

We, members of Congress, believe that youth's fundamental rights to life, liberty, and property and the access to the essential natural resources they need to survive are being threatened by a man-made climate crisis caused, in large part, by our national fossil fuel energy system. This Court must exercise its duty in assessing the conduct of its co-equal branches and evaluating the constitutionality of the conduct which violates the fundamental rights of these Youth Plaintiffs and future generations. Not only does the Court have the power to interpret the law and provide remedies for systemic violations, the federal judiciary as a whole must fulfill its duty despite the inappropriate politicization of climate change.

... The Constitution guarantees citizens protection against government action that takes away life, liberty, or property without due process. U.S. Const. Amend. V. The Youth Plaintiffs' fundamental rights to life, liberty, property, and the access to essential natural resources, as guaranteed in the Constitution and public trust doctrine, are currently being threatened by a human-induced climate crisis.

... Given the substantial evidence presented in opposing summary judgment by the Youth Plaintiffs of the present climate crisis, the harmful effects on these Plaintiffs as a result of the climate crisis, and allegations and evidence of the federal government's role in creating and perpetuating this crisis, the Court has a duty to assess the constitutionality of the conduct challenged. The judiciary cannot defer to the branches whose conduct is challenged as violating the Constitution.

... The far-reaching effects of climate change, with the lives, liberties, and properties of many generations of Americans at stake, calls upon the judiciary to look past the current political divide and exercise its duty to adjudicate the case in an impartial and unbiased manner based on the evidence. The Youth Plaintiffs must be allowed to have their day in an apolitical court to give their testimony about how they have been harmed by climate change caused by the federal government, to present their scientific evidence, and, most importantly, to defend their fundamental rights under the Constitution. The issues of whether resources foundational to human survival and security can be destroyed or irreversibly harmed cannot be deliberated solely by our government's political branches: Elected officials accept money from the very interest groups that profit off of this destruction. Our government's courts must also address these issues under exacting analyses of fundamental rights and discrimination against a class of people, our nation's youngest citizens.

Signed by: Senator Ron Wyden of Oregon; Senator Jeff Merkley of Oregon; Senator Sheldon Whitehouse of Rhode Island; Representative Debra Haaland of New Mexico; Representative Peter DeFazio of Oregon; Representative Earl Blumenauer of Oregon; and Representative Rashida Tlaib of Michigan

-Members of the United States Congress in Support of Plaintiffs-Appellees, "Juliana v. United States, United States Court of Appeals for the Ninth Circuit, Amici Curiae Brief of Members of the United States Congress in Support of Plaintiffs-Appellees" (2019) excerpt.