholars and advocates, who submitted the brief to draw attention to constitutional text, history, and the Supreme Court's precedent that provides special protection for children and future generations. The analysis "sets forth important guardrails for evaluating Section 3 of the Fourteenth Amendment and the Court's role in protecting the perpetuity of the nation and the rule of law, not just for the voters in 2024, but for those who cannot vote and who make up the powerless majority of our Republic."

"The Supreme Court's interpretation of Section 3 of the Fourteenth Amendment is undoubtedly an enormously consequential decision for our constitutional democracy," said Julia Olson, Our Children's Trust Chief Legal Counsel and lead author of the brief. "Too often our legal system makes decisions about the fundamental rights and restrictions promised by our Constitution without considering children and future generations. We hope this brief will compel the justices to carefully consider the long-term consequences of their decision in this case on our children, their children, and on the very fabric of our nation."

The brief also urges the Court to heed the promise contained in the Fourteenth Amendment "to align our Nation's practices with the founding democratic ideals of not imposing special disabilities or harm on groups of people 'by virtue of circumstances beyond their control.'" The brief notes that there are as many children under age 18 who cannot vote in 2024 as voted for former President Trump in 2020.

“In analyzing the Fourteenth Amendment’s commitment to people’s equal treatment under law, this Court’s precedent warrants centering children in its constitutional calculus,” said Professor Catherine Smith, a leading children’s rights scholar whose scholarship focuses on the equal protection of children. “This Court’s analysis of Section 3 should be interpreted through a child-centered lens. Looking at the rights of children and future generations can provide much needed clarity and calm because it forces the Court to look beyond today’s politics and consider the lasting effects of its decision on our democratic institutions. In fact, when the Supreme Court has focused on children’s rights and interests, it has made some of our nation’s greatest leaps forward in advancing our democratic ideals.”

The case is set for oral argument on February 8, 2024. [Read the amicus brief.](#)

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Our Children’s Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children’s climate rights by courts around the world and children’s fundamental rights to life on this planet are protected.

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