

## YOUTH VISIONS AND EMPOWERMENT: RECONSTRUCTION THROUGH REVOLUTION

Charisa Smith\*

*We've had this idea of growing up thinking, what the heck is this? What the heck is going on? . . . . [T]his isn't right. This is crazy. We need a whole new system . . . . OK, you guys might have been raised to think that this system benefits you, but you've been brainwashed. Let us give it to you straight.*

—Lily Mandel at age seventeen, organizer at Bucks Students for Climate Action and Protection of the Environment (Pennsylvania)<sup>1</sup>

*[C]limate justice is racial justice. Black Lives Matter isn't just about eliminating police brutality. It's about dismantling all systems that endanger Black people . . . . [S]ometimes the more popular elder activists are reformist . . . . [M]y generation . . . call[s] for abolition rather than reform . . . . [W]e don't just want to give police body cameras. We want to get rid of the police because we don't feel like they're making anyone safer . . . [or] making our neighborhoods better. And that's not new . . . Angela Davis has been saying that, many radical Black people of the past have been saying it. I think people are just becoming more aware of it.*

—Brianna Chandler at 19, Black Lives Matter activist from St. Louis, Missouri<sup>2</sup>

*Systems of oppression (capitalism, colonialism, racism, and patriarchy) have led to climate change, therefore we must shift our*

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\* Associate Professor, City University of New York (CUNY) School of Law; J.D., Yale Law School; L.L.M., Wisconsin Law. With gratitude for research assistance from Nathalie Chevalier, Alice Gilmore, Tara Reynolds, Sarah Shuster, and Carolyn Weldy.

1. Alyssa Biederman et al., *Meet Gen Z Activists: Called to Action in an Unsettled World*, ASSOCIATED PRESS (Sept. 29, 2020), <https://apnews.com/article/climate-race-and-ethnicity-shootings-climate-change-school-violence-01673bd21da246ce942d1e98a08fc96f>.

2. Jessica Bennett, *These Teen Girls Are Fighting for a More Just Future*, N.Y. TIMES (June 26, 2020), <https://www.nytimes.com/2020/06/26/style/teen-girls-black-lives-matter-activism.html>.

*culture away from these systems . . . . The people must take action rather than waiting for elected officials to lead. The elected officials must comply with the demands of the youth, therefore they must pass and enforce legislation and support policies that protect life and our future on this planet. This is a revolution.*

—Guiding Principles of Zero Hour (youth climate action organization)<sup>3</sup>

#### ABSTRACT

*Today's youth movements push society to envision a thoroughly transformed world by both rejecting the myth of the law's salience and inherent fairness and also reshaping the law itself. Discarding single-issue analyses and silos, youth activists make connections that prior generations have missed. Despite altering the political landscape and voting at the highest levels in thirty years, youth ironically remain disenfranchised in comparison with adults. Youth activists also center a previously marginalized critique of racial capitalism that invigorates the two-party system in historic ways.*

*This Article argues that certain legal measures are vital to reckon with the visionary organizing and moral authority of youth activists. While the first two Reconstructions are comparable, highly fraught historical moments, the current moment presents a revolutionary opportunity. Youth illuminate a clearer path to remedying systemic oppression and building unimagined, life-affirming institutions and norms. By clarifying the exigency of legal transformation amidst the "existential crisis" of climate catastrophe, youth simultaneously ensure our recognition of the law's imperfections and the need for community self-governance to achieve a lasting redistribution of power and wealth as liberatory justice.*

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3. *Our Guiding Principles, THIS IS ZERO HOUR*, <https://www.thisiszerohour.org/platform> (last visited Apr. 15, 2023) (scroll down to "Platform Documents"); then click "Guiding Principles").

## TABLE OF CONTENTS

INTRODUCTION.....	827
<i>Terminology and Parameters</i> .....	833
I. U.S. RECONSTRUCTION & REVOLUTION: PERSPECTIVE, HISTORY, AND OPPORTUNITIES .....	837
A. <i>Hope for a Third Reconstruction and Revolution</i> .....	837
B. <i>The First Reconstruction (1863–1877): Democratization,     Hope, and Demise</i> .....	843
C. <i>Glimpsing Multiracial Revolution: The People’s Party</i> .....	847
D. <i>Second Reconstruction and the Civil Rights Movement</i> .....	851
E. <i>Second Reconstruction and Prospects for Systemic     Change</i> .....	858
II. REVOLUTIONARY YOUTH LEADERSHIP IN THE TWENTY-FIRST CENTURY .....	860
A. <i>Direct Actions and Civil Disobedience</i> .....	863
B. <i>Swaying Electoral Outcomes</i> .....	873
C. <i>Exerting Pressure from Within Institutions</i> .....	875
D. <i>Formal Legal Strategies</i> .....	877
III. A WAY FORWARD: AMERICAN DEMOCRACY & YOUTH EMPOWERMENT.....	888
A. <i>Youth Voting and Universal Suffrage: The Baseline</i> .....	888
B. <i>Campaign Finance Reform and Reimagining Electoral     Politics</i> .....	891
C. <i>Protections for Activism and Intellectual Dissent</i> .....	892
D. <i>Expanding Community Self-Governance and     Participatory Budgeting</i> .....	894
CONCLUSION.....	895

## INTRODUCTION

Today’s youth activists channel revolutionary leadership and disrupt countless aspects of the status quo racial capitalist system, daring to demand a thoroughly transformed world.<sup>4</sup> Diverging from other tumultuous, prescient periods of U.S. history—including the first Reconstruction following the Civil War and the countercultural revolution of the civil rights era (coined the Second Reconstruction)—the

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4. See Amna Akbar, *The Left Is Remaking the World: “Defund the Police” and “Cancel Rent” Aren’t Reforms, but Paths to Revolution*, N.Y. TIMES (July 11, 2020), <https://www.nytimes.com/2020/07/11/opinion/sunday/defund-police-cancel-rent.html>.

present era involves a critical mass of activists who center and problematize the entire underlying paradigm of political and socioeconomic order, as well as its historical roots of settler colonialism, resource extraction, militarism, and social Darwinism.<sup>5</sup> Indeed, youth at the forefront of movements including the March For Our Lives for gun control, climate activism, the Movement for Black Lives (“M4BL”), and the #MeToo movement, incisively recognize that macro-level geopolitical and economic forces, social stratification, interpersonal and state violence, (cis)heteropatriarchy, and the climate crisis, are inextricably linked in both cause and remedy.<sup>6</sup> These youth movements contend that reconstructing or reforming current systems of politics and economics will only reproduce their fallacies, whereas creating anew signifies actual change.<sup>7</sup> Young activists likewise lament a lack of credibility among corrupt public officials and institutions, and a corporatized media that underreports crucial news and steers political outcomes.<sup>8</sup> Visionary

5. See, e.g., Jessica Corbett, *Countering Annual Whitewash of His Legacy, Progressives Remember the ‘Anti-Capitalist, Anti-Imperialist’ Martin Luther King Jr.*, COMMON DREAMS (Jan. 20, 2020), <https://www.commondreams.org/news/2020/01/20/countering-annual-whitewash-his-legacy-progressives-remember-anti-capitalist-anti>; Kali Holloway, *Martin Luther King, Jr., the Radical: 9 MLK Quotes the Media Won’t Cite*, SALON (Jan. 16, 2017, 9:59 PM), [https://www.salon.com/2017/01/16/martin-luther-king-jr-the-radical-9-mlk-quotes-the-media-wont-cite\\_partner/](https://www.salon.com/2017/01/16/martin-luther-king-jr-the-radical-9-mlk-quotes-the-media-wont-cite_partner/); *Black Populism in the New South*, UNC GREENSBORO, <https://omarhali.wp.uncg.edu/blackpopulism/> (last visited Mar. 7, 2023); Richard Wormser, *The Rise and Fall of Jim Crow: Populist Party*, THIRTEEN, [https://www.thirteen.org/wnet/jimcrow/stories\\_org\\_populist.html](https://www.thirteen.org/wnet/jimcrow/stories_org_populist.html) (last visited Mar. 7, 2023); *U.S. History II: The Revolt of the Farmers*, CLIFFSNOTES, <https://www.cliffsnotes.com/study-guides/history/us-history-ii/politics-farming-empire-18761900/the-revolt-of-the-farmers> (last visited Mar. 7, 2023); *End the War on Black People*, M4BL, <https://m4bl.org/end-the-war-on-black-people/> (last visited Apr. 18, 2023); Barbara Ferman, *The Role of Social Justice Frameworks in an Era of Neoliberalism: Lessons from Youth Activism*, 43 J. URB. AFFS. 436, 436–37, 443–44 (2021).

6. *End the War on Black People*, *supra* note 5; see Ferman, *supra* note 5, at 438–39; Seth Borenstein & Suman Naishadham, *Fed Up Young Climate Activists: ‘Adults Aren’t Listening’*, ASSOCIATED PRESS (Nov. 10, 2022), <https://apnews.com/article/science-mexico-climate-and-environment-government-politics-543dafba41cd5da908d47195ec5255a2>; *Youth Against Gun Violence, from ‘Black Lives Matter’ to the ‘March for Our Lives’*, WNYC NEWS (Mar. 23, 2018), <https://www.wnyc.org/story/youth-against-gun-violence-black-lives-matter-march-our-lives/>. See generally Charisa Smith, *At the Crossroads of Rape Culture: Noncarceral Approaches for #MeToo Era Youth*, 36 OHIO STATE J. ON DISP. RESOL. 773, 828–30, 840–44, 857 (2021) [hereinafter Smith, *At the Crossroads*] (discussing various efforts by young people to shift societal norms related to sexual and gender-based violence).

7. Bennett, *supra* note 2.

8. See Ctr. for Hum. Rts. & Glob. Just., *Youth in Focus: Youth Activism’s Role in Pushing Climate Action Forward*, YOUTUBE, at 9:45, 17:17 (Apr. 11, 2022), [https://youtu.be/OoS6\\_jY4P4](https://youtu.be/OoS6_jY4P4) (featuring panelists Xiye Bastida (Fridays for Future & Re-Earth Initiative), Disha Ravi (Fridays for Future India), and Ayisha Siddiqi (Polluters Out & Fossil Free University)); Mark Hertsgaard, *Covering Young Climate Activists Isn’t an Act of Favoritism—It’s an Act of Journalism*, NATION (Mar. 17, 2021),

youth leadership perseveres despite the failure of U.S. schools to teach in-depth history or any hint of social theory,<sup>9</sup> and despite the broader electorate's inattention towards global or anti-capitalist concerns.<sup>10</sup>

Although modern youth activists build on the critiques and tactics of past moral fusion movements, and although they are certainly not the sole source of present visionary leadership, their framing discourse and strategies are already having a remarkable legal impact. These movements both resist prior presumptions about the law's fairness and utility yet also incorporate legal strategies as a necessary tool for creating previously unimagined, newfound models of self-governance and economic prosperity.<sup>11</sup> Beyond offering hope of the sorely needed third Reconstruction that many progressive scholars and activists demand, youth activists project radical transformation vis-à-vis revolution, which involves prospective redistribution of power and wealth.<sup>12</sup> Further,

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<https://www.thenation.com/article/environment/climate-media-youth-activists/>; Borenstein & Naishadham, *supra* note 6 (discussing the corporate media and critiques of it, including by youth activists). See generally *The Green New Dream*, INHERITED (Oct. 2020), <https://open.spotify.com/episode/4ObKVCKBheZ6OYG2cCYBWP?si=2262d998393f464d&nd=1> (“Stories from, for, and by the youth climate movement.”).

9. See Diane Ravitch, *The Education Reform Movement Has Failed America. We Need Common Sense Solutions That Work*, TIME (Feb. 1, 2020, 7:00 AM), <https://time.com/5775795/education-reform-failed-america/>; Olivia B. Waxman, *A New Report Finds That 45 States Are ‘Failing’ to Teach Students About the Period That Shaped Race Relations After the Civil War*, TIME (Jan. 12, 2022, 8:08 AM), <https://time.com/6128421/teaching-reconstruction-study/>; Joe Heim, *Teaching America’s Truth*, WASH. POST (Aug. 28, 2019), <https://www.washingtonpost.com/education/2019/08/28/teaching-slavery-schools/>; Benjamin Barber, *The South’s Schools Are Failing to Teach Accurate Reconstruction History*, FACING S. (Feb. 17, 2022), <https://www.facingsouth.org/2022/02/souths-schools-are-failing-teach-accurate-reconstruction-history>. See generally Kate Barrington, *The 15 Biggest Failures of the American Public Education System*, PUB. SCH. REV. (Feb. 14, 2023), <https://www.publicschoolreview.com/blog/the-15-biggest-failures-of-the-american-public-education-system/>; Matthew Lynch, *18 Reasons the U.S. Education System Is Failing*, THE EDVOCATE (Apr. 3, 2017), <https://www.theedadvocate.org/10-reasons-the-u-s-education-system-is-failing/>; Sonya Ramsey, *The Troubled History of American Education After the Brown Decision*, AM. HISTORIAN, <https://www.oah.org/tah/issues/2017/february/the-troubled-history-of-american-education-after-the-brown-decision/> (last visited Apr. 15, 2023).

10. See, e.g., Bradley Jones, *Understanding the American Voter in 2022*, U.S. DEPT OF STATE: FOREIGN PRESS CTR. (Jan. 27, 2022, 12:00 PM), <https://www.state.gov/briefings-foreign-press-centers/understanding-the-american-voter-in-2022> (noting that “the attention to specific areas of the world is quite low among the U.S. public”).

11. See, e.g., Bennett, *supra* note 2.

12. See generally Manning Marable, *The Third Reconstruction: Black Nationalism and Race in a Revolutionary America*, 4 SOC. TEXT 3 (1981) (discussing whether capitalist versus socialist political reforms would successfully combat systemic racism in the United States); WILLIAM J. BARBER II & JONATHAN WILSON-HARTGROVE, *THE THIRD RECONSTRUCTION: HOW A MORAL MOVEMENT IS OVERCOMING THE POLITICS OF DIVISION AND FEAR* (2016)

modern youth activists emphasize that the current stakes are higher than ever—human survival from climate catastrophe and mass extinction in the Anthropocene—an issue which President Joe Biden has promised to treat as an “existential crisis.”<sup>13</sup>

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(arguing that a third Reconstruction can and should advance the rights of all Americans); Liz Theoharis, *Have We Entered America's Third Era of Reconstruction?*, NATION (June 23, 2021), <https://www.thenation.com/article/politics/third-reconstruction/>; *3rd Reconstruction*, POOR PEOPLE'S CAMPAIGN [hereinafter POOR PEOPLE'S CAMPAIGN], <https://www.poorpeoplescampaign.org/join-us-as-we-build-the-third-reconstruction/> (last visited Apr. 15, 2023) (“[T]he Third Reconstruction is a revival of our constitutional commitment to establish justice, provide for the general welfare, end decades of austerity, and recognize that policies that center the 140 million poor and low-income people in the country are also good economic policies that can heal and transform the nation. The Poor People's Campaign: A National Call for Moral Revival, Repairers of the Breach and the Kairos Center have been a part of building a movement towards a Third Reconstruction for years.”). Co-chairs of the Poor People's Campaign joined Representatives Pramila Jayapal and Barbara Lee as they announced a nonpartisan congressional resolution to support this movement, entitled *Third Reconstruction: Fully Addressing Poverty and Low Wages from the Bottom Up*, H.R. 438, 117th Cong. (2021) (emphasis added). These policymakers and activists assert that a true third Reconstruction involves simultaneously dealing with “the interlocking injustices of systemic racism, poverty, ecological devastation and the denial of health care, militarism and the distorted moral narrative of religious nationalism that blames the poor instead of the systems that cause poverty.” POOR PEOPLE'S CAMPAIGN, *supra*. The Poor People's Campaign includes “45 state coordinating committees and [a] network of more than 250 labor and organizational partners and hundreds of faith partners, and dozens of national faith bodies.” *Id.*; see also *3rd Reconstruction*, REPAIRERS OF THE BREACH [hereinafter REPAIRERS OF THE BREACH], <https://www.breachrepairers.org/third-reconstruction> [<https://web.archive.org/web/20221118191316/https://www.breachrepairers.org/third-reconstruction>] (last visited Apr. 18, 2023) (“On Monday, June 21, 2021, poor people, low-wage workers, moral and faith leaders and advocates gathered online from across the nation simultaneously with a socially-distant rally in Raleigh, NC, for a mass assembly to call for a Third Reconstruction. This launched a 365-day nationwide campaign leading to a Mass Poor People's and Low-Wage Workers' Assembly and Moral March on Washington in-person in Washington, DC, on June 18, 2022.”).

13. See Hertsgaard, *supra* note 8. See generally John P. Rafferty, *Anthropocene Epoch*, ENCYC. BRITANNICA, <https://www.britannica.com/science/Anthropocene-Epoch> (Mar. 23, 2023) (“[U]nofficial interval of geologic time, making up the third worldwide division of the Quaternary Period (2.6 million years ago to the present), characterized as the time in which the collective activities of human beings (*Homo sapiens*) began to substantially alter Earth's surface, atmosphere, oceans, and systems of nutrient cycling. A growing group of scientists argue that the Anthropocene Epoch should follow the Holocene Epoch (11,700 years ago to the present) and begin in the year 1950. The name *Anthropocene* is derived from Greek, meaning the ‘recent age of man.’ . . . By 2005, humans had converted nearly two-fifths of Earth's land area for agriculture. . . . An additional one-tenth of Earth's land area was given over to urban areas by this time. According to some estimates, humans have harvested or controlled roughly one-quarter to one-third of the biomass produced by the world's terrestrial plants (net primary production) on a yearly basis since the 1990s. . . . [G]reatly enhanced crop yields . . . along with other technological developments, facilitated an exponential rise in the world's human population . . . .”); *The Words You Need to Know to Talk About Climate Change Today*, DICTIONARY.COM (Apr. 22, 2021), <https://www.dictionary.com/e/climate-change-terms/> (“[M]ass extinction, is the extinction of

Part I of this Article discusses scholarly and activist conceptions of a third Reconstruction, first explaining why the current moment is more ripe for revolution in law and governance structures than for a third Reconstruction. Although academic and former Black Panther Angela Davis asserts that “[y]ou have to act as if it were possible to radically transform the world [a]nd you have to do it all the time,”<sup>14</sup> much contemporary activism outside of youth movements either articulates a narrow perspective on the status quo or utilizes tactics that reinforce silos and disincentivize cross-issue organizing.<sup>15</sup> Part I continues by analyzing the first two Reconstructions and the populist revolution of the 1890s, highlighting their shortcomings, discussing forces that led to their sabotage or demise, and surveying their lasting impacts on the law, society, and culture.

Part II then focuses on revolutionary youth leadership and youth movements’ critiques of, impact on, and visions for the legal landscape. While much contemporary youth activism could be considered revolutionary,<sup>16</sup> this Article selects four prominent movements as

a large number of species within a relatively short period of geological time, thought to be due to factors such as a catastrophic global event or widespread environmental change that occurs too rapidly for most species to adapt. Modern scientific reporting suggests that climate change could directly lead to a future mass extinction event. According to the fossil record, there have been at least five mass extinctions in Earth’s history.”).

14. N.J. DIV. ON C.R., ANTI-RACIST STATEMENT 1 (2022), <https://www.njoag.gov/wp-content/uploads/2021/01/Anti-Racist-Statement-2.1.22.pdf> (quoting activist and professor Angela Davis).

15. See Mariame Kaba & Andrea J. Ritchie, *Reimagining the Commons Is One Step Toward a Future Without Police*, TRUTHOUT (Sept. 16, 2022), <https://truthout.org/articles/reimagining-the-commons-is-one-step-toward-a-future-without-police/>. See generally Sophie Hayssen, *The Nonprofit Industrial Complex: What Is It and How Does It Work?*, TEEN VOGUE (Sept. 7, 2022), <https://www.teenvogue.com/story/non-profit-industrial-complex-what-is> (discussing the nonprofit industrial complex); Sidra Morgan-Montoya, *Nonprofit Industrial Complex 101: A Primer on How It Upholds Inequity and Flattens Resistance*, CMTY. CENTRIC FUNDRAISING (Aug. 10, 2020), <https://communitycentricfundraising.org/2020/08/10/nonprofit-industrial-complex-101-a-primer-on-how-it-upholds-inequity-and-flattens-resistance/>; Erin Cloud, Professor & Founder, Movement for Fam. Power, Lecture at CUNY School of Law Family Law Practice Clinic Seminar (Nov. 17, 2022).

16. See Sameer M. Ashar, *Movement Lawyers in the Fight for Immigrant Rights*, 64 UCLA L. REV. 1464, 1469 (2017) (discussing the impact of youth activism on the fight for immigrant rights in the United States, with particular emphasis on the bold, “determined network of undocumented youth activists” who pushed for DACA). The Deferred Action for Childhood Arrivals program (“DACA”) is an exercise of prosecutorial discretion that provides temporary relief from deportation (“deferred action”) and work authorization to certain young undocumented immigrants. *Consideration of Deferred Action for Childhood Arrivals (DACA)*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/DACA> (last visited Apr. 15, 2023). Created in June 2012 by the Obama Administration’s U.S.

exemplary case studies due to their particularly diverse legal and extra-legal approaches. Youth organizers' commitment to climate justice; carceral abolition; defunding police and deportation apparatuses;<sup>17</sup> eliminating gun violence; ensuring gender equity; and creating cooperative and participatory ways of governance, particularly illustrates the shaping of a new civic reality. Youth activists rightly insist that a robust multiracial society and a planet safe from climate crisis cannot coexist alongside unfettered global capitalism.<sup>18</sup> As scholar Ruth Wilson Gilmore explains, "capitalism requires inequality and racism enshrines it."<sup>19</sup> Although these four youth movements are already impacting our laws and institutions to a degree that is yielding historic results—including the popularity of democratic socialist U.S. presidential candidate Senator Bernie Sanders and the passage of the American Rescue Plan in March 2021<sup>20</sup>—the lingering problem of youth disenfranchisement threatens to stifle both activism and broader

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Department of Homeland Security ("DHS"), DACA does not provide permanent legal status and must be renewed every two years. *Id.* Various xenophobic and anti-immigrant campaigns continue their attempts to dismantle the initiative. Allegra M. McLeod, *Immigration, Criminalization, and Disobedience*, 70 U. MIA. L. REV. 556, 570–73 (2016) (addressing the growing movement of immigrant youth activists and the way that the success of DACA has further empowered youth activism). See generally *Deferred Action for Childhood Arrivals (DACA): An Overview*, AM. IMMIGR. COUNCIL (Sept. 30, 2021), <https://www.americanimmigrationcouncil.org/research/deferred-action-childhood-arrivals-daca-overview> (discussing recent attempts to dismantle DACA); *DACA*, NAT'L IMMIGR. L. CTR., <https://www.nilc.org/issues/daca/> (Dec. 19, 2022) (documenting the latest developments related to DACA).

17. See generally Rachel Levinson-Waldman & Haley Hinkle, *The Abolish ICE Movement Explained*, BRENNAN CTR. FOR JUST. (July 30, 2018), <https://www.brennancenter.org/our-work/analysis-opinion/abolish-ice-movement-explained> (discussing the movement to abolish U.S. Immigration and Customs Enforcement); Peter L. Markowitz, *Abolish ICE . . . and Then What?*, 129 YALE L.J. 130 (Nov. 7, 2019) (discussing the "Abolish ICE" movement and suggesting changes to the immigration enforcement system).

18. See Akbar, *supra* note 4; *Reconstruction*, HIST. (Mar. 17, 2023), <https://www.history.com/topics/american-civil-war/reconstruction> ("The participation of African Americans in southern public life after 1867 would be by far the most radical development of Reconstruction, which was essentially a large-scale experiment in interracial democracy unlike that of any other society following the abolition of slavery.").

19. AntipodeOnline, *Geographies of Racial Capitalism with Ruth Wilson Gilmore*, YOUTUBE, at 05:26 (June 1, 2020), <https://youtu.be/2CS627aKrJI>.

20. American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4. See Robert Reich, *Why the American Rescue Plan Is Historic*, FACEBOOK, at 0:04 (Mar. 8, 2021), <https://fb.watch/jWNDtKPrAz/> ("The American Rescue Plan . . . is one of the only relief bills in recent history that does not contain any corporate handouts, no bailouts, no big corporate subsidies—a major departure from forty years of trickle-down nonsense. . . . [D]espite . . . narrower restrictions for stimulus checks, it does give an historic boost to working class and low-income Americans.").

progress.<sup>21</sup> Youth over age eighteen remain largely disenfranchised despite the November 2022 midterm elections yielding “the second-highest youth voter turnout in almost 30 years”, with about twenty-seven percent of eligible residents between ages eighteen and twenty-nine casting a ballot, and with youth turnout in swing states being even higher.<sup>22</sup>

Lastly, Part III of this Article recommends a way forward in light of hope for revolutionary change, current youth activists’ impact on legal systems, the barriers youth movements face, and the reforms that have facilitated these activists’ success. Crucial next steps include: a lowered voting age for all U.S. elections and public office holders; campaign finance reform and a reimagining of electoral politics; strengthened legal protections for activism and intellectual dissent; and expansion of community self-governance and participatory budgeting. Ultimately, intergenerational collaboration is vital for revolutionary, systemic transformation. Youth should become equipped and empowered to take the reins of legal and economic systems while there is still time to mitigate the existential damage that prior generations—and our entrenched laws and institutions—have caused.

### *Terminology and Parameters*

This Article focuses exclusively on youth activism due to the distinctive characteristics of activism by individuals under age twenty-five today. Namely, youth have a unique analysis of the status quo (which has been missing from mainstream political discourse since the populist revolution and since limited factions of the civil rights movement targeted racial capitalism and U.S. imperialism). Young activists employ an intentionally multifaceted and comprehensive approach to social change endeavors, and youth activists commit to previously weak or fraught synergy between issues and organizations. Although this work aspires to elevate and support youth empowerment, it is inherently

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21. Nicole Acevedo, *Young Latino Voters Favored Democrats Despite Party Affiliation, Boosting Their Chances in Contested Races*, NBC NEWS (Nov. 11, 2022, 6:20 PM), <https://www.nbcnews.com/news/latino/young-latino-voters-may-blunted-republican-red-wave-rcna56800>. In states where voting under age eighteen has become legal for local and state elections, “16- and 17-year-old voters turn[] out at higher rates than older voters, [while] local leaders report[] young people engag[e] with city government in [exciting] new ways.” *Maryland*, VOTE16USA (Feb. 22, 2023), <https://vote16usa.org/project/maryland/>; see also Akbar, *supra* note 4.

22. See Acevedo, *supra* note 21. In swing states, roughly thirty-one percent of voters ages eighteen to twenty-nine cast ballots in the highly competitive 2018 election. *Id.*; see also *2018 Youth Voter Turnout Increased in Every State*, CIRCLE (Apr. 2, 2019), <https://circle.tufts.edu/latest-research/2018-youth-voter-turnout-increased-every-state>.

imperfect for a lack of direct youth input in the writing, and with an admission that the Author's own perspective is not that of a member of the centered population (youth). Future scholarship, advocacy, and collaboration on this topic can and should more directly involve youth, while also employing diverse modes of communication that reach a much wider audience.

Regarding terminology, a youth, or young person, will be defined herein as someone age twenty-five or under—a definition that accounts for physical and social science expertise, existing socio-legal and economic frameworks delineating adulthood,<sup>23</sup> and the limitations that

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23. The boundaries determining the age at which U.S. residents can exercise certain rights vary widely among the states, sometimes appearing arbitrary or bereft of scientific or legal rationale. Recent interdisciplinary scholarship even argues that states “should revisit the entire issue of criminalization of teenage sexual behavior from the developmental perspective” because age-gap laws among minors are virtually nonsensical “from an evidence-based perspective,” when cognitive and developmental disparities vis-à-vis disability are not an issue. See Lori S. Kornblum et al., *Peer-on-Peer Child Sexual Abuse: A Proposed Updated Definition of ‘Peer’*, N.Y. L.J. (Jan. 25, 2021, 11:15 AM), <https://www.law.com/newyorklawjournal/2021/01/25/peer-on-peer-child-sexual-abuse-a-proposed-updated-definition-of-peer/>. Further, many crucial frameworks focus on distinctions between individuals past their late twenties and members of the younger population. For example, The U.S. Affordable Care Act continues health insurance provisions for youth from birth until age twenty-six, enabling young adults to stay on their family insurance plan until age twenty-six. 42 U.S.C. § 300gg–14. The actuarial industry also relies on higher thresholds than the commonly perceived age of majority at eighteen. Auto insurance is higher for individuals under age twenty-five “because younger drivers are statistically more likely to get into an accident” and thus “riskier” to insure, while car rental companies cut off driver eligibility at age twenty-five, or sometimes twenty-one. Nancy Ritter, *Does Car Insurance Go Down at Age 25?*, VALUEPENGUIN, <https://www.valuepenguin.com/what-age-car-insurance-goes-down> (Apr. 10, 2023) (discussing car insurance rates and rental car contracts). Despite the U.S. legal age of majority at eighteen, minors under eighteen consistently exercise independence in various contexts, including medical and reproductive health decision-making, and obtaining a driver's license, yet remain banned from buying alcohol until they turn twenty-one. See Society for Adolescent Health & Medicine, *Young Adult Health and Well-Being: A Position Statement of the Society for Adolescent Health and Medicine*, 60 J. ADOLESCENT HEALTH 758, 758–59 (2017); see also Tell Me More, *Brain Maturity Extends Well Beyond Teen Years*, NPR (Oct. 10, 2011, 12:00 PM), <https://www.npr.org/templates/story/story.php?storyId=141164708>; Lucy Wallis, *Is 25 the New Cut-Off Point for Adulthood?*, BBC NEWS (Sept. 23, 2013), <https://www.bbc.com/news/magazine-24173194>; Maui Hermitanio, *Scientists Think Adolescence Now Lasts Until Age 24*, TECH TIMES (Jan. 20, 2018, 8:01 AM), <https://www.techtimes.com/articles/219279/20180120/scientists-think-adolescence-now-lasts-until-age-24.htm>. See generally APA Journals Article Spotlight, *Drawing Legal Age Boundaries: A Tale of Two Maturities*, AM. PSYCH. ASS'N (July 3, 2019), <https://www.apa.org/pubs/highlights/spotlight/issue-143> (citing G. Icenogle et al., *Adolescents' Cognitive Capacity Reaches Adult Levels Prior to Their Psychosocial Maturity*, 43 L. & HUM. BEHAV. 69, 69–85 (2019)) (explaining how “using two (or more) legal age boundaries is consistent with developmental science”); Charisa Smith, *Don't Wait Up-*

the United States currently places on individuals under age eighteen who may attempt, yet get systematically excluded from, political engagement, including voting.<sup>24</sup> Although the youth population is far from monolithic, distinctions based on chronological age persist for pragmatic reasons.<sup>25</sup> Copious neuroscientific and psychosocial research demonstrates that human psychosocial and neurobiological development are incomplete until our mid to late twenties, while youth cognitive abilities—implicating deliberation and logical reasoning—typically resemble the abilities of adults by age fifteen.<sup>26</sup> Additionally, adolescence is a transitional period marked by increased struggles with independence, self-identity, peer pressure, sexuality, and social location, coupled with a comparative lack of control over one's surroundings (in contrast to older adulthood).<sup>27</sup> Importantly, U.S. and international health researchers also note that individuals between ages eighteen and twenty-five experience particular health disparities like higher mortality rates and lower access to all types of care.<sup>28</sup> Further delineating the life stage and boundaries of those historically considered to be youths, psychologists and scholars have also begun discussing a period coined “emerging adulthood,” which is “neither adolescence nor young adulthood but is theoretically and empirically distinct from them both”<sup>29</sup> and which provides a necessary

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*Issues in Juvenile Justice*, 28 N.J. FAM. L. 144, 145 (2008) (citing interviews with various medical experts and academics regarding research on “differences between the decision-making capabilities and brain maturation of juveniles and adults”); MACARTHUR FOUND. RSCH. NETWORK ON ADOLESCENT DEV. & JUV. JUST., LESS GUILTY BY REASON OF ADOLESCENCE 1–2 (2006), <https://ccoso.org/sites/default/files/import/Less-guilty-by-reason-of-adolescence.pdf> (advocating for developmental immaturity as a mitigating factor for sentencing of juveniles).

24. There is the considerable possibility of omitting or overlooking vital youth activism in the political landscape if research is limited to individuals under age eighteen, who are still legally disfranchised and face persistent limits upon their mobility, First Amendment speech, expression, and association, privacy rights, and various other civil rights. See, e.g., Annette Ruth Appell, *The Pre-Political Child of Child-Centered Jurisprudence*, 46 HOUS. L. REV. 703, 713–14 (2009); Elizabeth S. Scott, *The Legal Construction of Adolescence*, 29 HOFSTRA L. REV. 547, 562–64 (2000).

25. See Alexander A. Boni-Saenz, *Legal Age*, 63 B.C. L. REV. 521, 561 (2022) (examining conceptions of legal age *after* an individual becomes an adult, and arguing that chronological age, biological age, and subjective self-conception of age have varying degrees of potential for making the legal system more accurate, impacting administrative costs, promoting autonomy interests, and furthering anti-subordination goals).

26. See Wallis, *supra* note 23.

27. See Hermitano, *supra* note 23; see also Wallis, *supra* note 23 (explaining the three commonly accepted stages of adolescence: early adolescence (twelve to fourteen years old), middle adolescence (fifteen to seventeen years old) and late adolescence (eighteen years old and over)).

28. Society for Adolescent Health & Medicine, *supra* note 23, at 758–59.

29. Jeffrey Jensen Arnett, *Emerging Adulthood: A Theory of Development from the Late Teens Through the Twenties*, 55 AM. PSYCH. 469, 469 (2000). Although psychologist Jeffrey

conceptual tool to understand how complex “psychological and social factors ha[ve] extended the process of becoming an adult well into legal adulthood.”<sup>30</sup>

Scholar Clare Ryan even argues that since laws are already beginning to recognize this liminal, pre-adult period differently—including the treatment of “parental support obligations, federal interventions, and punishment”—further legal reforms and tools should accordingly “reflect emerging adulthood’s unique economic vulnerability, developing autonomy, and capacity to learn from mistakes.”<sup>31</sup> Although this Article highlights activism by individuals age twenty-five and under due to the relatively consistent parameters set by official public health, law, and policy institutions, there is ongoing scholarship and precedent regarding youth rights and human development—including past work of this Author that directly addresses such issues.<sup>32</sup> Some advocates posit

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Jensen Arnett originally coined the term “emerging adulthood” to refer to the span roughly between ages eighteen and twenty-five years old, Arnett’s more recent work includes individuals up to age twenty-nine in this category, while most literature continues to consider age twenty-five as the upper limit for this cohort. *See id.*; JEFFREY JENSEN ARNETT, EMERGING ADULTHOOD: THE WINDING ROAD FROM THE LATE TEENS THROUGH THE TWENTIES 7 (2014) [hereinafter ARNETT, EMERGING ADULTHOOD: THE WINDING ROAD]. The distinctive experience of emerging adulthood involves a crucial period of transition and exploration wherein individuals are “neither beholden to their parents nor committed to an assortment of adult roles [and] have an exceptional opportunity to try out different ways of living and different possible choices for love and work.” ARNETT, EMERGING ADULTHOOD: THE WINDING ROAD, *supra*, at 1–9. Although still contested, the theory of “emerging adulthood” has evolved into its own field of research. *See* Moin Syed, *Emerging Adulthood: Developmental Stage, Theory, or Nonsense?*, in THE OXFORD HANDBOOK OF EMERGING ADULTHOOD 11, 11–22 (Jeffrey Jensen Arnett ed., 2015); Jeffrey Jensen Arnett, *Introduction: Emerging Adulthood Theory and Research: Where We Are and Where We Should Go*, in THE OXFORD HANDBOOK OF EMERGING ADULTHOOD 1, 1 (Jeffrey Jensen Arnett ed., 2015). Scholar June Carbone also points out that combining both a “supervised and subsidized pathway to adulthood” is disproportionately most feasible for middle-class and wealthy individuals. *See* June Carbone, *Age Matters: Class, Family Formation, and Inequality*, 48 SANTA CLARA L. REV. 901, 902–03 (2008). Likewise, author Bret Stetka describes the ways that “[t]wenty-five is the new 18.” Bret Stetka, *Extended Adolescence: When 25 Is the New 18*, SCI. AM. (Sept. 19, 2017), <https://perma.cc/J5QY-G2W9>.

30. Clare Ryan, *The Law of Emerging Adults*, 97 WASH. U. L. REV. 1131, 1131, 1139 (2020).

31. *See id.* at 1131–32.

32. The World Health Organization categorizes “young people” as adolescents and young people from ages ten through twenty-four, while the United Nations defines a “youth” as an individual between ages fifteen and twenty-four, and the Society for Adolescent Health and Medicine includes ages eighteen to twenty-five (until the twenty-sixth birthday) in the young adult age group. *See* Society for Adolescent Health & Medicine, *supra* note 23. *See generally* Charisa Smith, *No Quick Fix: The Failure of Criminal Law and the Promise of Civil Law Remedies for Domestic Child Sex Trafficking*, 71 U. MIA. L. REV. 1 (2016) [hereinafter Smith, *No Quick Fix*]; Charisa Smith, *#WhoAmI?: Harm and Remedy for Youth of the #MeToo Era*, 23 U. PA. J.L. & SOC. CHANGE 295 (2020) [hereinafter Smith,

that regardless of the parameters, social reforms must extend youth support services in the tattered social safety net until age twenty-five.<sup>33</sup>

## I. U.S. RECONSTRUCTION & REVOLUTION: PERSPECTIVE, HISTORY, AND OPPORTUNITIES

### A. *Hope for a Third Reconstruction and Revolution*

Hope for a third Reconstruction, or for revolutionary transformation beyond reconstruction, exists because of the convergence of two things: first, a growing consciousness about the link between the present moment's crises and the imperialist, conquest-based origins which created them, and second, a historical moment when the future of the country (and indeed the planet) is being fiercely contested.<sup>34</sup> Although progressive youth activists and countless others acknowledge the peril that climate catastrophe and widespread inequality signify, there is unfortunate contention surrounding the very truth of climate change, in addition to controversy about the need for an urgent change of course in general, not just with respect to climate change and inequality, among nations, civil society, and the private sector.<sup>35</sup> While scholars like

#WhoAmI]; Smith, *At The Crossroads*, *supra* note 6; Charisa Smith, *Nothing About Us Without Us! The Failure of the Modern Juvenile Justice System and a Call for Community-Based Justice*, 4 J. APPLIED RSCH. ON CHILD. 1 (2013) [hereinafter Smith, *Nothing About Us Without Us*].

33. Hermitanio, *supra* note 23 (citing global statistics on youth population); *e.g.*, Ryan, *supra* note 30, at 1137 (arguing that individuals aged eighteen to twenty-five should occupy a distinct age category of “emerging adults” because their emotional development differs from that of both adults aged twenty-six and over and children aged seventeen and under).

34. Aaron White & Olúfẹ̀mí O. Táíwò, *To Achieve Racial Justice We Must Rebuild the World—And Save the Planet*, OPENDEMOCRACY (Apr. 22, 2022, 12:01 AM), <https://www.opendemocracy.net/en/oureconomy/earth-day-olufemi-taiwo-reparations-global-racial-climate-justice/> (“[Georgetown Professor] Olúfẹ̀mí Táíwò: Global racial empire is my blanket description of what the world is like. We now have a planetary social and economic system because of the imperial conquests of European powers beginning in the 15th century, and arguably concluding – in the sense of starting up a planet-sized world system – towards the end of the 16th century. Those conquests literally built the world and the planet-sized social, economic and political system that we have.”); *see also* Edmond & Lily Safra Center for Ethics, Harvard University, *Public Lecture with Olufemi O. Taiwo, “Reconsidering Reparations”*, YOUTUBE, at 34:50 (Oct. 18, 2021), <https://www.youtube.com/watch?v=IS1taGQsHrU>; *Reconsidering Reparations with Olúfẹ̀mí O. Táíwò*, EMBRACE THE VOID, at 34:35 (Jan. 14, 2022), <https://voidpod.com/podcasts/2022/1/14/ev-225-reconsidering-reparations-with-olfmi-o-tw>.

35. *See The Climate Crisis – A Race We Can Win*, UNITED NATIONS, <https://www.un.org/en/un75/climate-crisis-race-we-can-win> (last visited Apr. 17, 2023); Sverker Sörlin & Melissa Lane, *Historicizing Climate Change—Engaging New Approaches to Climate and History*, 151 CLIMATIC CHANGE 1, 3 (2018) (“There is a large body of work

Manning Marable, activists like Reverend Dr. William Barber of the Poor People's Campaign (originally founded by Reverend Dr. Martin Luther King, Jr.), and even members of Congress argue for a third Reconstruction,<sup>36</sup> the framework of reconstruction is limited by both historical precedent and imagination.<sup>37</sup>

Notably, in certain past instances where one might glimpse revolutionary change in the U.S. legal landscape, members of the prevailing power structure have succeeded in minimizing or erasing strands of radicalism from the historical narrative. For example, popular educational and media representations of one of the most notable civil rights leaders in U.S. history—Reverend Dr. Martin Luther King, Jr.—conspicuously emphasize his political moderateness and fail to highlight his marked shift to the political left later in life.<sup>38</sup> In 1967, Dr. King himself condemned the Vietnam War and called for an overall “radical revolution of values” in the United States, asserting that “[t]he evils of capitalism are as real as the evils of militarism and evils of racism” and

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on the epistemology and sociology of climate change, and much of it deals with skepticism and denial.”); *COP27 Ends with Announcement of Historic Loss and Damage Fund*, UNITED NATIONS ENV'T PROGRAMME (Nov. 22, 2022), <https://www.unep.org/news-and-stories/story/cop27-ends-announcement-historic-loss-and-damage-fund> (“In negotiations that went down to the wire over the weekend, countries reached a historic decision to establish and operationalize a loss and damage fund, particularly for nations most vulnerable to the climate crisis. . . . [N]o decisions have been made on who should pay into the fund, where this money will come from and which countries will benefit. The issue has been one of the most contentious on the negotiating table.”); *The Politics of Climate*, PEW RSCH. CTR. (Oct. 4, 2016), <https://www.pewresearch.org/science/2016/10/04/the-politics-of-climate/> (“Polarized views about climate issues stretch from the causes and cures for climate change to trust in climate scientists and their research. But most Americans support a role for scientists in climate policy, and there is bipartisan support for expanding solar, wind energy[.]”). Martin Luther King, Jr. claimed that generally, “[t]he evils of capitalism are as real as the evils of militarism and racism. The problems of racial injustice and economic injustice cannot be solved without a radical redistribution of political and economic power.” *5 MLK Quotes Too Radical to White-Wash*, CITY HEIGHTS CMTY. DEV. (Jan. 18, 2021) [hereinafter CITY HEIGHTS CMTY. DEV.], <https://www.cityheightscdc.org/stories/mlk-quotes-too-radical-to-be-white-washed>.

36. REPAIRERS OF THE BREACH, *supra* note 12.

37. Marable, *supra* note 12, at 7.

38. ANDREW J. DOUGLAS & JARED A. LOGGINS, *PROPHET OF DISCONTENT: MARTIN LUTHER KING JR. AND THE CRITIQUE OF RACIAL CAPITALISM* 113–14 n.31 (2021); Patrick Darrington, “*Prophet of Discontent*” Looks at MLK’s Criticism of Capitalism and Militarism, *TEEN VOGUE* (Jan. 16, 2023), <https://www.teenvogue.com/story/mlk-capitalism-prophet-of-discontent>; *Legacy. Dr. Martin Luther King Jr.: The Anti-Capitalist*, N.Y. AMSTERDAM NEWS (Jan. 14, 2021), <https://amsterdamnews.com/news/2021/01/14/legacy-dr-martin-luther-king-jr-anti-capitalist/>; see Kaitlin Byrd, *Martin Luther King Jr.’s True, Radical Legacy Is Being Whitewashed by People Looking for Easy Absolution*, NBC NEWS (Jan. 21, 2019, 1:27 PM), <https://www.nbcnews.com/think/opinion/martin-luther-king-jr-s-true-radical-legacy-being-whitewashed-ncna960756>.

“racial injustice and economic injustice cannot be solved without a radical redistribution of political and economic power.”<sup>39</sup> However, before that time, Dr. King and most other mainstream civil rights activists focused on concrete, one-dimensional legal reforms such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, and continued enforcement of school desegregation orders.<sup>40</sup> When Dr. King’s deeper systemic analysis and his founding of the Poor People’s Campaign became public in 1967, most accompanying momentum disintegrated upon his tragic assassination in 1968.<sup>41</sup>

Amidst the lingering COVID-19 pandemic, revamped “COVID capitalism,”<sup>42</sup> and the rise of right-wing extremism in the United States and abroad, it will take far more than reconstruction to confront climate

39. Reverend Dr. Martin Luther King, Jr., Address at the National Conference on New Politics: The Three Evils of Society (Aug. 31, 1967) (transcript available at <https://www.nwesi.org/ed-talks/equity/the-three-evil-of-society-address-martin-luther-king-jr>); CITY HEIGHTS CMTY. DEV., *supra* note 35; THOMAS BORSTELMANN, *THE COLD WAR AND THE COLOR LINE: AMERICAN RACE RELATIONS IN THE GLOBAL ARENA* 209 (2001) (quoting DAVID J. GARROW, *BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE* 551–52 (1986)).

40. See DOUGLAS & LOGGINS, *supra* note 38, at 37–38.

41. *Poor People’s Campaign*, MARTIN LUTHER KING, JR. RSCH. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/poor-peoples-campaign> (last visited Apr. 17, 2023) (describing King’s vision for the Poor People’s Campaign when he launched it in 1937); Olivia B. Waxman, *What Happened to Martin Luther King Jr.’s Last Campaigns*, TIME (Jan. 12, 2021, 3:47 PM), <https://time.com/5221565/martin-luther-king-last-campaign/> (“Historians say the Poor People’s Campaign essentially disintegrated after [King’s] death.”); see Nadra Kareem Nittle, *MLK’s Poor People’s Campaign Demanded Economic Justice*, HIST. (June 15, 2021), <https://www.history.com/news/poor-peoples-campaign-tent-city> (“[King’s] death . . . overshadowed the Poor People’s Campaign. As the nation reeled, the campaign was forgotten . . .”).

42. Thomas Nail, *What is COVID Capitalism?*, 23 *DISTINKTION: J. SOC. THEORY* 327, 327 (2022) (“The term ‘COVID capitalism’ designates the ways capitalism and the novel coronavirus alter and amplify one another. . . . [F]our major features that characterize this relationship so far [include] . . . [c]apitalist extraction and urbanization increase exposure to new viruses . . . [c]apitalism increases the spread of infectious disease . . . COVID amplifies inequalities that benefit capitalists . . . [and] COVID has led to profits, bailouts, and deregulation for capitalists. The increasing frequency of COVID and other pandemics not only amplifies existing capitalist structures but feeds back into those structures and becomes an advantage to capitalism. . . . COVID is not a threat to capitalism but rather a mutagen altering and magnifying it.”). “COVID-19 has starkly revealed not only the brutal systemic priorities of capitalism—profit-making over life-making—but also the relationship between capital and the capitalist state form.” Tithi Bhattacharya, *Covid Capitalism*, MONTHLY REV. (Nov. 25, 2021), <https://mronline.org/2021/11/25/covid-capitalism/>; see Whitney N. Laster Pirtle, *Racial Capitalism: A Fundamental Cause of Novel Coronavirus (COVID-19) Pandemic Inequities in the United States*, 47 *HEALTH EDUC. & BEHAV.* 504, 504 (2020); David Madden, *The Urban Process Under Covid Capitalism*, 24 *CITY: ANALYSIS URB. CHANGE, THEORY, ACTION* 677, 677–79 (2020). See generally Neil Irwin, *The Pandemic Is Showing Us How Capitalism Is Amazing, and Inadequate*, N.Y. TIMES (Nov. 14, 2020), <https://www.nytimes.com/2020/11/14/upshot/coronavirus-capitalism-vaccine.html>.

catastrophe; revive our constitutional commitments “to establish justice, provide for the general welfare, [and] end decades of austerity”; advance voting protections; and center poor and marginalized people in public policies.<sup>43</sup> Not only have the first two Reconstructions overlooked reliance on racial capitalism as a fatal flaw in the entire American sociopolitical and economic system, but any future change must now account for the ways the U.S. rule of law has deteriorated and remains endangered.

As scholar Paul Gowder points out, as a consequence of the 2020 election, the dangerous efforts of Trump Republicans to overthrow the election results, the violent white extremist Capitol insurrection, and the persistent COVID-19 pandemic, “both sides of our contemporary ideological divide” should fear “real threats to the rule of law.”<sup>44</sup> Gowder points to evidence of how the U.S. populace, legal institutions, and representatives have degenerated to the point of “failure of public commitment” to coalesce interests sufficient to uphold democracy as opposed to authoritarianism.<sup>45</sup> According to Gowder, this creates a risk of increased demonstrations that legal institutions lack the capacity and credibility to recognize and eschew official misconduct.<sup>46</sup> Further, a divided citizenry may lack sufficient trust to “agree about what kinds of official [state] acts constitute violations of the law,” let alone to resist “lawless official action” by those in power when it occurs.<sup>47</sup>

A multiracial, capitalist democracy in crisis, situated in the global climate devastation of the Anthropocene, cannot simply shift, recalibrate, and reform to survive. Only a thorough reimagining of the American experiment can truly change the course of history. The populist revolution and Civil-Rights-Era counterculture movements provide inspiration and tough lessons, while the briefer Occupy Wall Street movement “failed to live up to its revolutionary potential”, yet certainly instilled anti-capitalist and countercultural hope in today’s Generation Z, Millennials, and many other progressives.<sup>48</sup> America needs to start

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43. POOR PEOPLE’S CAMPAIGN, *supra* note 12; see Marable, *supra* note 12, at 13–14; Theoharis, *supra* note 12.

44. Paul Gowder, *The Dangers to the American Rule of Law Will Outlast the Next Election*, 2020 CARDOZO L. REV. DE NOVO 126, 129–34, 139, 148 (2020).

45. *Id.* at 139.

46. *Id.* at 139–40.

47. *Id.* at 140.

48. James A. Anderson, *Some Say Occupy Wall Street Did Nothing. It Changed Us More Than We Think*, TIME (Nov. 15, 2021, 1:31 PM), <https://time.com/6117696/occupy-wall-street-10-years-later/> (quoting MICAH M. WHITE, THE END OF PROTEST: A NEW PLAYBOOK FOR REVOLUTION 26 (2016)). Generation Z is comprised of individuals born in 1997 or after—those currently age twenty-six and younger as of 2023. The Millennial generation is comprised of individuals born between 1981 and 1996—those currently ages twenty-seven to forty-two years old as of 2023. See Michael Dimock, *Defining Generations: Where*

with voter enfranchisement and mobilization, but ultimately a wholesale reckoning led by youth visionaries is needed.<sup>49</sup> Each previously conceived notion of American democracy has only lasted as long as our racial capitalist infrastructure allowed. Neoliberal globalization and privatization have depleted most aspects of the public sector and social safety net, leaving the vast majority of people “to fend for themselves.”<sup>50</sup> The next step demands no less than a leveling of the nation’s socioeconomic and legal foundation. This step requires a total disruption of the oppressive, exploitive, and divisive American economic system in order to build something previously unseen, yet certainly glimpsed both here, abroad, and in hearts and minds.<sup>51</sup>

Additionally, as many scholars of race and justice assert, “it is naïve to presume that white supremacy and racial capitalism only operate where white people experience positive outcomes,” and the COVID-19 pandemic laid bare this reality.<sup>52</sup> In the COVID era, most U.S. families

*Millennials End and Generation Z Begins*, PEW RSCH. CTR. (Jan. 17, 2019), <https://www.pewresearch.org/fact-tank/2019/01/17/where-millennials-end-and-generation-z-begins/>; Biederman et al., *supra* note 1. For extensive discussion of the impact of the Occupy Wall Street movement, including analysis by its founders, *see, e.g.*, Kristen de Groot, *Ten Years Later, Examining the Occupy Movement’s Legacy*, PENN TODAY (Dec. 13, 2021), <https://penntoday.upenn.edu/news/ten-years-later-examining-occupy-movements-legacy>.

49. *See, e.g.*, Anderson, *supra* note 48.

50. *See* Bill Fletcher, Jr., *5 Ways to Rebuild Labor and Transform America*, NATION (June 2, 2020), <https://www.thenation.com/article/society/unions-labor-third-reconstruction/>; *see also* Naomi R. Cahn & Linda C. McClain, *Gendered Complications of COVID-19: Towards a Feminist Recovery Plan*, 22 GEO. J. GENDER & L. 1, 44–45 (2020); Barbara Stark, *Inequality, Covid-19, and Human Rights: Whose Lives Matter?*, 27 ILSA J. INT’L & COMPAR. L. 251, 254 (2021).

51. *See generally* White & Táíwò, *supra* note 34; *Reconsidering Reparations with Olúfẹ́mi O. Táíwò*, *supra* note 34. *But see* Fletcher, *supra* note 50 (“While weaker than in the past, trade unions are still among the few groups with enough resources to advance a transformation that addresses not just racial injustice but also economic inequity, environmental catastrophe, and imperialism . . . Unions need to internalize the goals of what is known as bargaining for the common good, whereby they address issues facing the larger community . . . Organized labor must also demand that the government provide longer-term assistance such as a guaranteed income . . . Labor . . . must fight for a Third Reconstruction and become a movement unafraid of exposing the myths and horrors of the so-called American experiment.”).

52. *See* Charisa Smith, *From Empathy Gap to Reparations: An Analysis of Caregiving, Criminalization, and Family Empowerment*, 90 FORDHAM L. REV. 2621, 2640 (2022) [hereinafter Smith, *From Empathy Gap to Reparations*] (citing CAROL ANDERSON, WHITE RAGE: THE UNSPOKEN TRUTH OF OUR RACIAL DIVIDE 74 (2016)); ANDERSON, *supra*, at 74 (arguing that new voting requirements intended to keep people of color away from the voting booths “turned poor whites, students, and the elderly into collateral damage that got caught in the blowback”); ELIZABETH HINTON, FROM THE WAR ON POVERTY TO THE WAR ON CRIME: THE MAKING OF MASS INCARCERATION IN AMERICA 19 (2016); HEATHER MCGHEE, THE SUM OF US: WHAT RACISM COSTS EVERYONE AND HOW WE CAN PROSPER TOGETHER

struggle to balance employment, care for children or dependent adults, economic downturns, and job loss, but low-income communities of color and women are still impacted the most.<sup>53</sup> The reality that millions of white people, primarily those of lower socioeconomic status and educational backgrounds, are likewise experiencing lower life expectancies, drug addiction and overdoses, health declines, embroilment with the criminal justice system, unwarranted family separation, and challenges with educational attainment demonstrates that the dearth of prosperity in our fragmented society results from the same complex system of oppression, economics, and governance.<sup>54</sup> Given the scale of what Georgetown Professor Olúfemi O. Táíwò coins the unjust, “planet-sized social system that we live in now,” creating a new “world order in terms of justice” means ushering in revolutionary transformation.<sup>55</sup> Before examining American youth activists’ work towards revolutionary transformation, however, it is necessary to revisit the most comparable periods of U.S. history, illuminate past progress, and identify explanations for failure. The following Section analyzes past reconstructions when the established U.S. nation-state experienced upheaval and attempted transformation.<sup>56</sup> Although former

38–39 (2021) (arguing that racism is at the root of social and economic problems faced by white and Black Americans); Martin Guggenheim, *Let’s Root Out Racism in Child Welfare, Too*, IMPRINT (June 15, 2020, 2:00 AM), <https://imprintnews.org/child-welfare-2/lets-root-out-racism-child-welfare-too/44327> (“Similarly, it is undeniable that poor white families are far too often permanently destroyed by the rigid implementation of ASFA. But that doesn’t make the law any less racist, and its origins deserve careful attention.”); Khiara M. Bridges, *Race, Pregnancy, and the Opioid Epidemic: White Privilege and the Criminalization of Opioid Use During Pregnancy*, 133 HARV. L. REV. 770, 785 (2020). See generally ROBIN DIANGELO, *WHITE FRAGILITY: WHY IT’S SO HARD FOR WHITE PEOPLE TO TALK ABOUT RACISM* (2018) (discussing how white Americans are insulated from discussions about race).

53. Cahn & McClain, *supra* note 50, at 44–45; Stark, *supra* note 50, at 256–58.

54. Bridges, *supra* note 52, at 785; Guggenheim, *supra* note 52; HINTON, *supra* note 52, at 340 (“Barring fundamental redistributive changes at the national level, the cycle of racial marginalization, socioeconomic isolation, and imprisonment is ever more likely to repeat itself.”); MCGHEE, *supra* note 52, at 38–39.

55. White & Táíwò, *supra* note 34.

56. The first and second Reconstructions involved the U.S. nation-state as it most closely exists today. The American Revolution is omitted from this Article’s analysis because that time period involved the new formation of a nation-state out of British colonies, rather than events where the nation itself ruptured or changed. See Adam Sanchez & Nqobile Mthethwa, *When the Impossible Suddenly Became Possible: A Reconstruction Mixer*, ZINN EDUC. PROJECT, <https://www.zinnedproject.org/materials/the-impossible-became-possible-reconstruction-mixer/> (last visited Apr. 17, 2023) (exploring the connections between different social movements during Reconstruction, between 1865 and 1876, including the labor movement, women’s rights movement, and suffrage/voting rights movement following the Civil War, as activists attempted to build alliances). See generally Kevin K. Gaines, *The End of the Second Reconstruction*, 1 MOD. AM. HIST. 113 (2018), <https://doi.org/10.1017/mah.2017.16> (discussing the first and second Reconstruction Eras).

reconstructions aimed for bold changes, including the abolition of slavery and broader political enfranchisement, they neglected to invest in the type of “life-affirming institutions” that could foster socioeconomic resilience and durable civic empowerment today, as described by anti-capitalist, carceral abolitionist scholar Ruth Wilson Gilmore.<sup>57</sup>

*B. The First Reconstruction (1863–1877): Democratization, Hope, and Demise*

*The reason why we don't learn about Reconstruction or if we do, we learn that it was a failed experiment in multiracial democracy, is because Reconstruction condemns us.*

*. . . [T]hen you see, we didn't have to become the country that we became for 100 years; that we have this brief period at the end of slavery, where we actually believed in multiracial democracy . . . . [Black people] bring progressive taxation, that they began to create this progressive democracy that we believe that we were.*

—Nikole Hannah-Jones, Journalist, *The New York Times*<sup>58</sup>

The emancipation of four million slaves and post-Civil War Reconstruction transformed U.S. society and simultaneously laid bare the ubiquity of our founding paradigm of violent white dominance and labor exploitation, which has simply morphed into its current form.<sup>59</sup> Historian Kevin Gaines considers the Reconstruction Era “a crucial starting point for understanding continuing struggles for citizenship, civil and political rights, and racial and economic justice” in light of the right-wing extremism and white nationalism surrounding the rise of former President Donald Trump.<sup>60</sup> Reconstruction jeopardized whites’ reliance on the dehumanization of African-Americans to maintain capitalism.<sup>61</sup> “[F]ederal troops occupied former Confederate states in 1867 and demanded former confederates pledge loyalty to the union or

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57. See Aisha Rios, *Nothing Is Broken: What Evaluation and Philanthropy Can Learn from Abolitionism*, NPQ MAG. (Oct. 20, 2022) (quoting Ruth Wilson Gilmore), <https://nonprofitquarterly.org/nothing-is-broken-what-evaluation-and-philanthropy-can-learn-from-abolitionism/>.

58. Busboys and Poets, *Busboys and Poets Books Presents The 1619 Project with Nikole Hannah-Jones*, YOUTUBE, at 52:44 (Nov. 28, 2021), <https://www.youtube.com/watch?v=Woaf4lntUjY>.

59. See Sanchez & Mthethwa, *supra* note 56.

60. Gaines, *supra* note 56, at 114.

61. *Id.*

lose their political rights.”<sup>62</sup> To attempt administration of multiracial democracy, alliances of radical congressional Republicans and integrated state governments established universal male suffrage, to the extent that, in 1868, according to historian Henry Louis Gates, eighty percent of all Black men in former confederate states were registered voters.<sup>63</sup> African-Americans began self-governance, with at least 2,000 Black officeholders at every level, including seven Black U.S. House members and one U.S. Senator in the forty-fourth Congress.<sup>64</sup> Further, scores of marginalized people (of both races) in the South and border states attained state-funded public education and literacy for the first time over the fierce opposition of the white planter class and largely due to the efforts of Black politicians, northern missionaries, and freedmen’s funds.<sup>65</sup>

Modern labor leaders assert that “some of our most progressive social and labor legislation might have come from the South” during Reconstruction if integrated state legislatures had been allowed to continue their work.<sup>66</sup> Black freedoms generally advanced the status of poor whites and women, as well.<sup>67</sup> Other important gains included laws

62. *A Brief History of Labor, Race and Solidarity*, LAB. COMM’N ON RACIAL & ECON. JUST., <https://racial-justice.aflcio.org/blog/est-aliquid-se-ipsam-flagitiosum-etiamsi-nulla> (last visited Apr. 17, 2023).

63. Fresh Air, *Henry Louis Gates Jr. Points to Reconstruction as the Genesis of White Supremacy*, NPR, at 02:46 (Apr. 3, 2019), <https://www.npr.org/2019/04/03/709094399/henry-louis-gates-jr-points-to-reconstruction-as-the-genesis-of-white-supremacy>.

64. *Reconstruction: The 15th Amendment and African American Men in Congress*, EMEDIAVA, <https://emediava.org/l/27841> (last visited Apr. 17, 2023); see Eric Foner, *Reconstruction*, ENCYC. BRITANNICA (Aug. 29, 2022), <https://www.britannica.com/event/Reconstruction-United-States-history>. See generally Rebecca Onion, *Proof That Black Politicians Helped Freedpeople During Reconstruction*, SLATE (Feb. 9, 2018, 11:57 AM), <https://slate.com/culture/2018/02/how-black-politicians-affected-life-in-the-south-during-reconstruction.html>.

65. Foner, *supra* note 64; Onion, *supra* note 64; *African Americans and Education During Reconstruction: The Tolson’s Chapel Schools*, NAT’L PARK SERV. (June 22, 2021), <https://www.nps.gov/articles/african-americans-and-education-during-reconstruction-the-tolson-s-chapel-schools.htm>; *Schools and Education During Reconstruction*, PBS, <https://www.pbs.org/wgbh/americanexperience/features/reconstruction-schools-and-education-during-reconstruction/> (last visited Apr. 17, 2023); 120 YEARS OF AMERICAN EDUCATION: A STATISTICAL PORTRAIT (Tom Snyder ed. 1993), *reprinted in 120 Years of Literacy*, NAT’L CTR. FOR EDUC. STAT., [https://nces.ed.gov/naal/lit\\_history.asp](https://nces.ed.gov/naal/lit_history.asp) (last visited Apr. 17, 2023) (“In 1870, 20 percent of the entire adult population [in the United States] was illiterate, and 80 percent of the black population was illiterate. By 1900 the situation had improved somewhat, but still 44 percent of blacks remained illiterate.”).

66. *A Brief History of Labor, Race and Solidarity*, *supra* note 62.

67. See Keri Leigh Merritt, *A Dual Emancipation: How Black Freedom Benefited Poor Whites*, AFR. AM. INTELL. HIST. SOC’Y: BLACK PERSPS. (Apr. 15, 2017),

against “racial discrimination in public transport and accommodations and ambitious economic development programs” that aided railroads and rebuilt roads through Black labor, civil aid societies, and more equitable taxation.<sup>68</sup>

Yet, the first Reconstruction failed to fundamentally shift the balance of power or resources in the United States because it failed to *deconstruct* prevailing assumptions underlying the democratic experiment—namely racial capitalism and forms of social Darwinism, including white supremacy, tied to elitism.<sup>69</sup> The first Reconstruction never achieved longstanding redistribution of land, wealth, or power, despite the purported “40 acres and a mule” promised to former slaves in the first Freedmen’s Bureau Act.<sup>70</sup> By late 1865, President Andrew Johnson abandoned his effort to re-settle or disperse plantations, and land was quickly returned to former slave owners.<sup>71</sup>

Scholars increasingly refuse to oversimplify the narrative of the first Reconstruction’s demise, however, while recognizing that the American experiment replicated an old, feudal European social order and that revolutionary change would have required far more radical efforts than Reconstruction.<sup>72</sup> For example, Eric Foner asserts that disparate factions of the Republican party were unified by a free-labor ideology and the

<https://www.aaihs.org/a-dual-emancipation-how-black-freedom-benefited-poor-whites/>; Sanchez & Mthethwa, *supra* note 56.

68. *Reconstruction*, *supra* note 18; see also *A Brief History of Labor, Race and Solidarity*, *supra* note 62.

69. See *A Brief History of Labor, Race and Solidarity*, *supra* note 62; see also Henry Louis Gates, Jr., *The Truth Behind ‘40 Acres and a Mule’*, PBS, <https://www.pbs.org/wnet/african-americans-many-rivers-to-cross/history/the-truth-behind-40-acres-and-a-mule/> (last visited Apr. 17, 2023); Nadra Kareem Nittle, *The Short-Lived Promise of ‘40 Acres and a Mule’*, HIST. (Nov 9, 2022), <https://www.history.com/news/40-acres-mule-promise>.

70. See *A Brief History of Labor, Race and Solidarity*, *supra* note 62; see also Gates, *supra* note 69; Nittle, *supra* note 69.

71. BRUCE J. REYNOLDS, U.S. DEPT OF AGRIC., BLACK FARMERS IN AMERICA, 1865-2000: THE PURSUIT OF INDEPENDENT FARMING AND THE ROLE OF COOPERATIVES 1, 2 (2002), <https://www.rd.usda.gov/files/RR194.pdf>.

72. See generally Nicole Etcheson, *Review: Reconstruction and the Making of a Free-Labor South*, 37 REVS. AM. HIST. 236 (2009) (citing ERIC FONER, FREE SOIL, FREE LABOR, FREE MEN: THE IDEOLOGY OF THE REPUBLICAN PARTY BEFORE THE CIVIL WAR (1970)); CEDRIC J. ROBINSON, ON RACIAL CAPITALISM, BLACK INTERNATIONALISM, AND CULTURES OF RESISTANCE (H. L. T. Quan ed., 2019) [hereinafter ROBINSON, ON RACIAL CAPITALISM]; CEDRIC J. ROBINSON, BLACK MARXISM 205–07 (1983) [hereinafter ROBINSON, BLACK MARXISM]; Robin D. G. Kelley, *What Did Cedric Robinson Mean by Racial Capitalism?*, BOS. REV. (Jan. 12, 2017) [hereinafter Kelley, *What Did Cedric Robinson Mean?*], <https://www.bostonreview.net/articles/robin-d-g-kelley-introduction-race-capitalism-justice>; Robin D. G. Kelley, *What Is Racial Capitalism and Why Does It Matter?*, SIMPSON CTR. FOR HUMANS. (Nov. 7, 2017, 7:00 PM) [hereinafter Kelley, *What is Racial Capitalism?*], <https://simpsoncenter.org/katz-lectures/what-racial-capitalism-and-why-does-it-matter>.

“commitment to keep slavery out of the territories, [to preserve] them for the expansion of free white [labor].”<sup>73</sup> Foner contrasts these pragmatic motives with the “racial egalitarianism [and] abolitionism” that Reconstruction Era Republicans are often credited with.<sup>74</sup> According to Foner, Republicans abandoned federal intervention in the South because they were unable to “remake the slave-labor South in the image of the free-labor North.”<sup>75</sup> Intact plantations (and many other factors) led to a similarly oppressive system of tenant farming, sharecropping, and debt peonage, backed up by the looming threat of the chain gang.<sup>76</sup> Thus, by 1869, the Freedmen’s Bureau dissolved and all federal troops withdrew by 1877.<sup>77</sup>

Progressive scholars also address the macro-level forces at play in various eras including the first Reconstruction, to further explain why American reform movements continually negate true redistribution of power and wealth.<sup>78</sup> The late Cedric Robinson “rejected the notion that capitalism was a radical break with the feudal system,” reiterating the assertions of sociologist Oliver Cromwell Cox regarding capitalism’s emergence from “within feudalism and in concurrence with pre-existing forms of ‘racialism’ that had already been ensnared in Western feudal society.”<sup>79</sup> Robin D. G. Kelley further explains that, “capitalism and racism” evolved from the old order, “to produce a modern world system of ‘racial capitalism’ dependent on slavery, violence, imperialism and genocide.”<sup>80</sup> Kelley clarifies that “[c]apitalism was ‘racial’ not because of some conspiracy to divide workers or justify slavery and dispossession, but because” of longstanding European “racialization” and a constant

73. See Etcheson, *supra* note 72, at 237.

74. *Id.*

75. *Id.*

76. Common Law, *Why Land Redistribution to Former Slaves Unraveled After the Civil War*, UNIV. OF VA. SCH. OF L., at 21:34 (Oct. 19, 2019), <https://www.law.virginia.edu/news/201910/why-land-redistribution-former-slaves-unraveled-after-civil-war>; *A Brief History of Labor, Race and Solidarity*, *supra* note 62.

77. See REYNOLDS, *supra* note 71; *A Brief History of Labor, Race and Solidarity*, *supra* note 62 (discussing the Freedmen’s Bureau).

78. See Etcheson, *supra* note 72, at 236; ROBINSON, ON RACIAL CAPITALISM, *supra* note 72; ROBINSON, BLACK MARXISM, *supra* note 72, at 205–07; Kelley, *What Did Cedric Robinson Mean?*, *supra* note 72; Kelley, *What is Racial Capitalism?*, *supra* note 72.

79. Stephen D. Ashe, *Racial Capitalism*, GLOB. SOC. THEORY, <https://globalsocialtheory.org/topics/racial-capitalism/> (last visited Mar. 18, 2023). See generally ROBINSON, ON RACIAL CAPITALISM, *supra* note 72; ROBINSON, BLACK MARXISM, *supra* note 72.

80. Kelley, *What Did Cedric Robinson Mean?*, *supra* note 72 (quoting ROBINSON, BLACK MARXISM, *supra* note 72, at xiii); see also Kelley, *What Is Racial Capitalism?*, *supra* note 72.

colonization process involving “invasion, settlement, expropriation, [resource extraction,] and racial hierarchy.”<sup>81</sup>

Ultimately, as Reconstruction progressed, African Americans had few allies or resources to fend against violent, insurgent racist southern vigilantes, state-sponsored terror and propaganda campaigns, and systematic legislation that overthrew Reconstruction governments.<sup>82</sup> “Lynching became a tool of [both] social control and economic domination, spiking during the season property owners and sharecroppers settled accounts.”<sup>83</sup> Black political and economic advances dwindled as new laws and fines stymied Black entrepreneurship, and “Black Codes” replaced the slave codes—often prohibiting African Americans from owning or renting the land to which they were tied.<sup>84</sup> Further, “white Southerners opposed to Reconstruction . . . mobilized” and “us[ed] terror[] . . . [and] intimidation . . . to . . . force uncommitted white Southerners to their side”—however otherwise dispossessed they might be.<sup>85</sup> By 1901, Congressman George Henry White was the last Black politician to serve nationally for a generation.<sup>86</sup>

### C. Glimpsing Multiracial Revolution: The People’s Party

Although the first Reconstruction failed to topple oppressive systems other than chattel slavery, it sparked aspirations that led to an unprecedented, multiracial populist revolution that resonates in the moral fusion work of twenty-first century youth, although little is known about the specific role of young adults or minors in the populist revolution of the 1800s.<sup>87</sup> Importantly, the emergence of the (Populist) People’s

81. Kelley, *What Did Cedric Robinson Mean?*, *supra* note 72. See generally Ashe, *supra* note 79 (discussing racial capitalism).

82. See Daniel Byman, *White Supremacy, Terrorism, and the Failure of Reconstruction in the United States*, 46 INT’L SEC. 53, 82–85 (2021). See generally Roy W. Copeland, *In the Beginning: Origins of African American Real Property Ownership in the United States*, 44 J. BLACK STUD. 646 (2013) (discussing difficulties African Americans faced in acquiring land during Reconstruction).

83. *A Brief History of Labor, Race and Solidarity*, *supra* note 62.

84. See Byman, *supra* note 82, at 69.

85. *Id.* at 57.

86. *Representative George White of North Carolina*, HIST., ART & ARCHIVES: U.S. HOUSE OF REPRESENTATIVES, <https://history.house.gov/Historical-Highlights/1901-1950/Representative-George-White-of-North-Carolina/> (last visited Apr. 17, 2023).

87. Political activities of youth and young adults are scarcely mentioned in accounts of the Populist Revolution, aside from reports of childhood songs that embodied the spirit of the movement or adult recollections about witnessing events amidst daily life. See, e.g., Michael Kazin, *Populism and Agrarian Discontent*, GILDER LEHRMAN INST. OF AM. HIST. (citing Mary Louise Jeffery, *Young Radicals of the Nineties*, 38 NEB. HIST. 25, 31 (1957)) (describing song lyrics that children sang on the farm after sensing their parents’ anger at the monopoly power in Nebraska); *The Rise of Populism*, ANCHOR,

Party represents the most salient attempt at creating a third major political party in American democracy.<sup>88</sup> As historian David Roediger notes, Reconstruction's progress propelled a series of "war-and-emancipation inspired insurgencies" between 1865 and 1869, "rais[ing] the possibilities for something like a 19th-century Rainbow Coalition" of the nation's aggrieved masses.<sup>89</sup> The Populist Revolution was propelled by the Farmers Alliance, an agrarian movement emerging "during the 1870s and '80s that sought to improve the economic conditions for farmers through the creation of cooperatives and political advocacy."<sup>90</sup> Numerous local organizations coalesced into three large groups: the Colored Farmers' National Alliance and Cooperative Union ("the Colored Farmers' Alliance"); the National Farmers' Alliance ("the Northern Alliance"), "which grew out of the Granger movement"—a coalition fighting grain transport monopolies; and the National Farmers' Alliance and Industrial Union ("the Southern Alliance"), which originally banned membership of African Americans.<sup>91</sup>

Evincing audacity similar to that of modern youth activists, the integrated populist revolution and the People's Party emerged as a fusion movement resisting the racial division and sexism stoked by elites, and insistent on an expansive vision for change.<sup>92</sup> Agrarian "alliance members became impatient with" piecemeal approaches to reform and

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<https://www.ncpedia.org/anchor/rise-populism> (last visited Apr. 17, 2023) (describing the Populists emergence in the 1890's without any mention of support among youth and young adults); Wormser, *supra* note 5 (describing the Populist Movement with no mention of the political activities of youth and young adults).

88. For more in-depth discussion on third parties in American politics, see generally Philip Bump, *The Problem for Third Parties? America Is Not a Political Free Market*, WASH. POST (July 28, 2022, 5:50 PM), <https://www.washingtonpost.com/politics/2022/07/28/problem-third-parties-america-is-not-political-free-market/>; Steve Fraser, *Third Parties in the U.S. Are More Important Than You Think*, JACOBIN MAG. (Mar. 5, 2021), <https://jacobin.com/2021/03/third-parties-united-states-history>; LAWRENCE GOODWYN, *DEMOCRATIC PROMISE: THE POPULIST MOMENT IN AMERICA* (1976); Robert W. Cherny, *Lawrence Goodwyn and Nebraska Populism: A Review of Democratic Promise: The Populist Moment in America by Lawrence Goodwyn*, GREAT PLAINS Q., Summer 1981, at 181, <https://digitalcommons.unl.edu/greatplainsquarterly/1903>.

89. Sanchez & Mthethwa, *supra* note 56 (quoting DAVID ROEDIGER, *SEIZING FREEDOM* (2014)).

90. Pat Bauer, *Farmers' Alliance*, ENCYC. BRITANNICA, <https://www.britannica.com/topic/Farmers-Alliance> (last visited Apr. 18, 2023). See generally REYNOLDS, *supra* note 71, at 5–6 (discussing the Farmers Alliance).

91. Bauer, *supra* note 90; see *Black Populism in the New South*, *supra* note 5; REYNOLDS, *supra* note 71, at 5; Wormser, *supra* note 5; *The New South*, KHAN ACAD., <https://www.khanacademy.org/humanities/us-history/the-gilded-age/south-after-civil-war/a/the-new-south> (last visited Apr. 17, 2023).

92. *Black Populism in the New South*, *supra* note 5.

sought consistent political power and transformation.<sup>93</sup> Discerning that the disinterest of the Democratic and Republican parties to their interests was unacceptable, sharecroppers, tenant farmers, and landed farmers coalesced in their own mutual interests.<sup>94</sup> The People's Party formed during an era not unlike the present—an era of stark economic inequality, scarce government protections or benefits for the masses, and consolidated corporate wealth and power.<sup>95</sup>

Similar to the present day, the era of the Populist Revolution was also marked by cycles of indebtedness.<sup>96</sup> The alliances also faced falling crop prices, economic stagnation in the South, midwestern drought, and northern technological advancement through the Second Industrial Revolution.<sup>97</sup> After significant regional victories, farmers alliances shifted their efforts towards forming a third party by the 1890s—the Populist, or People's Party.<sup>98</sup> The People's Party platform demanded regulation of banks and corporations, public ownership of utilities and railways, a federal buffer against economic depressions, a challenge to concentrated wealth and monopolies, increases in the supply of currency, the creation of a graduated income tax, decreases in tariffs, and establishment of subtreasuries to handle crop deposits and borrowing at low interest rates, the direct election of senators, and the replacement of state-appointed positions with elected positions.<sup>99</sup> “In 1892 the Populist

93. See GOODWYN, *supra* note 88, at 173–76; Wormser, *supra* note 5.

94. *Black Populism in the New South*, *supra* note 5.

95. As of 2009, the IRS reported that all U.S. households with incomes less than \$343,927 belonged to the lower ninety-nine percent of the national income distribution. This statistic has been criticized for including considerably wealthy individuals within the ninety-nine percent, while failing to account for those whose income is low but whose real estate or investment holdings create a different yet crucial measure of wealth and power. DOUGLAS H. SHULMAN ET AL., DEPT OF THE TREASURY, IRS, STATISTICS OF INCOME—2009, INDIVIDUAL INCOME TAX RETURNS (2011), <https://www.irs.gov/pub/irs-soi/09inalcr.pdf>; see also MICAH WHITE, THE END OF PROTEST: A NEW PLAYBOOK FOR REVOLUTION 9, 108, 111 (2016); Michael D. Yates, “We Are the 99%!” *Occupy Wall Street and the Importance of Political Slogans*, OCCUPY.COM (Mar. 8, 2013), <https://www.occupy.com/article/we-are-99-occupy-wall-street-and-importance-political-slogans#sthash.IWIFcVju.dpbs>; Foner, *supra* note 64.

96. See Wormser, *supra* note 5; REYNOLDS, *supra* note 71, at 5; Tamar Hoffman, *Debt and Policing: The Case to Abolish Credit Surveillance*, 29 GEO. J. ON POVERTY L. & POL'Y 93, 95 (2021).

97. See Wormser, *supra* note 5; REYNOLDS, *supra* note 71, at 5; Bauer, *supra* note 90; *The New South*, *supra* note 91.

98. Wormser, *supra* note 5; see also REYNOLDS, *supra* note 71, at 5–6; Bauer, *supra* note 90.

99. Bauer, *supra* note 90; see also *Black Populism in the New South*, *supra* note 5; *Populist Party Platform (1892)*, W.W. NORTON, [https://www.norton.com/college/history/archive/reader/trial/directory/1890\\_1914/12\\_ch22\\_04.htm](https://www.norton.com/college/history/archive/reader/trial/directory/1890_1914/12_ch22_04.htm) (last visited Apr. 18, 2023).

presidential candidate, James B. Weaver, won more than 1 million popular votes. The party elected several members to Congress, three governors, and hundreds of minor officials and legislators . . . . [Coalitions allied with the Populist Party also] captured the state of North Carolina in 1896 under the leadership of Marion Butler.”<sup>100</sup>

Despite its fraught legacy and the failure of schools to discuss its very existence, the Populist Revolution created many lasting features of our national landscape including “two Constitutional Amendments (the direct election of U.S. Senators and the creation of a progressive personal income tax, both in 1913).”<sup>101</sup> Unfortunately, the best efforts of the People’s Party were thwarted through “a violent counter-revolution” propelled by oligarchs and white supremacists.<sup>102</sup> Southern whites resorted to rampant violence and many white populist leaders turned violence directly against their Black comrades.<sup>103</sup> The “disenfranchisement movement” drew upon “deep-seated, anti-black fears and resentments” that cast Black voting and office-holding as “a threat to the safety and rights of whites.”<sup>104</sup> The resulting Jim Crow system of social apartheid was “savagely enforced,” excluding African Americans from nearly all mainstream American life, to the “grotesque” extent that Nazi Germany later named Jim Crow as “inspiration” for its own dehumanizing and genocidal policies.<sup>105</sup> Universal male suffrage dwindled as southern legislatures created Jim Crow laws and amended state constitutions between 1890 and 1908, instituting poll taxes, literacy tests, and other discriminatory mechanisms that stripped both African Americans and poor whites of voting rights.<sup>106</sup> Backlash against the People’s Party and against organized labor more generally during the Gilded Age also led to legal public (and to some degree, private)

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100. Wormser, *supra* note 5.

101. *Black Populism in the New South*, *supra* note 5; see also Bauer, *supra* note 90.

102. Gaines, *supra* note 56, at 114; *Black Populism in the New South*, *supra* note 5; Bauer, *supra* note 90; Wormser, *supra* note 5.

103. *Black Populism in the New South*, *supra* note 5; Bauer, *supra* note 90; Wormser, *supra* note 5.

104. Gaines, *supra* note 56, at 114; see Eric Foner, *Expert Report of Eric Foner*, 5 MICH. J. RACE & L. 311, 321–26 (1999).

105. Nikole Hannah-Jones, *Our Democracy’s Founding Ideals Were False When They Were Written. Black Americans Have Fought to Make Them True.*, N.Y. TIMES MAG. (Aug. 14, 2019), <https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html>.

106. Gaines, *supra* note 56, at 113–14.

separation of the races, which would not be revisited for three generations until the Second Reconstruction.<sup>107</sup>

Political developments in the summer of 2023 have revived discussion of both third-party politics and a fledgling, aggrieved—if not scandal-beset—new “People’s Party,” which does not tout any direct connection or inspiration from the People’s Party of the 1890s.<sup>108</sup> Yet, it is unclear how revolutionary, impactful, or youth-driven such nascent progressive efforts will be as they thrust the 2024 presidential election into focus.

#### D. Second Reconstruction and the Civil Rights Movement

While an in-depth discussion of the Second Reconstruction and Civil Rights Movement is beyond the scope of this Article, aspects of that historical period illuminate the transformational force of youth

107. James Gilbert Cassedy, *African Americans and the American Labor Movement*, PROLOGUE MAG.: NAT’L ARCHIVES & RECS. ADMIN. (Oct. 6, 2022), <https://www.archives.gov/publications/prologue/1997/summer/american-labor-movement.html>; *Black Populism in the New South*, *supra* note 5.

108. The early June 2023 announcement of a presidential bid by Dr. Cornel West—an ivy league academic, public intellectual, and civil-rights activist—garnered widespread media attention and brought the term “People’s Party” unexpectedly into mainstream discourse. *See, e.g.*, Eva McKend & Gregory Krieg, *Jill Stein Enlisted to Help Build Cornel West’s Third-Party Presidential Campaign*, CNN (June 22, 2023, 3:59 PM), <https://www.cnn.com/2023/06/22/politics/jill-stein-cornel-west-president-2024/index.html>; Sarah Fortinsky, *Cornel West Announces 2024 Run for President as People’s Party Candidate*, HILL (June 5, 2023, 1:56 PM), <https://thehill.com/homenews/campaign/4035148-cornel-west-2024-run-president-peoples-party/>; Calder McHugh, *Cornel West Wants to Keep on Pushing*, POLITICO (July 7, 2023, 12:38 PM), <https://www.politico.com/newsletters/the-recast/2023/07/07/cornel-west-presidential-campaign-green-party-00105187>; Jeet Here, *Cornel West Is the Right Man in the Wrong Party*, NATION (June 12, 2023), <https://www.thenation.com/article/politics/cornel-west-peoples-party/>; THE PEOPLE’S PARTY, <https://www.peoplesparty.org/> (last visited July 7, 2023). West is a longtime critic of the Democratic Party establishment and was a “prominent surrogate for Vermont Sen. Bernie Sanders during his two presidential campaigns” according to CNN. *See* McKend & Krieg, *supra*; McHugh, *supra*.

The new People’s Party’s online and media presence states no connection with the historical People’s Party, and the organization was formed in 2017 by progressive activists outraged by the Democratic Party establishment’s rejection of Senator Bernie Sanders during his 2016 presidential bid. *See* THE PEOPLE’S PARTY, *supra*; Here, *supra*. Also coined the Movement for a People’s Party (“MPP”), the MPP is currently on the ballot only in Florida. *See* Here, *supra*. Dr. Cornel West himself abandoned his People’s Party affiliation less than a month after announcing his presidential bid to instead seek the Green Party nomination—potentially due to the Green Party’s longstanding ballot access and solid campaign infrastructure. Rafi Schwartz, *What Is the People’s Party That Launched Cornel West’s Presidential Campaign?*, WEEK (June 19, 2023), <https://theweek.com/2024-presidential-election/1024333/what-is-the-peoples-party-that-launched-cornel-wests>.

empowerment,<sup>109</sup> and demonstrate the dire need for deeper analysis and farther-reaching mobilization today—not simply a third Reconstruction but rather a revolution. In the vast time span between the end of World War II and the late 1960s, a collection of connected grassroots movements (often incorrectly coined as a single civil rights movement)<sup>110</sup> and gradual actions by each branch of the federal government achieved more robust—yet woefully inadequate—freedoms for African Americans, indigenous people, other ethnic and identity groups, and women, while attempting to redress persistent socioeconomic stratification.<sup>111</sup> Although parts of Civil-Rights-Era activism involved anti-capitalist and anti-imperialist grounding, anti-capitalism and anti-imperialism were neither the common focal point of mass mobilization nor an overarching goal in the growing public consciousness.<sup>112</sup> The Civil Rights Era is also understood as a time of expanded educational opportunities, cultural openness, and sexual expression, including increased acceptance of individuals with LGBTQIA identity.<sup>113</sup>

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109. See Mae C. Quinn, *Black Women and Girls and the Twenty-Sixth Amendment: Constitutional Connections, Activist Intersections, and the First Wave Youth Suffrage Movement*, 43 SEATTLE U. L. REV. 1237, 1246 (2020) (“Ultimately young people, including Black teenage girls, played a significant role in lowering the nation’s voting age.”).

110. See Reuel Schiller, *Mourning King: The Civil Rights Movement and the Fight for Economic Justice*, CUNY SCH. OF LAB. & URB. STUD.: NEW LAB. F. (May 2018) (footnote omitted), <https://newlaborforum.cuny.edu/2018/05/10/mourning-king/> (“[B]efore the end of the 1960s, there was no single Civil Rights Movement. There had always been multiple movements, with different goals, different strategies, and different institutional manifestations.”).

111. *The Second Revolution, 1965–1980*, NAT’L PARK SERV., <https://www.nps.gov/subjects/civilrights/secondrevolution.htm> (last visited Apr. 18, 2023); *Rights and Representation*, HIST., ART & ARCHIVES: U.S. HOUSE OF REPRESENTATIVES, <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Keeping-the-Faith/Civil-Rights-Movement/> (last visited Apr. 18, 2023).

112. See generally Dee Knight, *The Socialist Anti-War Tradition: Leading the Fight Against War and Imperialism*, SOCIALIST F. (2020), <https://socialistforum.dsausa.org/issues/winter-2020/the-socialist-anti-war-tradition-leading-the-fight-against-war-and-imperialism/>; Joel Geier, *Socialists Organized in the 1950s Civil Rights Movement*, JACOBIN MAG. (Oct. 2, 2021), <https://jacobin.com/2021/10/socialism-1950s-civil-rights-montgomery-boycott-rustin-muste-randolph>; Ashley Farmer, “*Heed the Call!*”: *Black Women, Anti-Imperialism, and Black Anti-War Activism*, AFR. AM. INTELL. HIST. SOC’Y: BLACK PERSPS. (Aug. 3, 2016), <https://www.aaihs.org/heed-the-call-black-women-anti-imperialism-and-black-anti-war-activism/>; Salar Mohandesi, *From Anti-Imperialism to Human Rights: The Vietnam War and Radical Internationalism in the 1960s and 1970s*, at 37 (2017) (Ph.D. dissertation, University of Pennsylvania) (ProQuest), <https://repository.upenn.edu/dissertations/AAI10266129>.

113. WALTER M. FRANK, *LAW AND THE GAY RIGHTS STORY: THE LONG SEARCH FOR EQUAL JUSTICE IN A DIVIDED DEMOCRACY* 27–31 (2014); *Rights and Representation*, *supra* note 111 (citing the extensive literature on the Civil Rights Era and the Second Reconstruction).

A defining characteristic of the Civil Rights Era—with the 1960s marking “one of the most tumultuous and divisive decades in world history”—is the pervasiveness of revolutionary youth counterculture, the emergence of a profound “generation gap,” and young people’s fierce civic leadership as patent rejection of the status quo.<sup>114</sup> Young people in this period felt particularly united around opposition to the atrocities of the Vietnam War and the mandatory draft of males age eighteen and over in the United States.<sup>115</sup> This consciousness compelled youth to engage in protests, which often endured a violent response from law enforcement,<sup>116</sup> to seize their own enfranchisement, to press for broader socioeconomic empowerment, and to spearhead liberation movements across the country.<sup>117</sup> While there is a wealth of research illustrating the crucial role that young people played in this era of mass resistance and upheaval, some sources critique the prevailing narrative for eclipsing the story of the “hundreds of thousands of children and teenagers” who independently and effectively organized “sit-ins, school strikes, boycotts, marches, and demonstrations in which Dr. Martin Luther King Jr. and other national civil rights leaders played little or no part.”<sup>118</sup> Mass media representations of the Civil Rights Movement and frequently used textbooks do not necessarily illuminate the abundant activism initiated by minor children, adolescents, and emerging adults, activism which then sparked school-system-wide boycotts and other mobilization across the country.<sup>119</sup> Examples abound—from the *Little Rock Nine* (Black high school students anointed by their NAACP president to face violent resistance to integration on an intentionally national stage), to southern college students who led the first ever sit-in at a Woolworth’s store and created the internationally catalyzing Student Nonviolent Coordinating Committee (led by the visionary Ella Baker), to the 1963 “Children’s March” (“Children’s Crusade”), and scores of others.<sup>120</sup> As diverse

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114. 1960s, HIST., <https://www.history.com/topics/1960s> (last visited Apr. 18, 2023).

115. See, e.g., *id.*; Mohandesi, *supra* note 112, at 37–42; Knight, *supra* note 112.

116. See, e.g., Mohandesi, *supra* note 112, at 167–68, 189; Knight, *supra* note 112.

117. Quinn, *supra* note 109, at 1259–60; Mabinty Quarshie, *This Is America: 1961, The Year Young Activists Helped Change the Course of American History*, USA TODAY, <https://www.usatoday.com/in-depth/news/nation/2021/09/21/young-activists-1961-helped-change-us-history-fuel-civil-rights/5650659001/> (Oct. 20, 2021, 12:06 AM).

118. *About The Young Crusaders*, PENGUIN RANDOM HOUSE, <https://www.penguinrandomhouse.com/books/670204/the-young-crusaders-by-v-p-franklin/> (last visited Apr. 18, 2023).

119. E.g., V.P. FRANKLIN, *THE YOUNG CRUSADERS: THE UNTOLD STORY OF THE CHILDREN AND TEENAGERS WHO GALVANIZED THE CIVIL RIGHTS MOVEMENT* 121–25 (2021).

120. See, e.g., Greg Timmons, *How Youth Activists Impacted the Civil Rights Movement*, BIOGRAPHY (Jan. 29, 2021), <https://web.archive.org/web/20220924230532/https://www.biography.com/news/african->

materials in the Library of Congress' Civil Rights History Project collection demonstrate, youth involvement in the Civil Rights Movement was shaped by freedom struggles that drew them "into a maelstrom of meetings, marches, violence, and in some cases, imprisonment" to demand a more just world.<sup>121</sup> Further, youth forced the convergence of several different movements to propel passage of the Twenty-Sixth Amendment which lowered the U.S. voting age from twenty-one to eighteen.<sup>122</sup>

Young people's progressive activism during the later years of the Second Reconstruction manifested in myriad forms, and youth positioned themselves differently in relation to dominant systems of power and influence as well as in relation to the mainstream culture and marketplace.<sup>123</sup> At times, the same youth moved between and among activist groups, shifted in their own degree of radicalism, and forged

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american-youth-civil-rights-movement; Allison Acosta et al., *And the Youth Shall Lead Us: Stories of Young People on the Frontlines of U.S. Social Movements*, C.R. TEACHING, <https://www.civilrightsteaching.org/framing-movement/and-the-youth-shall-lead-us> (last visited Apr. 18, 2023); *Youth in the Civil Rights Movement*, LIBR. OF CONG., <https://www.loc.gov/collections/civil-rights-history-project/articles-and-essays/youth-in-the-civil-rights-movement/> (last visited Apr. 18, 2023); Livia Gershon, *A Century of Black Youth Activism*, JSTOR DAILY (Sept. 12, 2020), <https://daily.jstor.org/a-century-of-black-youth-activism/>; Abayomi Azikiwe, *Youth Played Pivotal Role in Civil Rights, Black Power Movements*, WORKERS WORLD (Feb. 11, 2010, 11:47 PM), [https://www.workers.org/2010/us/youth\\_pivotal\\_0218/](https://www.workers.org/2010/us/youth_pivotal_0218/); Carla Vincent-Westfield, *This Little Light of Mine: Children and Young People of the Civil Rights Movement 1954–1965*, AM. HIST. TCHRS.' COLLABORATIVE (2010), <http://www.usd116.org/ProfDev/AHTC/lessons/Westfield10/WestfieldPPT.pdf>; Dernal Davis, *When Youth Protest: The Mississippi Civil Rights Movement, 1955–1970*, MISS. HIST. NOW (Aug. 2001), <https://www.mshistorynow.mdah.ms.gov/issue/the-mississippi-civil-rights-movement-1955-1970-when-youth-protest>; Lois Carlisle, "Why Not Us?" *Youth Activism in the South*, ATLANTA HIST. CTR. (Jan. 15, 2021), <https://www.atlantahistorycenter.com/blog/why-not-us-youth-activism-in-the-south/>; Teena Apeles, *Youth Activism in America: From Armbands and Walkouts to Bus Rides and Voter Drives That Would Shape Our Democracy*, KCET (Nov. 4, 2020, 6:46 AM), <https://www.kcet.org/shows/city-rising/youth-activism-in-america-from-armbands-and-walkouts-to-bus-rides-and-voter-drives-that-would-shape-our-democracy>; Maggie Astor, *7 Times in History When Students Turned to Activism*, N.Y. TIMES (Mar. 5, 2018), <https://www.nytimes.com/2018/03/05/us/student-protest-movements.html>; Manisha Claire, *How Young Activists Got 18-Year-Olds the Right to Vote in Record Time*, SMITHSONIAN MAG. (Nov. 11, 2020), <https://www.smithsonianmag.com/history/how-young-activists-got-18-year-olds-right-vote-record-time-180976261/>; Jennifer Frost, *Youth Franchise: The Forgotten Sixties Movement*, N.Y.U. PRESS (Jan. 20, 2022), <https://www.fromthesquare.org/youth-franchise-movement/>.

121. *Youth in the Civil Rights Movement*, *supra* note 120.

122. *See, e.g.*, Claire, *supra* note 120.

123. *Id.*

previously unheard of alliances across the lines of race and class.<sup>124</sup> Youth immersed themselves in hippie culture and microcosms of love and kinship through psychedelic “flower power”; practiced “free love”; “flocked” to the newly formed Peace Corps or to government jobs; engaged in civil rights or anti-war protests at university, local, and/or national levels; or became engaged in more militant efforts like the Black Power movement and white radical groups like the Weathermen.<sup>125</sup> In general, youth activism during the Civil Rights Era involved a common vision of transformation of the world they inherited and mass liberation of subordinated groups.<sup>126</sup> Numerous political assassinations and staunch opposition from older generations also engendered outrage, urgency, and anguish among young people.<sup>127</sup> The sheer numbers of youth in the United States during the Civil Rights Era set a scene for cultural conflict and a potential paradigm shift.<sup>128</sup> *Time Magazine* reported:

In the US, citizens of 25 and under in 1966 nearly outnumbered their elders: by 1970, there will be 100 million Americans in that age bracket. . . . If the statistics imply change, the credentials of the younger generation guarantee it. Never have the young been so assertive or so articulate, so well educated or so worldly. Predictably, they are a highly independent breed and – to adult eyes – their independence has made them highly unpredictable.<sup>129</sup>

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124. See, e.g., *Civil Rights Movement*, HIST. (Mar. 29, 2023), <https://www.history.com/topics/black-history/civil-rights-movement>; Claudrena N. Harold, *The Civil Rights Movement in the Urban South*, OXFORD RSCH. ENCYCLOPEDIA OF AM. HIST. (Dec. 20, 2018), <https://doi.org/10.1093/acrefore/9780199329175.013.594>.

125. Kenneth T. Walsh, *The 1960s: Polarization, Cynicism, and the Youth Rebellion*, U.S. NEWS (Mar. 12, 2010, 5:08 PM), <https://www.usnews.com/news/articles/2010/03/12/the-1960s-polarization-cynicism-and-the-youth-rebellionredirect>; see Jon Savage, *1966: The Year Youth Culture Exploded*, GUARDIAN (Nov. 15, 2015, 1:10 PM), <https://www.theguardian.com/culture/2015/nov/15/1966-trip-good-vibrations-pop-revolution>; Laura Lambert, *Weather Underground: American Militant Group*, ENCYC. BRITANNICA (Mar. 13, 2023), <https://www.britannica.com/topic/Weathermen>; Sarah Pruitt, *How the Black Power Movement Influenced the Civil Rights Movement*, HIST. (Apr. 16, 2021), <https://www.history.com/news/black-power-movement-civil-rights>; Sarah Pruitt, *How the Vietnam War Empowered the Hippie Movement*, HIST. (Mar. 18, 2019), <https://www.history.com/news/vietnam-war-hippies-counter-culture>.

126. See Walsh, *supra* note 125; Savage, *supra* note 125; *Youth in the Civil Rights Movement*, *supra* note 120.

127. *1960s*, *supra* note 114; see Walsh, *supra* note 125.

128. See Savage, *supra* note 125.

129. *Id.*

Although anti-capitalism and anti-imperialism were not the chief framework or organizing goal of most youth activism or mass mobilizing during the Second Reconstruction, many youth and adult allies did target those fatal flaws underpinning American society.<sup>130</sup> Even the 1963 March on Washington “For Jobs and Freedom” led by Dr. Martin Luther King, Jr.—one of the most celebrated events of the era—evolved “out of a long, sometimes complicated, but often close relationship between the civil rights and labor movements that persists to this day.”<sup>131</sup> Dr. King, A. Philip Randolph, Bayard Rustin, and other leaders of the march emphasized the interconnection between political, social, and economic oppression, and thus collaborated with racially diverse, “militant industrial unions” which ultimately funded the march and ensured participation.<sup>132</sup> Notably, in 1968, “[m]any leaders of American Indian, Puerto Rican, Mexican American, and poor white communities pledged themselves to [King’s] Poor People’s Campaign.”<sup>133</sup>

On the more radical end of the spectrum, revolutionaries including the Black Panthers, the Black Liberation Army (an outgrowth of the Panthers), the Young Lords Organization, the National Black Anti-War Anti-Draft Union (“NBAWADU”), the Weather Underground Organization (“Weathermen”), and the Democratic Workers Party consistently and forcefully decried American capitalism and imperialism in their politics, their attempted organizational structures, their service to struggling communities, and their daily ways of life.<sup>134</sup> Such activists

130. See Walsh, *supra* note 125.

131. THOMAS J. SUGRUE, FOR JOBS AND FREEDOM: AN INTRODUCTION TO THE UNFINISHED MARCH 2 (2013), <https://files.epi.org/2013/Unfinished-March-Jobs-and-Freedom.pdf>.

132. *Id.* at 3; see also Reverend Dr. Martin Luther King, Jr., Address at the National Conference on New Politics, *supra* note 39; BORSTELMANN, *supra* note 39, at 209.

133. POOR PEOPLE’S CAMPAIGN, *supra* note 12.

134. See Farmer, *supra* note 112; 1968: *The Young Lords Organization/Party*, LIBR. OF CONG., <https://guides.loc.gov/latinx-civil-rights/young-lords-organization> (last visited Apr. 18, 2023); Sarah Coffman, *The Young Lords: The Young Lords and the Black Panther Party*, DIGIT. CHI.-LAKE FOREST COLL., <https://digitalchicagohistory.org/exhibits/show/young-lords/young-lords-and-black-panthers> (last visited Apr. 18, 2023); Eun Kyung Kim, *Patty Hearst Saga: How an American Heiress Went from Kidnap Victim to Outlaw*, TODAY (Apr. 3, 2017, 8:43 AM), <https://www.today.com/news/how-publishing-heiress-patty-hearst-went-kidnapping-victim-armed-bank-t109921> (describing the 1974 kidnapping of heiress Patty Hearst by the Symbionese Liberation Army and subsequent bank robberies by Hearst and the group); Janja A. Lalich, *Bounded Choice: True Believers and Charismatic Cults*, OXFORD ACAD. (Sept. 15, 2004), <https://academic.oup.com/california-scholarship-online/book/19464> (regarding the Democratic Workers Party, founded in 1974); Lambert, *supra* note 125 (covering the late 1960s into the 1970s). See generally Zayd Dohrn, *Mother Country Radicals Podcast*, CROOKED MEDIA, <https://podcasts.apple.com/us/podcast/mother-country-radicals/id1625882016> (last visited Apr. 18, 2023) (including extensive interviews and

mixed various aims and philosophies but often collaborated together or sheltered one another when going underground for protection from law enforcement, and they emphasized the common struggles of oppressed indigenous peoples across the globe, including in Vietnam.<sup>135</sup> By the end of the 1960s and into the 1970s, such revolutionary organizations garnered extensive mainstream media coverage, called out state violence (including systematic police brutality against communities of color and repression of peaceful protesters), and issued public statements which undoubtedly influenced mass consciousness—especially when they utilized extreme tactics.<sup>136</sup> Organizations like the Weathermen and the Symbionese Liberation Army even justified “symbolic” bombings of empty government buildings or violent “reappropriation” of money from capitalist institutions via bank robberies or heists of armored cars, which led to unintended losses of life.<sup>137</sup>

By the mid 1970s, however, the FBI’s nefarious Counterintelligence Program (“COINTELPRO”) had successfully infiltrated, sabotaged, and debilitated most revolutionary groups while intentionally slowing the remaining momentum towards social change that had been ushered in by the 1960s.<sup>138</sup> In its final report, the 1975 U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities exposed COINTELPRO as a “sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence.”<sup>139</sup> Through questionable frequently unlawful, and even lethal practices of domestic surveillance and state violence without the knowledge of the media, the public, or governmental agencies intended to counter civil rights violations,

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primary source footage regarding the Weathermen, Black Panthers, and other revolutionary organizations, both from the 1970s and today).

135. *Mother Country Radicals Podcast*, *supra* note 134.

136. *Id.*

137. See Kim, *supra* note 134; *Mother Country Radicals Podcast*, *supra* note 134; Lambert, *supra* note 125.

138. Nadine Frederique, *COINTELPRO: United States Government Program*, ENCYC. BRITANNICA, <https://www.britannica.com/topic/COINTELPRO> (Jan. 16, 2023); J.K. Davis, *Spying on America: The FBI’s Domestic Counter-Intelligence Program*, U.S. DEP’T OF JUST. (1992), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/spying-america-fbis-domestic-counter-intelligence-program>; *COINTELPRO, FBI RECS.: THE VAULT*, <https://vault.fbi.gov/cointel-pro> (last visited Apr. 18, 2023). According to the FBI “Vault” site, COINTELPRO targeted leftists including the Communist Party, the Socialist Workers Party, so-called “black nationalist hate groups” (this Author objects to the uses and implications of that term), and the so-called “New Left movement” in addition to the Ku Klux Klan. *COINTELPRO*, *supra*.

139. Frederique, *supra* note 138.

COINTELPRO successfully disrupted “virtually [the] entire social and political protest movement,” to the detriment of broader U.S. society.<sup>140</sup>

### *E. Second Reconstruction and Prospects for Systemic Change*

Ultimately, the Civil Rights Era failed to achieve comprehensive socioeconomic transformation and also failed to sway public consciousness that racial capitalism was a fatal flaw underpinning American democracy.<sup>141</sup> Hard-won legal reforms including the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1968 were achieved through mainstream organizations’ naïve—if not somewhat laudable—faith in gradualist interventions and traditional, powerful institutions (like Congress, the courts, the executive branch, and elite institutions of higher education) that proved intractable in the face of divisiveness, political whim, ignorance, and corruption over time.<sup>142</sup> Although the close of the Second Reconstruction precluded the counterculture’s objectives of eradicating poverty, warmongering, and sociocultural intolerance, the world certainly glimpsed unprecedented, visionary youth empowerment while the United States experienced a previously unimaginable disruption of prevailing norms.<sup>143</sup> Severe, concerted backlash and hostile conservatism soon followed in the 1970s and 1980s.<sup>144</sup> While a robust discussion of activism towards passage of the Twenty-Sixth Amendment (lowering the U.S. voting age from twenty-one to eighteen years old and outlawing age-based discrimination in ballot access in 1971), is beyond the scope of this work, this Article

140. JAMES KIRKPATRICK DAVIS, *SPYING ON AMERICA: THE FBI’S DOMESTIC COUNTERINTELLIGENCE PROGRAM*, on back cover (1992). See generally *id.* at 32, 41.

141. *Poor People’s Campaign*, *supra* note 41; see also Ben A. Franklin, *Poor People’s Drive Makes Gains, But Fails to Reach Goals*, N.Y. TIMES (June 30, 1968), <https://www.nytimes.com/1968/06/30/archives/poor-peoples-drive-makes-gains-but-fails-to-reach-goals.html>; Joseph A. Loftus, *City of the Poor Shuts Peacefully*, N.Y. TIMES (June 25, 1968), <https://www.nytimes.com/1968/06/25/archives/city-of-the-poor-shuts-peacefully-campaign-official-pleased-as.html>.

142. See, e.g., SUGRUE, *supra* note 131, at 4 (“The Civil Rights Act of 1964 promised to lower discriminatory barriers to employment, but it did not address one of the major demands of the March on Washington: job creation.”). Sugrue also discusses the various ways that workplace discrimination still exists, although it is far less pervasive than in the 1960s. See *id.*; see also *Rights and Representation*, *supra* note 111; Walsh, *supra* note 125; Savage, *supra* note 125; *Youth in the Civil Rights Movement*, *supra* note 120.

143. Charisse Burden-Stelly, *Radical Black Peace Activism in the Black Liberation Movement*, AFR. AM. INTELL. HIST. SOC’Y (Feb. 12, 2018), <https://www.aaihs.org/radical-black-peace-activism-in-the-black-liberation-movement/>; Walsh, *supra* note 125; Savage, *supra* note 125; *Youth in the Civil Rights Movement*, *supra* note 120.

144. Gaines, *supra* note 56, at 115 (“These hard-won rights, however, were met by a blossoming array of far-right organizations and publications that mobilized white supremacist ideologies in opposition to civil rights.”).

ultimately argues that guaranteed enfranchisement of individuals ages sixteen and over is vital to a successful representative democracy.<sup>145</sup> History proves that voting remains a “crucial act of resistance to increasingly aggressive efforts to restrict voting rights and roll back the second Reconstruction,” and that voting is urgent “simply to defend the right to vote, and to preserve democracy.”<sup>146</sup>

The present moment in U.S. history is one in which both socioeconomic precariousness and civic repression abound. A majority of workers are consigned to part-time, unstable positions and most families continue struggling—especially with the lingering COVID-19 pandemic.<sup>147</sup> State violence against communities of color is at an all-time high, including police brutality and extra-legal killing of civilians, growth of the prison-industrial complex, overreach of the family policing system in every jurisdiction, and expansion of the immigration-deportation machine.<sup>148</sup> Further, although various scholars, advocates, and policymakers argue that labor organizing could address a host of socioeconomic concerns, including gender-based workplace harassment, insufficient healthcare, childhood poverty, and the wage gap, “union membership is [also] at a historic low.”<sup>149</sup> Labor scholar Thomas J.

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145. See generally Joshua A. Douglas, *In Defense of Lowering the Voting Age*, 165 U. PA. L. REV. ONLINE 63 (2017) [hereinafter Douglas, *In Defense of Lowering the Voting Age*] (arguing that the voting age should be lowered to sixteen); Quinn, *supra* note 109 (discussing Black women’s contributions to youth enfranchisement); Joshua A. Douglas, *The Right to Vote Under Local Law*, 85 GEO. WASH. L. REV. 1039, 1062–63 (2017) [hereinafter Douglas, *The Right to Vote*]; GIDEON YAFFE, *THE AGE OF CULPABILITY: CHILDREN AND THE NATURE OF CRIMINAL RESPONSIBILITY* 8–12 (2018) (arguing that children’s criminal responsibility should be linked to their voting ability).

146. Gaines, *supra* note 56, at 119.

147. Smith, *From Empathy Gap to Reparations*, *supra* note 52, at 2640 (first citing Cahn & McClain, *supra* note 50, at 44–45; and then citing Stark, *supra* note 50, at 254); SUGRUE, *supra* note 131.

148. See, e.g., *AAPF Statement on Tyre Nichols*, AFR. AM. POL’Y F. (Jan. 30, 2023), <https://www.aapf.org/post/aapf-statement-on-tyre-nichols> (“Last year, at least 1,176 Americans were killed by the police — a record high for this country.”); AM. IMMIGR. COUNCIL, *THE GROWTH OF THE U.S. DEPORTATION MACHINE* (2014) (discussing the federal government’s campaign to increase deportations), <https://www.americanimmigrationcouncil.org/research/growth-us-deportation-machine>; Smith, *From Empathy Gap to Reparations*, *supra* note 52 (discussing invasive family regulation and the difference in empathy toward white families and families of color).

149. See, e.g., SUGRUE, *supra* note 131, at 5; Marion Crain, *Feminizing Unions: Challenging the Gendered Structure of Wage Labor*, 89 MICH. L. REV. 1155, 1157, 1167 (1991) (noting the underrepresentation of women in labor unions); Deborah Dinner, *Equal by What Measure? The Lost Struggle for Universal State Protective Labor Standards*, in *VULNERABILITY AND THE LEGAL ORGANIZATION OF WORK* (2017); Rachel Kassenbrock, *Why Labor Union Rights Are a Feminist Issue*, MS. MAG. (Dec. 13, 2012), <https://msmagazine.com/2012/12/13/why-labor-union-rights-are-a-feminist-issue/> (discussing the role of unions in improving women’s wages and benefits); *Feminist Union*

Sugrue contends that the 1963 March on Washington’s “call for jobs and freedom resonates as much today as it did in late August 1963.”<sup>150</sup> Despite conservatives’ redoubled efforts to prevent youth “from engaging with anti-racist” critiques of U.S. history through sweeping book bans, denials of African-American-history curricula, and critical-race-theory bans, youth activists strive to reimagine American society and mobilize in countless ways.<sup>151</sup>

## II. REVOLUTIONARY YOUTH LEADERSHIP IN THE TWENTY-FIRST CENTURY

Through their activist movements and coalition-building, U.S. youth simultaneously maintain that the law is fundamentally unjust and insufficient, yet also institute legal changes as a necessary ingredient of activism and a pathway toward self-governance and equality. Youth activists not only reimagine the future through powerful moral fusion movements despite their continued treatment as partial citizens, but they are shifting electoral and legal outcomes by voting in record numbers at the federal voting age of eighteen and at lower ages where the franchise has been granted to younger youth.<sup>152</sup> This Part describes the concerted activist approaches of four specific movements due to these four movements’ continued accomplishments in the organizing, policy-making, and media context. However, the majority of contemporary youth activism engages wide-lens analysis of the problems facing our society, economy, and planet, while also employing daring tactics.<sup>153</sup> I would be remiss not to mention other equally inspiring examples aside from the four movements discussed herein, including the robustly youth-

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*Organizing*, ASS’N FOR WOMEN’S RTS. IN DEV., <https://awid.org/feminist-union-organizing> (last visited Apr. 18, 2023) (presenting examples of feminist unions).

150. SUGRUE, *supra* note 131, at 5.

151. AAPF *Statement on Tyre Nichols*, *supra* note 148.

152. See Acevedo, *supra* note 21 (discussing the influence of young voters in recent elections); discussion *infra* Section II.A. Despite debatable connection to sound psychological, physiological or legal rationales, many legal rights, including rights in the Bill of Rights, are more limited when applied to those under age eighteen who cannot legally vote. See *What Are Youth Rights?*, NAT’L YOUTH RTS. ASS’N, <https://www.youthrights.org/about/what-are-youth-rights/> (last visited Apr. 17, 2023). Until the age of majority, youth have limited access to civil rights, including rights of speech and expression (First Amendment), movement and association (“status offenses” such as truancy or running away may warrant legal surveillance or deprivation of liberty), privacy (Fourth Amendment), decision-making (medical, reproductive, mental health), while state & federal policies and ages of majority or consent are widely inconsistent and dependent on incongruous circumstances. See *id.*; Scott, *supra* note 24, at 525, 529–30.

153. See, e.g., Emily Witt, *From Parkland to Sunrise: A Year of Extraordinary Youth Activism*, NEW YORKER (Feb. 13, 2019), <https://www.newyorker.com/news/news-desk/from-parkland-to-sunrise-a-year-of-extraordinary-youth-activism>.

led immigrant rights movement and the movement for disability justice.<sup>154</sup> Undocumented youth activists demonstrate exceptional bravery by remaining out front in federal, state, and local mobilization around issues like the Deferred Action for Childhood Arrivals (“DACA”) program and abolition of U.S. Immigration and Customs Enforcement, all amidst the potential threat of removal proceedings, physical violence by the opposition, or other retaliation.<sup>155</sup> Further, a sheer demographic distinction between older generations and youth may be somewhat responsible for the disruptive analysis of twenty-first century youth activists. As a group, Generation Z (born in 1997 or after—currently age twenty-six and younger as of 2023) is more “racially and ethnically diverse” than any previous generations according to Pew Research Center surveys from 2020, and Generation Z thus inherently sees the world in a more complex yet incisive manner.<sup>156</sup>

Today’s progressive youth activism in the United States incorporates several common characteristics. In addition to audaciously proffering a revolutionary vision of change, these movements are unapologetically intersectional, utilize multi-faceted strategies like participatory action research in the digital age, and foster coalition-building on every level—including the local and global. Rather than simply resorting to viral social media campaigns or peaceful protests alone, youth activists command a presence in myriad arenas including the traditional media, their home institutions, such as secondary schools and universities, the arts, grassroots civic education, legislative advocacy, and the courts.<sup>157</sup> Further, today’s youth activism expands upon proven methods of pressure and resistance, including (but not limited to) civil disobedience,

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154. For discussion of youth activism in the immigration rights movement, see sources cited *supra* note 16 and accompanying text. For discussion of youth activism in the disability rights movement, see Lydia Wang, *How Young Disability Activists Are Using TikTok to Make a Difference*, REFINERY29 (July 29, 2021, 11:09 AM), <https://www.refinery29.com/en-us/2021/07/10603952/disability-activists-tiktok>. See also Robyn M. Powell, *Beyond Disability Rights: A Way Forward After the 2020 Election*, 15 ST. LOUIS U. J. HEALTH L. & POL’Y 391, 394 (2022) (examining current disability rights like the ADA and the persistent inequalities and oppression experienced by people with disabilities, both before and during the pandemic). Powell frames disability justice as an anti-capitalist movement, a rejection of capitalist culture that sees people’s worth as defined by their productivity. *Id.* at 439. A disability justice framework is brought about by activists who reject a rights-based approach and emphasize a movement-building framework that confronts the relationship between ableism and capitalism. *Id.*

155. See Levinson-Waldman & Hinkle, *supra* note 17; Markowitz, *supra* note 17.

156. See Dimock, *supra* note 48; Biederman et al., *supra* note 1.

157. See, e.g., Melanie Meunier, *Youth Climate Activism in the United States*, E-REA, June 15, 2021, ¶¶ 27–29, <http://journals.openedition.org/erea/12490> (describing the Sunrise Movement founders’ intentional strategy of combining divergent activist approaches).

boycotts, strikes, and mutual aid work, which were utilized and strengthened in previous eras of reconstruction.

Perhaps as a product of frustration with status quo systems and corruption, many youth activists have become rightfully skeptical of the political establishment, have proven themselves shrewd at engaging those with power and consolidated wealth, and have proceeded to lead “candidate campaigns and run for office themselves”—at times, even before their own voting eligibility.<sup>158</sup> Young leaders understand that proponents of neoliberalism will continue to manipulate, exclude, and coerce in the interests of profit—even to the extent of silencing youth leaders through feigned collaboration, tokenism, and platitudes bereft of a political or economic commitment.<sup>159</sup>

They also express frustration at the current legally and socially imposed limits on their political participation, often endorsing a lowered voting age that includes sixteen- and seventeen-year-olds.<sup>160</sup> Many youth activists insist that true redistribution of power and resources requires mass voter enfranchisement, along with an investment in youth empowerment and radical tactics.<sup>161</sup> Minors under age eighteen are nevertheless forced into decidedly partial citizenship status and are typically unable to sign contracts; enjoy unequivocally free speech, expression, or movement; or possess adult-level privacy rights, among many other limitations.<sup>162</sup> Several U.S. jurisdictions have lowered their voting age in the past decade, with record youth and young adult voter turnout and significant electoral impacts as a result.<sup>163</sup> Regardless of

158. See Mae C. Quinn et al., *Youth Suffrage: In Support of the Second Wave*, 53 AKRON L. REV. 445, 459, 464–66 (2019).

159. See Ctr. for Hum. Rts. & Glob. Just., *supra* note 8, at 15:50, 25:36; Sophia Garcia et al., *I Am Not Alone: Gen Z Activists Unite Amid COVID Pandemic to Confront Racism, Mental Health*, USA TODAY (Aug. 23, 2021, 1:40 PM), <https://www.usatoday.com/story/news/education/2021/08/23/gen-z-covid-racism-mental-health-americas-promise-alliance/8204322002/>.

160. See Quinn et al., *supra* note 158, at 466; Aoife Daly, *Demonstrating Positive Obligations: Children’s Rights and Peaceful Protest in International Law*, 45 GEO. WASH. INT’L L. REV. 763, 770 (2013) (“Children consistently express that they wish to have greater participation in political matters . . .”).

161. See Quinn et al., *supra* note 158, at 459 (comparing the youth suffrage movement of the 1960s to youth suffrage in the twenty-first century); Quinn, *supra* note 109, at 1254–56. See generally Walsh, *supra* note 125 (describing the youth rebellion of the 1960s).

162. See Anne C. Dailey & Laura A. Rosenbury, *The New Law of the Child*, 127 YALE L.J. 1448, 1462–64 (2018); Emily Buss, *Allocating Developmental Control Among Parent, Child and the State*, 2004 U. CHI. LEGAL F. 27, 29–31 (2004); Appell, *supra* note 24, at 713; Alan E. Garfield, *Protecting Children from Speech*, 57 FLA. L. REV. 565, 598–99 (2005); Jonathan Todres, *Independent Children and the Legal Construction of Childhood*, 23 S. CAL. INTERDISC. L.J. 261, 296–97 (2014).

163. See generally *Empowering Youth in Our Democracy Through Project-Based Civics*, GENERATION CITIZEN, <https://generationcitizen.org/> (last visited Apr. 14, 2023) (providing

their use of the franchise, individuals under age twenty-five and under age eighteen are profoundly impacting the political landscape in both traditional, formal ways, such as swaying electoral outcomes and formal legal strategies, and through more innovative, avant-garde methods including synchronized civil disobedience, broadcasted virally on social media, and multi-faceted, multi-media campaigns to exert pressure from within their own institutions.

#### A. *Direct Actions and Civil Disobedience*

Various youth movements and coalitions among youth movements are influencing policy, politics, and the economy through direct actions and civil disobedience while simultaneously utilizing social media to multiply their impact.<sup>164</sup> One compelling example is the climate justice movement wherein youth push society to acknowledge the dire state of emergency on this planet and the need to stand on the right side of history. Youth climate activists demonstrate unprecedented power to mobilize on different levels—local, state, national, and global—while overtly exposing the pitfalls of racial capitalism and geopolitical hegemonies. Activist Ayisha Siddiqi explains that a record 7.4 million people worldwide were mobilized by the Youth Climate Movement, where youth ages fifteen to nineteen led a mass protest.<sup>165</sup> Siddiqi and others emphasize connections between issues that the American public largely misunderstands, stating that world leaders and oligarchs prefer to pursue more profitable catastrophes of war and domination rather than face the climate catastrophe.<sup>166</sup> Without mincing words, young climate activists explain that climate catastrophe is a direct result of the ubiquitous forces that feed global capitalism, including widespread militarism, the war on terror, western imperialism, industrialization and resource extraction, vehement nationalism, displacement of

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resources and research regarding the movement to lower the voting age); *Maryland*, <https://vote16usa.org/project/maryland/> (last visited Apr. 14, 2023); *San Francisco*, VOTE 16 USA, <https://www.vote16sf.com/> (last visited Apr. 14, 2023); *Berkeley, CA*, VOTE 16 USA, <https://vote16usa.org/project/berkeley-ca/> (last visited Apr. 14, 2023); Carolyn Jones, *Berkeley and Oakland Passed Measures to Let 16- and 17-Year-Olds Participate in School Board Elections. So Why Can't They Vote Yet?*, KQED (Aug. 8, 2022), <https://www.kqed.org/news/11921973/berkeley-and-oakland-passed-measures-to-let-16-and-17-year-olds-participate-in-school-board-elections-so-why-cant-they-vote-yet>.

164. See, e.g., Cecilia Hilder & Philippa Collin, *The Role of Youth-Led Activist Organisations for Contemporary Climate Activism: The Case of the Australian Youth Climate Coalition*, 25 J. YOUTH STUD. 793, 793 (2022).

165. Ctr. for Hum. Rts. & Glob. Just., *supra* note 8, at 15:57–16:29.

166. See *id.* at 15:57–20:44.

marginalized groups, food and water insecurity, and corporate greed.<sup>167</sup> The Sunrise Movement explicitly frames the fight to save the planet as “a battle between underdogs and moneyed special interests.”<sup>168</sup> Youth climate activists also emphasize the climate catastrophe’s ripple effects—not only on ecology, but on indigenous movements, land preservation efforts in places like the Amazon, and sites of environmental racism in low-income communities of color that become unable to defend against pollution, development, and shrinking yet vital resources.<sup>169</sup>

Youth climate activists form sophisticated networks to stage protests, institute training programs and rapid-response systems, and protect activism more generally in an era of increasing repression, polarization, and state persecution of protesters in the United States and abroad.<sup>170</sup> Although white youth often appear as the face of this movement, “the work of [countless] Indigenous, black, and brown youth activists is often [simply] erased or obscured.”<sup>171</sup> Importantly, young

167. Just a few entities sparked by youth climate activists include (but are not limited to) YOUTH CLIMATE ACTION, <https://www.youth-climate.com/> (last visited Apr. 14, 2023); ONE MORE GENERATION, <http://onemoregeneration.org/> (last visited Apr. 14, 2023); FOSSIL FREE UNIV., <https://www.fossilfreeuniversity.org/> (last visited Apr. 14, 2023); EARTH GUARDIANS, <https://www.earthguardians.org/> (last visited Apr. 14, 2023); SUNRISE MOVEMENT, <https://www.sunrisemovement.org/> (last visited Apr. 14, 2023); CLIMATE STRIKE, <https://www.climatestrike.net/> (last visited Apr. 14, 2023); FRIDAYS FOR FUTURE, <https://fridaysforfuture.org/> (last visited Apr. 14, 2023); ONE UP ACTION, <https://oneupaction.org/> (last visited Apr. 14, 2023); ZERO HOUR, <https://www.thisiszerohour.org/> (last visited Apr. 14, 2023). One recognizable face of this movement is Swedish youth Greta Thunberg, who went from being a fifteen-year-old waging a solitary protest outside the Swedish Parliament in Stockholm to leading a worldwide youth movement engaging the Secretary-General of United Nations, world leaders, and the Pope. See Charlotte Alter et al., *Time 2019 Person of the Year: Greta Thunberg*, TIME, <https://time.com/person-of-the-year-2019-greta-thunberg/> (last visited Apr. 14, 2023); Daniel Kraemer, *Greta Thunberg: Who is the Climate Campaigner and What Are Her Aims?*, BBC (Nov. 5, 2021), <https://www.bbc.com/news/world-europe-49918719>.

168. Meunier, *supra* note 157, ¶ 27 (quoting Jeff Turrentine, *Will the Kids Save Us from Climate Change?*, NRDC (Mar. 23, 2018), <https://www.nrdc.org/onearth/will-kids-save-us-climate-change>).

169. Ctr. for Hum. Rts. & Glob. Just., *supra* note 8, at 20:20–20:55. See generally Georgia Wright & Jules Bradley, *Inherited*, SPOTIFY, <https://open.spotify.com/show/58301ysecdpa3VSZaMLutM> (last visited Apr. 14, 2023) (sharing stories “from, for, and by” youth climate movement activists).

170. See, e.g., Morgan Gstalter, *Youth Climate Activists March Outside California Homes of Pelosi and Feinstein*, HILL (June 15, 2021, 1:57 PM), <https://thehill.com/homenews/house/558540-youth-climate-activists-march-outside-california-homes-of-pelosi-and-feinstein/>.

171. For example, young Native American water protectors risked their own safety at Standing Rock. Moreover, indigenous Hawaiian Kanaka Maoli youth are defending their sacred land, and students of color in places like Flint, Michigan; Los Angeles; Chicago; and New York are also leading the movement. Nylah Burton, *Meet the Young Activists of Color*

climate activists of color (and allies) likewise champion “First Nation treaty rights and the rights of Indigenous Peoples,” proudly elevating “Indigenous knowledge and cosmology” to instruct governments and civilians about implementing sustainability, which requires drastically shifting “from an extraction culture to a balanced and harmonious culture with the land.”<sup>172</sup> In particular, the Zero Hour platform also emphasizes “local restorative solutions from Global South communities” impacted by genocide and settler colonialism “who are doing so much for climate justice” and can thus teach others “how to manage ecosystems” and transition to a sustainable economy and future.<sup>173</sup>

Direct actions by youth climate activists have had considerable success convincing politicians to “get serious about the climate and our economy,” and they likewise elevate public consciousness whether or not they focus on concrete policy proposals.<sup>174</sup> Notably, the Sunrise Movement’s leaders spent a year studying previous protest movements’ successes and failures, including activism in the 1960s and the Occupy Wall Street movement, in order to develop their own comprehensive strategy.<sup>175</sup> The Fridays for Future organization is intentionally not solutions-based but rather emphasizes direct actions and mass, coordinated strikes, defining success as the increasing number of people worldwide who join demonstrations for climate justice.<sup>176</sup> Young activists staged a mass action to stop highway expansion in Portland, Oregon and even called for President Biden to intervene.<sup>177</sup>

Likewise, the well-coordinated Sunrise Movement touts the spread of more than 250 chapters across the country, and its influence on politicians and the public proliferated after their 2018 sit-in at the office of then-U.S. House of Representatives Speaker Nancy Pelosi was

*Who Are Leading the Charge Against Climate Disaster*, VOX (Oct. 11, 2019, 8:00 AM), <https://www.vox.com/identities/2019/10/11/20904791/young-climate-activists-of-color>.

172. *Id.*; *Letter to Politicians*, ZERO HOUR, <https://www.thisiszerohour.org/platform> (last visited Apr. 14, 2023) (scroll down to “Platform Documents”; then click “Letter to Politicians”).

173. *People’s Platform PDF*, ZERO HOUR, <https://www.thisiszerohour.org/platform> (last visited Apr. 14, 2023) (scroll down to “Platform Documents”; then click “People’s Platform PDF”); *Letter to Politicians*, *supra* note 172.

174. Ryan Grim & Briahna Gray, *Alexandria Ocasio-Cortez Joins Environmental Activists in Protest at Democratic Leader Nancy Pelosi’s Office*, INTERCEPT (Nov. 13, 2018, 10:30 AM), <https://theintercept.com/2018/11/13/alexandria-ocasio-cortez-sunrise-activists-nancy-pelosi/>.

175. See Meunier, *supra* note 157.

176. See *Who We Are*, FRIDAYS FOR FUTURE, <https://fridaysforfuture.org/what-we-do/who-we-are/> (last visited Apr. 14, 2023).

177. @youthvsodot, TWITTER (Apr. 19, 2022, 12:24 PM), <https://twitter.com/youthvsodot/status/1516452768147382273>.

astutely documented and went viral on social media.<sup>178</sup> The 2018 sit-in was both a broader communications strategy and a mechanism for pushing policy goals. Over 1,000 youth participated, 143 people were arrested, and several leading Democrats joined in, as Sunrise leaders expressed hope that “a new generation of leaders into the Democratic Party” would “help build a movement to create the political will for bold action.”<sup>179</sup> This escalation sought support for a Green New Deal before Congress’s holiday recess as well as signatories to a #NoFossilFuelMoney pledge, as campaign donations from fossil fuel companies and lobbyists continued to attract politicians from both parties.<sup>180</sup> By February 2019, Representative Alexandria Ocasio-Cortez (D-NY) had introduced the Green New Deal, over a dozen cosponsors later joined, numerous organizations endorsed it, and the legislation was later reintroduced by both Representative Ocasio-Cortez and Senator Ed Markey (D-MA) in 2021.<sup>181</sup>

In protests on the global stage, including at international climate summits, outspoken youth put their lives and resources on the line against the most wealthy and powerful global industries in history (such as fuel and energy) and consequently report being the constant targets of both legal intimidation and threats to their personal safety.<sup>182</sup> They thus urge intergenerational collaboration and join veteran environmental activists in calling for adult allies to saturate crucial international negotiation spaces where major decisions are made, including informal spaces like receptions and galas that intentionally exclude underage people.<sup>183</sup> Youth climate activists also express enthusiasm about potential mobilization of retirees who retain the boldness of the Civil Rights Era yet may now have more reliable income than youth, more free time to engage, and frankly less to risk in the event of arrests for civil disobedience.<sup>184</sup> During a March 2022 webinar, several youth explained

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178. *November 13, 2018 — Sit-In at Nancy Pelosi’s Office*, SUNRISE MOVEMENT, <https://www.sunrisemovement.org/actions/pelosi-sit-in/> (last visited Apr. 14, 2023); Grim & Gray, *supra* note 174.

179. Grim & Gray, *supra* note 174; Stephen O’Hanlon, *1000+ Youth Sit-in, 143 Arrested Demanding Dem Leadership Back Green New Deal.*, SUNRISE MOVEMENT (Dec. 10, 2018), <https://www.sunrisemovement.org/movement-updates/1000-youth-sit-in-143-arrested-demanding-dem-leadership-back-green-new-deal-8244269fdb3d/>.

180. Grim & Gray, *supra* note 174.

181. H.R. 109, 116th Cong. (2019); Press Release, Alexandria Ocasio-Cortez, Representative, House of Representatives, Ocasio-Cortez, Markey Reintroduce Green New Deal Resolution (Apr. 20, 2021), <https://ocasio-cortez.house.gov/media/press-releases/ocasio-cortez-markey-reintroduce-green-new-deal-resolution-0>.

182. Ctr. for Hum. Rts. & Glob. Just., *supra* note 8, at 34:25–36:11.

183. *Id.* at 23:21–27:49.

184. *Id.* at 30:58–36:13.

that their “wish list” from older generations included trustworthiness, transparency, fiscal sponsorship of their largely unpaid labor and operational costs, and accountability mechanisms to ensure a salvageable future.<sup>185</sup> Alarming, younger Americans (Generation Z and Millennials) are far more passionate and engaged on the climate crisis than older generations of Americans (Generation X, Baby Boomers, and older adults) despite their inheritance of—as opposed to historical culpability for—the dire situation, and youth are also more likely to express serious anxiety about the future.<sup>186</sup> Even seventy-nine percent of Millennials and younger Republicans contend that the United States should invest in clean energy sources and “nearly twice as many Millennial and younger Republicans as older Republicans believe human activity contributes a great deal to climate change.”<sup>187</sup>

Civil disobedience is also a major tool utilized by youth protesting gun violence and weak gun control laws in the #NeverAgain movement who also strive to forge intersectional alliances with other movements like Black Lives Matter and climate activists.<sup>188</sup> Many prominent youth activists against gun violence are themselves survivors of mass shootings, and they continually risk their own safety to organize and engage the media, as mass shootings and threats deriving from the National Rifle Association (“NRA”), private citizens, and right-wing politicians proliferate.<sup>189</sup> Youth activism against gun violence garners

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185. *Id.* at 23:21–27:49, 30:58–36:13.

186. Alec Tyson et al., *Gen Z, Millennials Stand Out for Climate Change Activism, Social Media Engagement with Issue*, PEW RSCH. CTR. (May 26, 2021), <https://www.pewresearch.org/science/2021/05/26/gen-z-millennials-stand-out-for-climate-change-activism-social-media-engagement-with-issue/>; see also Biederman et al., *supra* note 1.

187. Meunier, *supra* note 157, ¶ 20 (citation omitted).

188. Saba Hamedy, *The Parkland Kids Keep Checking Their Privilege*, CNN (Mar. 25, 2018, 10:39 AM), <https://www.cnn.com/2018/03/24/politics/march-for-our-lives-students-checking-privilege-trnd/index.html>; *Youth Against Gun Violence*, *supra* note 6; Clark Mindock, *Florida School Shooting Survivor David Hogg Urges Others to ‘Use White Privilege’ to Ensure Gun Violence in ‘Black Community’ is Heard*, INDEP. (Mar. 20, 2018, 3:53 PM), <https://www.independent.co.uk/news/world/americas/florida-school-shooting-david-hogg-white-privilege-gun-control-laws-black-community-a8265201.html>.

189. Witt, *supra* note 153; Paul LeBlanc, *Video Surfaces of Marjorie Taylor Greene Confronting Parkland Shooting Survivor with Baseless Claims*, CNN (Jan. 28, 2021, 10:32 AM), <https://www.cnn.com/2021/01/27/politics/marjorie-taylor-greene-david-hogg-video/index.html>; Zoë Richards, *Activist David Hogg Removed from House Hearing on an Assault Weapons Ban*, NBC NEWS (July 20, 2022, 9:16 PM), <https://www.nbcnews.com/politics/congress/activist-david-hogg-removed-house-hearing-assault-weapons-ban-rcna39242>; *Parkland Shooting Survivors Say NRA Is “Basically Threatening” Them*, CBS NEWS (Mar. 19, 2018, 7:40 PM), <https://www.cbsnews.com/news/david-hogg-emma-gonzalez-parkland-florida-shooting-survivors-nra-threats/>.

national coverage and considerable momentum through its use of highly coordinated school walkouts, rallies, protests, and macabre “lie-ins” across the United States.<sup>190</sup> Wednesday, March 14, 2018, was the first March For Our Lives, when thousands of middle and high school students across the United States simultaneously marched out of class, took to football fields, marched on their state capitols, held moments of silence, and even rallied with lawmakers outside the White House and the U.S. Capitol to commemorate one month following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida.<sup>191</sup> Many youth walked out despite the looming threat of school suspension, demanding public attention and gun control legislation on every level of governance.<sup>192</sup> At times, youth gun control activists are strongly supported and protected by adult politicians and allies, even with varying degrees of support from their own educational institutions.<sup>193</sup> Some schools enabled formal “assemblies” on the issue while others staunchly opposed the activism.<sup>194</sup>

Deplorably, 2022 also ushered in back-to-back mass shootings in Buffalo, New York; Uvalde, Texas; and other parts of the country, and youth painstakingly organized themselves, politicians, and allies in mass protest once again to ultimately achieve historic results.<sup>195</sup> More than 70,000 protesters gathered in Washington, D.C., and among more than 400 “sibling marches” nationwide on June 11, 2022.<sup>196</sup> The second groundswell of the March For Our Lives achieved the first federal law on gun violence in decades only one day after the protest, which was signed into law a few weeks later.<sup>197</sup> Safer gun laws in various states across the United States can undoubtedly also be attributed to the civil disobedience

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190. Katie Reilly & Kim Bubello, *See Photos from the National School Walkout Led by Students Protesting Gun Violence*, TIME, <https://time.com/national-school-walkout-gun-control-photos/> (last visited Apr. 14, 2023); *see also* Emanuella Grinberg & Holly Yan, *A Generation Raised on Gun Violence Sends a Loud Message to Adults: Enough*, CNN (Mar. 16, 2018, 5:03 PM), <https://www.cnn.com/2018/03/14/us/national-school-walkout-gun-violence-protests/index.html>.

191. *See* Reilly & Bubello, *supra* note 190; Grinberg & Yan, *supra* note 190.

192. *See* Reilly & Bubello, *supra* note 190; Grinberg & Yan, *supra* note 190.

193. *See* Reilly & Bubello, *supra* note 190; Grinberg & Yan, *supra* note 190.

194. Grinberg & Yan, *supra* note 190; *see, e.g.*, Abigail Constantino, *School Assemblies at Montgomery County High Schools to Include Gun Education*, WTOP NEWS (Sept. 13, 2022, 8:50 PM), <https://wtop.com/montgomery-county/2022/09/school-assemblies-at-montgomery-county-high-schools-to-include-gun-education/>.

195. *A Partial List of Mass Shootings in the United States in 2022*, N.Y. TIMES (Jan. 24, 2023), <https://www.nytimes.com/article/mass-shootings-2022.html>; *We Marched for Our Lives, Again*, MARCH FOR OUR LIVES, <https://marchforourlives.com/march22/> (last visited Apr. 14, 2023).

196. *We Marched for Our Lives, Again*, *supra* note 195.

197. *Id.*

and leadership of determined, visionary youth.<sup>198</sup> March For Our Lives likewise recognizes the intersectionality of gun violence and has become a nationwide movement with chapters in Los Angeles, Michigan, Tennessee, New York City, and Austin, Texas, and affiliated organizations including Junior Newtown Action Alliance, Newtown Action Alliance, March Fourth, Team ENOUGH, Brady United, Change the Ref, and Lives Robbed.<sup>199</sup>

Young people in Movement for Black Lives (“M4BL”) have also made remarkable strides influencing politics and civic awareness through civil disobedience, despite being primary targets of state repression against protest themselves.<sup>200</sup> M4BL began with a viral social media hashtag, #BlackLivesMatter, “in response to the acquittal of Trayvon Martin’s murderer” in Florida in 2012, and eventually expanded nationally in 2014 after the deaths of Michael Brown in Missouri and Eric Garner in New York.<sup>201</sup> M4BL is now a decidedly global movement organization in the continental United States and Canada, which aims to “eradicate white supremacy and build local power to intervene in violence inflicted on Black communities by the state and vigilantes” and to “combat[] and counter[] acts of violence, creat[e] space for Black imagination and innovation, and center[] Black joy.”<sup>202</sup> Founded by “three female Black organizers — Alicia Garza, Patrisse Cullors, and Opal Tometi,” M4BL maintains a decentralized yet highly coordinated leadership model rather than relying on an anointed charismatic leader like past movements, to intentionally avoid the downfall of prior eras.<sup>203</sup> M4BL leaders consider “local connections” and “fast mobilization in response to

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198. *See id.*

199. *See Generation Lockdown: Made in America*, NEWTOWN ACTION ALL. (Mar. 8, 2023), <https://www.newtownactionalliance.org/generation-lockdown>; *We Marched for Our Lives, Again*, *supra* note 195 (listing cities where March For Our Lives is active).

200. *Monday: Respect Protestors’ Rights*, M4BL, <https://m4bl.org/week-of-action/monday/> (last visited Apr. 14, 2023). Tiana Day recounted how her father and other family members are constantly racially profiled by police while just trying to live safely and comfortably yet working “two times harder” to survive in their community. Bennett, *supra* note 2. After Tiana spoke at the Bay Area march she organized, her dad broke into tears and they discussed how he mobilized after Rodney King’s beating by police, how her grandfather was a Black Panther, and how even her great-grandfather was an activist. *Id.*

201. *A Brief History of Civil Rights in the United States: The Black Lives Matter Movement*, HOW. UNIV. SCH. OF L., <https://library.law.howard.edu/civilrightshistory/BLM> (Jan. 6, 2023, 12:25 PM).

202. *Id.*

203. *Id.*; *see* Bennett, *supra* note 2; *see also* Laura Barrón-López, *Why the Black Lives Matter Movement Doesn’t Want a Singular Leader*, POLITICO (July 22, 2020, 4:30 AM), <https://www.politico.com/states/california/story/2020/07/22/why-the-black-lives-matter-movement-doesnt-want-a-singular-leader-1302934>.

police violence” to be an asset.<sup>204</sup> Whereas past racial justice movements among African Americans may have reinforced inequalities within the community itself, M4BL centers intersectionality, going “beyond the narrow nationalism that can be prevalent within Black communities,” yet has kept straight cisgender men in the front of the movement “while our sisters, queer and trans and disabled folk take up roles in the background or not at all.”<sup>205</sup> This guiding principle elevates the work of often underrecognized Black radicals and feminist thinkers of other generations.<sup>206</sup>

Youth in M4BL continually catapult their sociocultural, political, and economic impact via protests, rallies, flash mobs, and engagement in the direct actions of other, like-minded movements. For example, two days after police killed George Floyd in May 2020, amidst a global pandemic, Black youth in various jurisdictions were spontaneously compelled to mobilize multiracial crowds on a massive scale with the inspiration of #BLM, yet without the knowledge that legions of their peers were simultaneously doing the exact same thing.<sup>207</sup> M4BL also employs strategic short- and long-term approaches and institutes training on a multitude of issues and tactics, including civil disobedience.<sup>208</sup> Despite growing up in an era of the first Black President, youth in M4BL shrewdly push beyond single-issue protests to advance a broad platform with an uncompromising stance on toppling racial capitalism and social Darwinism; it uplifts various concrete alternatives to the status quo and connects domestic issues with U.S. militarism and imperialism abroad.<sup>209</sup>

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204. Barrón-López, *supra* note 203.

205. Barbara Ransby, *The Class Politics of Black Lives Matter*, DISSENT MAG. (2015), <https://www.dissentmagazine.org/article/class-politics-black-lives-matter>.

206. *Id.* (referring to thinkers such as “Sojourner Truth, Angela Davis, Audre Lorde, Barbara Smith, bell hooks, Kimberlé Crenshaw, Beth Richie, Cathy Cohen, and Beverly Guy-Sheftal”).

207. Bennett, *supra* note 2.

208. *A Brief History of Civil Rights in the United States*, *supra* note 201.

209. See, e.g., Adam Bledsoe & Willie Jamaal Wright, *The Anti-Blackness of Global Capital*, 37 ENV'T & PLAN. D: SOC'Y & SPACE 8, 19 (2019); *Black Lives Matter and Marxism*, SOCIALIST ALT. (Feb. 2015), <https://www.socialistalternative.org/marxism-fight-black-freedom/black-lives-matter-marxism/> (adapting from a document drafted by Eljeer Hawkins and approved by Socialist Alternative's National Committee) (“This is a re-emergence of the black masses onto the scene of U.S. history after decades of defeat, sell-outs, decimation and mass incarceration. The current radicalization must be seen in the context of the limits given by the immediate past of a low-level of general class consciousness in society and a historically very low level of struggle in the black community. This is further complicated by the lack of militancy of the remaining civil rights leadership from the 1960s and 70s; those who weren't assassinated or imprisoned have largely been bought off and co-opted by the establishment. The Obama Presidency both signifies the limits of pro-capitalist identity politics but also gives confidence to black youth that they could get support in society and can defeat racism.”); *A Brief History of Civil Rights in the*

Scholars and advocates additionally note the deep roots that older M4BL activists have in labor and economic justice campaigns, which fosters an expansive understanding of liberation in all who engage.<sup>210</sup>

Direct actions and media engagement by youth in M4BL across the United States have been instrumental in influencing elections and pressuring various cities and school districts to divest from, defund, or significantly shrink school policing in favor of reinvestment in community-based responses to youth and marginalized communities. A youth protest effort called “Occupy City Hall STL” led to the resignation of the mayor of St. Louis due to crucial issues of racial justice.<sup>211</sup> M4BL continues to empower and train student protesters in New York City, mobilizing a massive march across the Brooklyn Bridge to City Hall in the summer of 2022 and earning the support of high-profile politicians like Representative Alexandria Ocasio-Cortez at a march and rally for police-free schools in 2021.<sup>212</sup> As a result of the 2021 march, led by M4BL affiliated organization Urban Youth Collaborative, over eighty city council and mayoral candidates signed their “Vision for Police-Free Schools” during a critical election cycle.<sup>213</sup> Although the New York City Police Department has yet to significantly reduce its School Safety

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*United States, supra* note 201; *see also The Preamble*, M4BL, <https://m4bl.org/policy-platforms/the-preamble/> (last visited Apr. 14, 2023) (“While this platform is focused on domestic policies, we know that cisheteropatriarchy, ableism, exploitative racial capitalism, imperialism, militarism, and white supremacy and nationalism are global structures. We move in solidarity with our international family against the ravages of global racial capitalism and anti-Black racism, human-made climate change, Islamophobia, war, and exploitation. We join with descendants of African people all over the world in an ongoing call and struggle for reparations for the historic and continuing harms of colonialism and slavery, including structural and systemic sexual and gender-based violence, and *recognize and honor the rights and struggle of our global Indigenous family for reparations, land, sovereignty, and self-determination.*”).

210. *See, e.g.,* Ransby, *supra* note 205.

211. Ryan Bort & Kimberly Aleah, *Year in Review: How Black Lives Matter Inspired a New Generation of Youth Activists*, ROLLING STONE (Dec. 14, 2020), <https://www.rollingstone.com/politics/politics-features/black-lives-matter-protests-new-generation-youth-activists-1099895/>.

212. *Students and Parents March Across Brooklyn Bridge Calling for End to Police in Schools*, NEWS 12: THE BRONX (June 9, 2022, 7:43 PM), <https://bronx.news12.com/students-and-parents-march-across-brooklyn-bridge-calling-for-end-to-police-in-schools/>; Georgett Roberts & Melissa Klein, *NYC Students Rally to Get Cops Out of Their Schools*, N.Y. POST (June 5, 2021, 8:31 PM), <https://nypost.com/2021/06/05/nyc-students-rally-to-get-cops-out-of-their-schools/>.

213. Yael Fisher, *UYC Vision for Police Free Schools 2021 With Sign Ons*, SCRIBD (Jan. 29, 2021), <https://www.scribd.com/document/492612616/UYC-Vision-for-Police-Free-Schools-2021-With-Sign-Ons#>; *End the War on Black Youth*, M4BL, <https://m4bl.org/policy-platforms/end-the-war-on-black-youth> (last visited Apr. 14, 2023) (listing the Urban Youth Collective as one of the local organizations that works on policy with M4BL); *see* Roberts & Klein, *supra* note 212.

Division, the police-free school movement is burgeoning, with youth activists in New York City consistently utilizing the press after national tragedies like the Uvalde school shooting and opposing the policing budget increases that city officials constantly propose.<sup>214</sup> M4BL is also integral to ongoing youth-led protests and coalition-building in Chicago.<sup>215</sup>

M4BL in New York was vital in mobilizing citywide “Black Families Matter” marches in the summer of 2020 to expand momentum from other direct actions after the police killing of George Floyd.<sup>216</sup> In conjunction with adult-led organizations like Movement for Family Power and Parent Legislative Action Network (“PLAN”), M4BL mobilized rallies and marches protesting family separation and the foster system’s policing and punishment of families of color.<sup>217</sup> These “joyful” protests involved well over 1,000 people city-wide and demanded abolition of the Administration for Children’s Services (“ACS”), New York City’s family

214. See Robbie Sequeira, *More Police in Schools? Student Activists Say No, Urge Funding for School Counselors and Restorative Justice in City Budget*, BRONX TIMES (June 10, 2022), <https://www.bxtimes.com/more-police-in-schools-student-activists-say-no/>.

215. See Hannah Leone, *Teen Activism in Chicago Spurred by Police Killing of George Floyd: ‘We Are Fed Up and This Is the Last Straw’*, CHI. TRIB. (June 9, 2020, 5:00 AM), <https://www.chicagotribune.com/news/breaking/ct-george-floyd-chicago-public-schools-student-protesters-20200609-pekf5abj2bhhnc22ytem5nomgu-story.html>; *We Demand Police Free Schools NOW: Call to Action From CPS Students*, GRASSROOTS COLLABORATIVE, <https://grassrootscollaborative.salsalabs.org/policefreeschools2020/index.html> (last visited Apr. 14, 2023).

216. See generally Elize Manoukian et al., *Black Parents March to Demand Racial Justice in NYC Child-Welfare System*, N.Y. DAILY NEWS (June 20, 2020, 6:52 PM), <https://www.nydailynews.com/news/politics/ny-protest-black-lives-matter-20200620-sqiyn27g45fn7jyuyrnwmyd7la-story.html> (discussing protestors who stumbled upon Black Lives Matter protesters in Foley Square issuing a similar call for justice); *‘Black Families Matter’ March Speaks out Against Child Protective Services*, NEWS 12: BRONX (Aug. 23, 2020, 6:03 PM), <https://bronx.news12.com/black-families-matter-march-speaks-out-against-child-protective-services-42532416> (describing a group of organizers calling for the defunding of Child Protective Services which has historically acted as an arm of the police and has used poverty as a reason to take a child away); Erik McGregor, *NYC: Black Families Matter March in Brooklyn*, LIGHTROCKET, <https://www.lightrocket.com/galleries/24156/nyc-black-families-matter-march-in-brooklyn> (last visited Apr. 14, 2023) (capturing photographs of the Brooklyn Black Families Matter march); *The Problem*, MOVEMENT FOR FAM. POWER, <https://www.movementforfamilypower.org/ending-family-punishment> (last visited Apr. 14, 2023) (describing the problem of the child welfare system being used to remove children from capable parents and its disproportionate effect on people of color); *Strategies*, MOVEMENT FOR FAM. POWER, <https://www.movementforfamilypower.org/solution-and-strategies> (last visited Apr. 14, 2023) (proposing solutions and strategies for fighting against the unjust foster system).

217. *Black Families Matter: Parents Protest ACS and Family Separation*, RISE MAG. (July 23, 2020), <https://www.risemagazine.org/2020/07/parents-rally/> (discussing how PLAN organized a “Black Families Matter” rally to protest ACS and family separation).

policing agency; an end to mandatory child maltreatment reporting, which is highly racialized; and similar “demands as other [M4BL] demonstrations, like stripping at least \$1 billion in funding from the NYPD and barring cops from schools.”<sup>218</sup>

Further, M4BL propels countless campaigns and direct actions across the country through its constantly updated “Vision for Black Lives,” “a comprehensive and visionary policy agenda for the post-Ferguson Black liberation movement” which lives online, within the M4BL ecosystem of organizations, and in “hundreds of allied organizations and individuals.”<sup>219</sup> M4BL hubs and youth organizers are also heavily involved in direct actions that do not involve an explicit racial justice demand, such as minimum wage campaigns that are ultimately “about racial justice AND economic justice,” climate strikes, and local mobilization towards environmental cleanup efforts.<sup>220</sup>

### B. *Swaying Electoral Outcomes*

The activism currently led and propelled by youth is also impressively attuned to the electoral process in ways that have profoundly swayed outcomes for various candidates and ballot initiatives. Youth movements’ efforts towards formal legislative change will be discussed in the latter part of this Section. As one example, climate activists expressly engage in “naming and shaming” politicians, which they learned from environmental activists of the 1970s, and which has ultimately installed numerous progressive candidates and ousted

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218. Manoukian et al., *supra* note 216; ‘Black Families Matter’ March, *supra* note 216. The NYC ACS is coined “The Family Police” because it is responsible for disproportionately targeting, separating, and criminalizing Black families. *E.g.*, National Coalition for Child Protection Reform, *Mutual Aid vs. the Family Police: Guess Which Approach Keeps Kids Safer*, NAT’L COAL. FOR CHILD PROT. REFORM: NCCPR CHILD WELFARE BLOG (Apr. 12, 2021, 1:58 PM), <https://www.nccprblog.org/2021/04/mutual-aid-vs-family-police-guess-which.html>. For explanations of the terms “family regulation system” or “family policing,” see generally Smith, *From Empathy Gap to Reparations*, *supra* note 52.

219. *The Preamble*, *supra* note 209.

220. Ransby, *supra* note 205; see also Bledsoe & Wright, *supra* note 209, at 17–18 (“M4BL employs an explicit critique of the prevailing economic conditions that adversely affect Black populations.”); *The People First*, M4BL, <https://m4bl.org/policy-platforms/the-people-first> (last visited Apr. 14, 2023) (providing that M4BL is involved in minimum wage efforts); *Strike for Black Lives*, M4BL (July 20, 2020, 9:00 AM), <https://m4bl.org/events/strike-for-black-lives> (showing that M4BL is involved in climate strike efforts); *National Climate Impact Call: The Impact of Climate on Black Lives*, M4BL (Mar. 1, 2021, 6:00 PM), <https://m4bl.org/events/m4bl-national-climate-impact-call-the-impact-of-climate-on-black-lives> (stating that M4BL is involved in environmental efforts); *The Black Hive*, M4BL, <https://m4bl.org/the-black-hive> (last visited Apr. 14, 2023) (discussing the climate and environmental justice efforts of M4BL, which assesses the ways in which climate change and ecological destruction impact Black communities).

those hostile to environmental progress.<sup>221</sup> As a result, over the course of the 2020 presidential primaries, all but one Democratic candidate signed the #NoFossilFuelMoney pledge, and Sunrise's website lists thousands of officials "at all levels of government" who have signed.<sup>222</sup> Sunrise collaborates with the adult-run League of Conservation Voters to track politicians' voting records, publicize them, and support or contest their re-election with the deployment of an "army" of activists who even canvas door-to-door if necessary.<sup>223</sup> By harnessing the resources and expertise of adult law and policy advocates, youth are creating resources that directly equip policymakers on climate issues, provide roadmaps for social media campaigns, and offer copious materials for other concerned people to petition leaders throughout the nation and world.<sup>224</sup>

Likewise, M4BL is extremely collaborative across regions, with ally organizations and with public officials—which has successfully altered myriad civic outcomes across the United States, including the landscape of electoral politics.<sup>225</sup> M4BL's resources savvily equip activists and policymakers with facts and figures; "an aspirational description of . . . the vision of the new world [M4BL is] seeking to build[;] . . . a list of federal, state, and local legislative, policy and program steps" to move forward; and "important tools" for election seasons to help "assess and push candidate platforms, and to articulate and advance [their] vision within the broader coalitions [M4BL] lead[s], such as *The Rising Majority*."<sup>226</sup> More specifically, youth in M4BL engaged in get-out-the-vote efforts; focused on specific candidates' success or defeat; leveraged community ties by partnering with local organizations in various jurisdictions; and were instrumental in turning Georgia "blue" for Democratic party wins during the 2020 presidential election.<sup>227</sup> New congresspeople, including Representative Cori Bush (D-MO), can credit their wins largely to the mobilization of youth in M4BL, while the 2020 launch of the M4BL PAC (though not specifically youth-driven) resulted

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221. See Meunier, *supra* note 157, ¶ 30.

222. *Id.*

223. See *id.*

224. See, e.g., #Congress4Juliana, OUR CHILD'S TR., <https://www.ourchildrenstrust.org/congress4juliana-legislators> (last visited Apr. 14, 2023).

225. See BLACK LIVES MATTER: 2020 IMPACT REPORT 5 (2020), <https://blacklivesmatter.com/2020-impact-report/>. See generally Bennett, *supra* note 2 (describing how teen activists across the United States collaborate with one another to effect change).

226. *The Preamble*, *supra* note 209.

227. Bort & Aleah, *supra* note 211.

in multiple wins in the first round of endorsements.<sup>228</sup> M4BL's Road to Black November campaign in 2020 also expressly pledged to "mobilize 50 million people to the polls" through coordinated social media outreach across all platforms and calls to action.<sup>229</sup> Moreover, M4BL's Electoral Justice Project recruits twelve- to fifteen-year-old emerging activists to train them in the Electoral Justice League, which mobilizes voters across the country to ensure "that millions of Black citizens are able to successfully access and participate in their right" to vote.<sup>230</sup>

### C. Exerting Pressure from Within Institutions

Within their own schools and communities, youth organizers are also waging savvy campaigns to demand internal change and achieve transformational results. At Howard University, climate-focused organizers, like then-eighteen-year-old Elsa Mengistu, have demanded concrete changes towards sustainability and ultimately shifted their institution's priorities.<sup>231</sup> Howard students organized around daily, internal concerns including the reduction of "plastic consumption" and provision of "free public transportation" to reduce student "reliance on ride-sharing apps."<sup>232</sup> Several sustainability-focused demands were part of the Howard University Climate Strike, but students' activism went far beyond civil disobedience.<sup>233</sup> Howard's Executive Vice President and Chief Operating Officer, Tashni-Ann Dubroy, noted that students consistently "use the campus and the city as incubators for how major problems can be addressed on a larger scale," including building a "sustainable garden" behind a residence hall, holding "campus cleanups," and working with "food service vendor[s] to incorporate environmentally-friendly dining ware."<sup>234</sup> Students in Howard's School of Education also conduct on-site "studies in economic and utility use, storm water

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228. Nicholas Fandos, *Cori Bush Defeats William Lacy Clay in a Show of Progressive Might*, N.Y. TIMES (Aug. 4, 2021), <https://www.nytimes.com/2020/08/05/us/politics/cori-bush-missouri-william-lacy-clay.html>; *The Preamble*, *supra* note 209.

229. *The Road to Black November*, M4BL, <https://m4bl.org/black-november/> (last visited Apr. 14, 2023).

230. *The Black National Convention*, M4BL, <https://m4bl.org/electoraljusticevoterfund/black-national-convention/> (last visited Apr. 14, 2023); *Electoral Justice League*, M4BL, <https://m4bl.org/electoraljusticevoterfund/electoral-justice-league/> (last visited Apr. 14, 2023).

231. Burton, *supra* note 171.

232. *Id.*

233. *Id.*

234. *Our Campus, Our Environment*, BISON BEAT (Off. of the President of How. Univ., Wash., D.C.), Apr. 2021, at 13, 15, [https://issuu.com/bisonbeat/docs/hu\\_bison\\_beat\\_april\\_2021\\_spreads](https://issuu.com/bisonbeat/docs/hu_bison_beat_april_2021_spreads).

management, and community food and water distribution.”<sup>235</sup> Young activists’ pressure has led Howard University to reestablish its “Sustainability Council,” decrease “grid energy dependency,” and complete “a Sustainability Strategic Plan.”<sup>236</sup> Howard students and alumni have even pushed the institution to invest in their own futures in climate justice, as the school developed a curriculum for green careers and expanded its innovative research into climate resilience, green building systems, energy conservation, and water access.<sup>237</sup>

Similarly, students at the University of Oregon are seizing their status as tuition-paying matriculates and residents of Eugene, Oregon to demand implementation of a new city ordinance for climate justice which has still not come to fruition.<sup>238</sup> Student climate activists have called on the University of Oregon itself to cut its emissions and commit to “building a fossil free campus.”<sup>239</sup> In late 2022, a group of over twenty student organizations even wrote to the University’s Interim President and Board of Trustees demanding the “transition off of fossil fuels,” while grassroots organizations have been unsuccessful in pushing the external city of Eugene to follow through on the ordinance.<sup>240</sup>

According to the *Black Lives Matter: 2020 Impact Report*, M4BL is also instrumental in mobilizing young people and their allies to transform the institutions they are a part of.<sup>241</sup> A myriad of major cities like Oakland, Seattle, Denver, and Minneapolis have cut funds for campus police due to pressure from youth activists, and in 2021, the Los Angeles Unified School District cut its security budget by one third and “divert[ed] \$25 million to programs” targeting the well-being of students of color.<sup>242</sup> Likewise, M4BL has been crucial in supporting youth activists in New York City as they demand healing-centered schools as an alternative to punitive school discipline and school policing.<sup>243</sup> Recognizing the trauma that children experience as a result of systemic racism, abuse, and the COVID-19 pandemic, New York City finally

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235. *Id.*

236. *Id.* at 13.

237. *Id.* at 14–15.

238. *Students Lead Push to Electrify Campus as UO Becomes Eugene’s Largest Climate Polluter*, SIERRA CLUB (Dec. 2, 2022), <https://www.sierraclub.org/press-releases/2022/12/students-lead-push-electrify-campus-uo-becomes-eugene-s-largest-climate>.

239. *Id.*

240. *Id.*

241. See BLACK LIVES MATTER, *supra* note 225, at 5–15.

242. *Id.* at 32; Jill Cowan et al., *Protesters Urged Defunding the Police. Schools in Big Cities Are Doing It*, N.Y. TIMES, <https://www.nytimes.com/2021/02/17/us/los-angeles-school-police.html> (Mar. 8, 2021).

243. See BLACK LIVES MATTER, *supra* note 225, at 5, 11.

launched the Healing-Centered Schools Task Force in June 2021 to create “holistic learning environments” free from punitive, harmful practices.<sup>244</sup> Implementation of the task force recommendations and roadmap has been slow-going, but the task force is comprised of “students, educators, parents, community groups, mental health providers, elected officials,” and education department leadership and youth themselves coordinated the recommendations.<sup>245</sup>

#### D. Formal Legal Strategies

Modern youth activists have been particularly prolific in advancing their vision of anti-capitalism and social transformation through formal legal strategies, including proposing or opposing legislation and filing lawsuits. The climate movement has been successful in focusing on local legislation and implementation.<sup>246</sup> Allying with adult-led legal organizations, youth climate activists were influential in the City Council of Eugene, Oregon’s decision to pass the previously mentioned Climate Recovery Ordinance—the first of its kind in the United States to hold a government accountable for reaching climate-related goals.<sup>247</sup> Leading up to the passage of the ordinance in 2014, the youth climate activists demanded that it include concrete goals and safeguards for when potential challenges would arise.<sup>248</sup> Putting climate goals into city code or local law was particularly unique.<sup>249</sup> However, the youth climate

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244. *Education & Opportunity, Healing-Centered Schools*, OFF. OF THE N.Y.C. PUB. ADVOC., <https://www.pubadvocate.nyc.gov/education-opportunity/education-resources/healing-centered-schools> (last visited Apr. 14, 2023).

245. *Id.*

246. See Our Children’s Trust, *TRUST: The Climate Kids*, VIMEO, [https://vimeo.com/127181835?embedded=true&source=vimeo\\_logo&owner=8332329](https://vimeo.com/127181835?embedded=true&source=vimeo_logo&owner=8332329) (last visited Apr. 14, 2023); *Setting Ambitious Greenhouse Gas Targets: Eugene, Oregon*, THRIVING EARTH EXCH., <https://thrivingearthexchange.org/project/eugene-or/> (last visited Apr. 14, 2023).

247. See Our Children’s Trust, *supra* note 246. The Eugene, Oregon ordinance set a goal of “carbon-neutral city operations by 2020, 50% less community fossil fuel consumption by 2030, city-wide carbon budget, and science-based emission reductions.” *Id.* at 13:53–14:03.

248. Taylor Perse, *Climate and the City: The Urgency for the City of Eugene to Take Climate Action — and How to Get There*, EUGENE WKLY. (Dec. 10, 2020), <https://eugeneweekly.com/promotion/climate-and-the-city>; *Setting Ambitious Greenhouse Gas Targets*, *supra* note 246; Jordan Tichenor, *Eugene Youth Take on Climate Change Issues*, EUGENE WKLY. (Nov. 21, 2013), <https://eugeneweekly.com/2013/11/21/eugene-youth-take-on-climate-change-issues/>; Allison Frost, *Oregon Youth Demand Action on Climate Change*, OPB, <https://www.opb.org/article/2022/10/11/think-out-loud-live-event-oregon-youth-climate-change> (Nov. 18, 2022, 4:35 PM).

249. See Perse, *supra* note 248; Tichenor, *supra* note 248.

activists' testimony about the impacts of climate change on their lives was highly persuasive.<sup>250</sup>

Fierce youth climate activism has also yielded broad support for key climate protections in federal legislation and executive branch policies.<sup>251</sup> The Pew Research Center reports widespread support for “specific [climate justice] elements in [President] Biden’s infrastructure plan,” with half of respondents stating it would help the U.S. economy.<sup>252</sup> The Biden administration itself articulates a focus on the “profound crisis” of climate change.<sup>253</sup>

Although relying on the judiciary to radically shift the climate catastrophe is neither revolutionary nor sufficient,<sup>254</sup> youth also work with adult-led legal organizations like Our Children’s Trust to file innovative litigation such as *Juliana v. United States*, which has paradoxically created a growing public consensus about the viability of claims by climate-change plaintiffs while also resulting in a frustrating holding that redressability is not within courts’ purview.<sup>255</sup> The *Juliana*

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250. See Tichenor, *supra* note 248; Frost, *supra* note 248.

251. See Tyson et al., *supra* note 186.

252. *Id.*

253. *Id.*

254. See Rachel Shuen, *Addressing a Constitutional Right to a Safe Climate: Using the Court System to Secure Climate Justice*, 24 J. GENDER, RACE & JUST. 377, 378 (2021) (“[P]roponents have filed 359 climate change litigation lawsuits internationally in at least forty countries . . .”). For more on the inadequacy of litigation strategies to sufficiently tackle the climate crisis, see James R. May & Erin Daly, *Can the U.S. Constitution Encompass a Right to a Stable Climate? (Yes, it Can.)*, 39 UCLA J. ENV’T L. & POL’Y 39, 64 (2021) (“[H]ow can one judge or even a bench of them be expected to stand up to the private and public power of the state?”).

255. See *Juliana v. United States*, 947 F.3d 1159, 1175 (9th Cir. 2020). Plaintiffs in *Juliana v. United States* are twenty-one youths aged thirteen to twenty-six (hereinafter the “*Juliana* Twenty-One”), many of whom are longstanding climate leaders in their communities. See Mina Juhn, *Taking a Stand: Climate Change Litigants and the Viability of Constitutional Claims*, 89 FORDHAM L. REV. 2731, 2735 (2021) (arguing that *Juliana* is also the first U.S. climate-related lawsuit making claims on constitutional grounds, rather than engaging in statutory disputes). The federal District Court for the District of Oregon recognized that “the right to a climate system capable of sustaining human life is fundamental to a free and ordered society.” *Juliana v. United States*, 217 F. Supp. 3d 1224, 1250 (D. Or. 2016), *rev’d*, 947 F.3d 1159 (9th Cir. 2020). But the Ninth Circuit later directed the district court to dismiss *Juliana*, stating “such relief is beyond our constitutional power.” *Juliana*, 947 F.3d at 1165; see also Matthew J. Kalhofer, *An Alternative Approach to Climate Change Litigation: Fundamental Climate Rights & Decentralized Renewable Programs*, 21 J. HIGH TECH. L. 477, 490 (2021) (arguing that the legal theory proffered in *Juliana* “must be continuously replicated by climate litigants,” in order to effectively “leave the judiciary no other option but to provide redress to prepared climate litigants”); Kevin Kennedy, *Watching the World Burn: Substantive Due Process and the Right to a Sustainable Climate*, 93 TEMP. L. REV. 61, 62–63 (2021) (focusing on the merits of due process arguments for and against judicial recognition of a fundamental right to a sustainable climate). Our Children’s Trust is a public interest litigation group that has filed lawsuits—some

plaintiffs filed their landmark case in 2015, contending that “the government’s active role in accelerating climate change violates the youths’ constitutional rights to life, liberty, public trust, and equal protection.”<sup>256</sup> In some ways, *Juliana* yielded historic wins such as U.S. District Court Judge Ann Aiken’s opinion, which rejected the government’s argument that the alleged injuries were “nonjusticiable generalized grievances” merely because they are widely shared and caused by climate change affecting everyone on the planet.<sup>257</sup>

Likewise, as of November 2021, nearly fifty members of Congress and 167 organizations had expressed solidarity or filed amicus curiae briefs with the twenty-one youth plaintiffs coined “the Juliana twenty-one” in letters to President Biden and the DOJ.<sup>258</sup> However, after many delays from seventeen state intervenors and the government’s various motions, a divided three-judge panel for the Ninth Circuit ultimately dismissed *Juliana* in 2020, concluding that courts could not provide the remedy of “a broad plan to reduce U.S. reliance on fossil fuels.”<sup>259</sup> As of June 1, 2023, *Juliana* will return to court because Federal Judge Ann Aiken, of the U.S. District Court in Oregon, granted the youth plaintiffs’ motion to amend their complaint.<sup>260</sup> Youth activists and allies will present evidence of the government’s conduct that is causing the climate crisis and

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successful— throughout the United States and internationally, on behalf of children and young adults to secure “systemic, science-based emissions reductions and climate recovery policy at all levels of government.” *Our Children’s Trust*, INFLUENCE WATCH, <https://www.influencewatch.org/non-profit/our-childrens-trust> (last visited Apr. 14, 2023). *Juliana*-type litigation has now been replicated across the United States. See Hayley Morris, *Top 10 Environmental Law Decisions of 2021: UC Davis School of Law Professor Highlights the 9th Circuit’s Cases of the Year*, U.C. DAVIS (Jan. 19, 2022), <https://www.ucdavis.edu/news/top-10-environmental-law-decisions-2021>. See generally *Federal Courts — Justiciability — Ninth Circuit Holds That Developing and Supervising Plan to Mitigate Anthropogenic Climate Change Would Exceed Remedial Powers of Article III Court.*— *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020), 134 HARV. L. REV. 1929 (2021) (discussing the impact of *Juliana* on the judiciary’s ability to provide equitable remedy in reform cases).

256. Vivienne Pismarov, *Why Conservatives Should Challenge the Redressability Decision in Juliana*, AM. BAR ASS’N (May 27, 2021), [https://www.americanbar.org/groups/environment\\_energy\\_resources/publications/ccsde/20210527-why-conservatives-should-challenge/](https://www.americanbar.org/groups/environment_energy_resources/publications/ccsde/20210527-why-conservatives-should-challenge/).

257. *Juliana*, 217 F. Supp. 3d at 1243.

258. #Congress4Juliana, OUR CHILD’S TR., <https://www.ourchildrenstrust.org/congress4juliana-legislators> (last visited June 11, 2023).

259. Ellen M. Gilmer, *Kids’ Climate Plaintiffs Eye Supreme Court After Defeat*, BLOOMBERG L. (Feb. 10, 2021, 3:12 PM), <https://news.bloomberglaw.com/environment-and-energy/kids-climate-case-wont-get-reconsideration-in-ninth-circuit>.

260. *Call to Action*, OUR CHILDREN’S TRUST, <https://www.ourchildrenstrust.org/dont-mandamus-us> (last visited June 11, 2023).

violating their constitutional rights,<sup>261</sup> including amending their complaint to argue “that the nation’s fossil fuel-based energy system is unconstitutional,” and going to the conservative U.S. Supreme Court.<sup>262</sup> In this instance, youth activists are wrestling with essential questions about courts’ role in creating structural reform to achieve widespread institutional behavior change.<sup>263</sup> The *Juliana* result thus far illustrates the necessity of strategizing for relief from all three branches of government as well as through creative, extralegal means.

Youth-led climate action hubs are likewise propelling politicians’ agendas on the local, national, and international stages, forcing society to *follow the money* on this matter. Various politicians across the country have signed “no fossil fuel money” pledges, and youth also work to identify elected officials with shameful voting records to defeat, while continuing a fossil fuel divestment campaign that originated in 2011 and now includes 1,319 institutions.<sup>264</sup> Organizations like Zero Hour also ally with the adult-led Stop the Money Pipeline coalition to pressure private financial institutions to stop funding and insuring fossil fuel infrastructure, and nineteen pieces of legislation were endorsed in 2021.<sup>265</sup> Although the 2019 filing of a civil complaint to the United Nation’s Committee on the Rights of the Child by international youth was a landmark event<sup>266</sup> and many progressive organizations now make a constitutional (and human) right to a healthy environment a staple of their policy platforms, young activists remain outraged by the embroilment of “polluters” in crafting (and sabotaging) international

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261. *Call to Action*, *supra* note 260.

262. *Id.*; *Youth Climate Activists Try to Bring Back Federal Lawsuit*, ASSOCIATED PRESS (Mar. 10, 2021), <https://apnews.com/article/lawsuits-oregon-courts-eugene-united-states-bcf998884615b78e65edae80eea6e81a>.

263. *See Youth Climate Activists*, *supra* note 262; *Federal Courts — Justiciability*, *supra* note 255, at 1935.

264. Meunier, *supra* note 157, ¶¶ 12, 30.

265. *Current Actions*, ZERO HOUR, <https://www.thisiszerohour.org/actions> (last visited Apr. 14, 2023); Press Release, Jackie Fielder, Stop the Money Pipeline, Stop the Money Pipeline Coalition Members Respond to Goldman’s New Climate Targets (Dec. 16, 2021), <https://stopthemoneypipeline.com/goldman2030/>.

266. Nevertheless, the 2019 delivery of a legal complaint by sixteen youth from twelve different countries, including American fourteen-year-old Alexandria Villaseñor and Swedish sixteen-year-old Greta Thunberg, was a remarkable achievement. Their litigation demanded recognition of climate change as a violation of children’s rights, asking five nations to specifically reduce carbon emissions and the use of fossil fuels. *See, e.g.*, Ben Arnoldy, *Greta and 15 Kids Just Claimed Their Climate Rights at the UN*, EARTHJUSTICE (Sept. 23, 2019), <https://earthjustice.org/article/greta-thunberg-young-people-petition-UN-human-rights-climate-change>; Press Release, UNICEF, 16 Children, Including Greta Thunberg, File Landmark Complaint to the United Nations Committee on the Rights of the Child (Sept. 23, 2019), <https://www.unicef.org/press-releases/16-children-including-greta-thunberg-file-landmark-complaint-united-nations>.

climate negotiations like the Paris Climate Accords—the most binding international agreement on point.<sup>267</sup>

College students in the United States are also filing historic legal complaints with their respective state attorneys general in the name of climate justice, creating anxiety among prestigious institutions and forcing university divestment from fossil fuel companies.<sup>268</sup> Students argue that “[r]emaining invested in fossil fuel companies is antithetical to the responsibilities of nonprofit universities outlined in a decades-old law known as the Uniform Prudent Management of Institutional Funds Act.”<sup>269</sup> Youth themselves describe a “new wave of legal action that youth are taking to pursue climate justice” and hold universities accountable.<sup>270</sup> This approach is impressive, as students utilize their institutions’ prestige and name recognition in savvy, viral social media campaigns to garner national attention and achieve divestment. Harvard University and Cornell University have already divested their endowments from fossil fuels.<sup>271</sup> In February 2022, thirty students at Vanderbilt University filed a lawsuit alleging that the “university’s investment in fossil fuels” violates its “non-profit investment obligations.”<sup>272</sup> Similar complaints have been filed against “Yale, Stanford, Princeton, [and] MIT.”<sup>273</sup>

267. See Somini Sengupta & Lisa Friedman, *At U.N. Climate Summit, Few Commitments and U.S. Silence*, N.Y. TIMES (Oct. 27, 2021), <https://www.nytimes.com/2019/09/23/climate/climate-summit-global-warming.html>; Edward Heartney, Couns. for Econ. & Soc. Affs., U.S. Mission to the United Nations, *Explanation of Position on the Right to a Clean, Healthy, and Sustainable Environment Resolution* (July 28, 2022), <https://usun.usmission.gov/explanation-of-position-on-the-right-to-a-clean-healthy-and-sustainable-environment-resolution/>.

268. Zahra Biabani, *Fossil Fuel Divestment: Students Are Filing Complaints to Force Change on Campus*, TEEN VOGUE (Apr. 5, 2022), <https://www.teenvogue.com/story/fossil-free-five-coalition-complaint>; Nitish Pahwa, *The Oil Industry Is Terrified of College Kids*, MOTHER JONES (Jan. 25, 2022), <https://www.motherjones.com/environment/2022/01/harvard-yale-fossil-fuel-divestment-protests-oil-gas-alec/>.

269. Biabani, *supra* note 268; Pahwa, *supra* note 268.

270. Biabani, *supra* note 268.

271. Matt Steecker, *Cornell University Divesting From Fossil Fuels, to Focus on Alternative Energy, Renewables*, ITHACA J. (May 27, 2020, 7:00 AM), <https://www.ithacajournal.com/story/news/local/2020/05/27/cornell-university-divesting-fossil-fuels-due-climate-change/5258729002>; Pahwa, *supra* note 268.

272. Ekta Anand et al., *Students File Legal Complaint Alleging University Investment in Fossil Fuels Violates Non-Profit Investment Obligations*, VAND. HUSTLER (Feb. 16, 2022), <https://vanderbilthustler.com/2022/02/16/students-file-legal-complaint-alleging-university-investment-in-fossil-fuels-violates-non-profit-investment-obligations/>.

273. Susan Svrluga, *Student Climate Activists from Yale, Stanford, Princeton, MIT and Vanderbilt File Legal Complaints to Compel Divestment*, WASH. POST (Feb. 16, 2022, 8:54 AM), <https://www.washingtonpost.com/education/2022/02/16/college-fossil-fuel-divest-legal-action/>.

Journalists estimate that the level of U.S. university divestment from fossil fuels totaled \$14.56 trillion as of 2021.<sup>274</sup>

Youth activists against gun violence also utilize the pressure of their mass mobilization and direct actions to build momentum towards formal legal victories. March For Our Lives has filed several amicus briefs in crucial gun control cases around the country and ultimately aided in historic legislative achievements both on the local and federal levels.<sup>275</sup> The federal Bipartisan Safer Communities Act passed along with over twenty state laws aimed at curtailing gun violence since March For Our Lives' 2022 mobilization.<sup>276</sup>

The economic justice and carceral divestment aspects of M4BL activism have borne legislative and budgetary fruit across the country while also strengthening the national campaign for reparations for African Americans, Native Americans, and immigrants. In February 2021, the ACLU (as a coalition partner of M4BL) publicly announced that it would embark on “an aggressive racial justice agenda that includes support for a [federal] reparations bill [and] expanding resources into southern states.”<sup>277</sup> The federal reparations bill, House Bill 40 (“H.R. 40”), has garnered the support of almost 200 members of Congress, as well as public campaigns by partners like Human Rights Watch and the MacArthur Foundation.<sup>278</sup> In April 2021, the House Judiciary Committee ordered H.R. 40 to be amended, but the legislation now “appears stalled.”<sup>279</sup> As part of a broader effort to mobilize and strengthen legal agendas, Black Lives Matter (“BLM”) of Los Angeles led a boycott and divestment campaign in 2017 calling for “Black Christmas,” where U.S.

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274. See Meunier, *supra* note 157, at 12. See generally *The Database of Fossil Fuel Divestment Commitments Made by Institutions Worldwide*, DIVESTMENT DATABASE, <https://divestmentdatabase.org/> (last visited June 11, 2023).

275. *Judicial Advocacy*, MARCH FOR OUR LIVES, <https://marchforourlives.com/judicial-advocacy/> (last visited Apr. 14, 2023); *We Marched for Our Lives, Again*, *supra* note 195.

276. *We Marched for Our Lives, Again*, *supra* note 195.

277. Russell Contreras, *First Look: ACLU to Push Reparations Bill, Southern Expansion*, AXIOS (Feb. 8, 2021), <https://www.axios.com/aclu-reparations-support-eb1a79b3-64e4-4807-a074-17aba69dd4c6.html>.

278. *Documentary Chronicles Fight for Reparations for Slavery in America on December 3rd at the DuSable Museum in Chicago*, CRUSADER (Dec. 2, 2022, 9:37 AM), <https://chicagocrusader.com/documentary-chronicles-fight-for-reparations-for-slavery-in-america-on-december-3rd-at-the-dusable-museum-in-chicago/>.

279. Commission to Study and Develop Reparation Proposals for African Americans Act, H.R. 40, 117th Cong. (2021); *All Actions Except Amendments: H.R.40 — 117th Congress (2021-2022)*, CONGRESS.GOV, <https://www.congress.gov/bill/117th-congress/house-bill/40/all-actions-without-amendments> (last visited Apr. 14, 2023); Jesse Washington, *H.R. 40, the Federal Bill to Study Reparations, Appears Stalled Once Again*, ANDSCAPE (July 11, 2022), <https://andscape.com/features/h-r-40-the-federal-bill-to-study-reparations-appears-stalled-once-again/>.

holiday shoppers would only spend their money at Black-owned businesses in order to “divest from businesses that contribute to racial inequality.”<sup>280</sup>

One of the most noticeable legislative impacts of M4BL has been the momentum behind pending visionary omnibus federal legislation specifically based on the “Vision for Black Lives.”<sup>281</sup> The multi-faceted BREATHE Act, which was introduced in 2020, proposes state, local, and national investment in communities of color, and a new proactive vision of public safety along with divestment from discriminatory carceral approaches and law enforcement.<sup>282</sup> The BREATHE platform, which was derived from over sixty organizations representing thousands of Black people from across the country and with well over 150,000 “community co-sponsors,” has also encouraged transformation-oriented candidates to run for office.<sup>283</sup> M4BL leaders credit BREATHE activism with scores of key wins including “over \$840m in direct cuts from US police departments”; “\$160m investments in community services” like “community-based violence prevention programs,” “mental health first responders, services for homeless people, substance abuse programs, food access, workforce development . . . [and] parks”; the removal of police from schools in twenty-five cities including Denver, Oakland, and Portland; the election of “nearly a dozen” progressive district attorneys in major cities including in Georgia; successful “ballot initiatives designed to fundamentally change policing”; and the election of “movement-aligned” congressional leaders.<sup>284</sup> Further, the Cook County, Illinois Board of Commissioners boldly passed a Justice for Black Lives Resolution “redirect[ing] funds from policing and incarceration to public services not administered by law enforcement that promote community health and safety equitably . . . but especially in Black and Brown communities most impacted by violence and incarceration.”<sup>285</sup>

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280. Summer Meza, *Black Lives Matter Wants to Bring Down White Capitalism with 'Black Christmas'*, NEWSWEEK (Nov. 28, 2017, 10:11 AM), <https://www.newsweek.com/black-lives-matter-black-christmas-capitalism-724309>.

281. See THE BREATHE ACT: FEDERAL BILL PROPOSAL 1 (n.d.), [https://breatheact.org/wp-content/uploads/2020/09/The-BREATHE-Act-V.16\\_.pdf](https://breatheact.org/wp-content/uploads/2020/09/The-BREATHE-Act-V.16_.pdf); *Vision for Black Lives*, MB4L, <https://m4bl.org/policy-platforms/> (last visited Apr. 14, 2023).

282. See *id.*

283. See *The Movement for Black Lives Celebrates BREATHE Act Anniversary*, M4BL (July 7, 2021), <https://m4bl.org/press/the-movement-for-black-lives-celebrates-breathe-act-anniversary/>.

284. See *id.*

285. Keisa Reynolds, *The "Justice for Black Lives" Resolution Passes*, CHI. CMTY. BOND FUND (July 30, 2020), <https://chicagobond.org/2020/07/30/the-justice-for-black-lives-resolution-passes/>.

Additionally, youth in M4BL work with partner organizations, including those that are adult-led, to push policy proposals and research fostering divestment from oppressive state systems and investment in communities that are continuously harmed by the state.<sup>286</sup> After the previously mentioned “Black Families Matter” marches in New York in summer 2020, many advocates, scholars, and journalists recommended that Congress “authorize a Government Accountability Office (GAO) study to perform a national accounting of the children who have been victimized by the overuse of family separation through foster care, group and residential care, Native American boarding schools, and border separations,” expressly demanding details about children “physically abused, sexually abused,” or deceased “while in the care of the government.”<sup>287</sup> The petitioned-for GAO findings were released in 2022 and can inform various policy proposals on the state and national levels going forward.<sup>288</sup> M4BL hubs and many ally organizations have also waged an active campaign to repeal the federal Adoption and Safe Families Act (“ASFA”) due to its various provisions that fiscally incentivize family separation, traumatize families of color, and feed the carceral state.<sup>289</sup>

Youth affiliated with M4BL have also filed lawsuits to protect their rights to anti-racist education or to facilitate important changes towards equity in their districts, with some success.<sup>290</sup> In 2022, youth and educators, aided by the ACLU, filed notable cases including *Pernell v. Florida Board of Governors*, which challenged Florida’s House Bill 7 (“H.B. 7”), also known as the Stop WOKE Act.<sup>291</sup> The Stop WOKE Act

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286. See *Vision for Black Lives*, *supra* note 281.

287. Amelia Franck Meyer & Jessica Pryce, *Truth, Reconciliation, and Reparation in Child Welfare*, IMPRINT (Mar. 8, 2021, 7:45 AM), <https://imprintnews.org/child-welfare-2/truth-reconciliation-reparation-child-welfare/52475>.

288. See U.S. GOV’T ACCOUNTABILITY OFF., GAO-22-104670, CHILD WELFARE: HHS SHOULD FACILITATE INFORMATION SHARING BETWEEN STATES TO HELP PREVENT AND ADDRESS MALTREATMENT IN RESIDENTIAL FACILITIES 2 (2022).

289. See, e.g., *End the War on Black Women*, M4BL, <https://m4bl.org/policy-platforms/end-the-war-black-women/> (last visited Apr. 14, 2023); CAL. FAMS. RISE, <https://californiafamiliesrise.com> (last visited Apr. 14, 2023); Latagia Copeland Tyrnace, *Yes, the Adoption and Safe Families Act (ASFA) Can and Should Be Repealed*, MEDIUM (Dec. 24, 2018), <https://medium.com/latagia-copeland-tyrnaces-tagis-world/yes-the-adoption-and-safe-families-act-asfa-can-and-should-be-repealed-9c18ac391997>; Richard Wexler, *ASFA’s Timelines Are Horrible for Children but Another Part of the Law Is Even Worse*, YOUTH TODAY (Mar. 29, 2021), <https://youthtoday.org/2021/03/asfas-timelines-are-horrible-for-children-but-another-part-of-the-law-is-even-worse/>.

290. See *End the War on Black Youth*, *supra* note 213.

291. See Press Release, ACLU, Judge Blocks Florida’s “Stop W.O.K.E.” Censorship Bill from Taking Effect in Higher Education (Nov. 17, 2022), <https://www.aclu.org/press-releases/judge-blocks-floridas-stop-woke-censorship-bill-taking-effect-higher-education>.

attempts to censor the education of students on topics of race and African American history.<sup>292</sup> In November 2022, the United States District Court for the Northern District of Florida ruled in favor of the plaintiffs and blocked the censorship bill from going into effect, preserving the plaintiffs' First Amendment rights.<sup>293</sup> Youth are also working with the ACLU on similar lawsuits in Oklahoma and New Hampshire.<sup>294</sup> "Three Florida high school students are [also] poised to sue" Florida Governor Ron DeSantis over his decision to block Advanced Placement ("AP") African American studies courses at their Tallahassee high school.<sup>295</sup> At a press conference, sophomore Elijah Edwards explained, "Gov. DeSantis decided to deny the potentially life-changing class and effectively censor the freedom of our education and shield us from the truths of our ancestors. . . . I thought here in this country, we believe in the free exchange of ideas, not the suppression of it."<sup>296</sup>

Another youth activist movement, the youth arm of the #MeToo movement against gender-based harassment and violence, is also having strong impact utilizing formal legal strategies. Although youth gender justice organizations certainly employ other strategies such as civil disobedience and exerting pressure on institutions from within, extensive discussion of such activism is beyond the scope of this Article. Nevertheless, several influential victories of the New York-based organization Girls for Gender Equity ("GGE") are worth discussing—particularly because GGE has an extensive local and national collaboration network, creates strategic national and international alliances, and lobbies on all governance levels.<sup>297</sup> GGE is led by Senior

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292. See *id.*

293. See *id.* On March 26, 2023, the Eleventh Circuit allowed the Northern District of Florida's preliminary injunction against the Stop Woke Act's enforcement to remain in place until the Eleventh Circuit rules on the merits in *Pernell. Id.*

294. See *id.*; *Bert v. O'Connor*, ACLU, <https://www.aclu.org/cases/bert-v-oconnor> (Oct. 29, 2021) (showing work that was conducted by the ACLU of Oklahoma in filing a lawsuit challenging an Oklahoma classroom censorship bill which banned race and gender discourse); Press Release, ACLU, Largest Teachers' Union NEA-NH, Leading Disability and LGBTQ+ Advocacy Groups, File Federal Lawsuit Challenging New Hampshire Classroom Censorship Law (Dec. 20, 2021), <https://www.aclu.org/press-releases/aclu-largest-teachers-union-nea-nh-leading-disability-and-lgbtq-advocacy-groups-file>.

295. Giulia Heyward, *High Schoolers Threaten to Sue DeSantis Over Ban of African American Studies Course*, NPR (Jan. 25, 2023, 3:07 PM), <https://www.npr.org/2023/01/25/1151376707/advanced-placement-african-american-studies-desantis-crump-lawsuit>.

296. Mary Ellen Klas, *Lawyers Have 3 Students Ready to Sue if Florida Bans African-American Studies AP Class*, MIA. HERALD (Jan. 25, 2023), <https://www.miamiherald.com/news/local/education/article271651587.html>.

297. See, e.g., *Movement Building at GGE*, GIRLS FOR GENDER EQUITY, <https://ggenyc.org/movement/> (last visited Apr. 14, 2023).

Director Tarana Burke, the official founder of the #MeToo movement, and it is both youth- and adult-led in an intergenerational model.<sup>298</sup> In general, GGE's mission is the physical, psychological, social, and economic development of girls and women.<sup>299</sup> GGE explains that because Black girls have never been a political priority in the United States, at GGE they are at the foundation of all endeavors.<sup>300</sup> Further, GGE and its national coalition partners—including youth in M4BL—also address a multitude of overlapping, intersecting issues and oppressions which constitute rape culture and gender inequities.<sup>301</sup> By centering and uplifting girls of color and gender-expansive youth of color through programs, crafting “campaigns, and initiatives grounded in Black feminism, [utilizing] a strengths-based and intergenerational eco-systemic social work approach [and] positive youth development model, and popular education,” GGE aims to create a “critical mass of [individuals] dedicated to gender and racial justice” who create long-term structural transformation with a global impact.<sup>302</sup>

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298. See Kerri Lee Alexander, *Tarana Burke*, NATIONAL WOMEN'S HISTORY MUSEUM, <https://www.womenshistory.org/education-resources/biographies/tarana-burke> (last visited June 27, 2023) (explaining that Burke currently serves as the Senior Director of Girls for Gender Equity in Brooklyn, New York); *Youth Centered Programming*, GGE, <https://ggenyc.org/programs/> (last visited June 23, 2023) (explaining that GGE runs “holistic youth-centered programs rooted in social justice, activism and advocacy”); *Our Approach*, GGE, <https://ggenyc.org/our-approach/> (last visited June 27, 2023) (“Girls for Gender Equity (GGE) works intergenerationally, through a Black feminist lens, to achieve gender and racial justice by centering the leadership of Black girls and gender-expansive young people of color to reshape culture and policy through advocacy, youth-led programming, and shifting dominant narratives.”).

299. GIRLS FOR GENDER EQUITY, WE REMEMBER: BLACK YOUTH FOR REPRODUCTIVE FREEDOM 14–21 (2022), <https://sites.google.com/ggenyc.org/gge-repro-justice/home>; *Our Approach*, *supra* note 298.

300. See Joanne N. Smith, Testimony to the Human Right Council's Working Group of Experts on People of African Decent 4 (May 25, 2022), <https://www.ohchr.org/sites/default/files/2022-05/Joanne-N.-Smith-UN-Testimony.pdf> (“We know that by affirming and investing in the leadership of communities who have long been ignored and sidelined by public policy, we as a nation can bring to life our values around opportunity, dignity, and justice for all.”).

301. See Joanne N. Smith, *supra* note 300, at 5 (“Throughout the life span of GGE, young people ages 11-24 have protested against sexual violence, at Black lives matter rallies, at local policy hearings, and they've provided over one hundred live and virtual testimonies for the City, State, and Federal government”). Various other sources mention GGE's collaboration with M4BL, including #SAYHERNAME – A Spotlight on Black Women & Girls in the Movement for Black Lives, FEMINIST.COM, <https://www.feminist.com/20thanniversary/video-say-her-name.html> (last visited June 11, 2023).

302. See Smith, *supra* note 300, at 14–15; see also *Our Approach*, *supra* note 298.

Some of GGE's formal legal successes include proposed legislation and influence upon local, state, and federal budget decisions.<sup>303</sup> One recent legislative victory will have considerable repercussions for youth, families, the legal system, and the education system, while also liberating sociocultural perceptions of gender, race, and propriety. In April 2021, New York Governor Kathy Hochul signed Senate Bill 2737 into law, officially eliminating antiquated language in the Family Court Act that stated "youth can come under court supervision after being found 'incorrigible,' 'ungovernable' or 'habitually disobedient,'" which was technically a status offense.<sup>304</sup> Youth and adults from GGE had organized around this issue for several years, explaining that the statutory provision created a highly disparate impact upon girls of color, who have been historically over-criminalized and removed from schools by police for sexist and racist reasons when their behavior fails to match stereotypical expectations of "feminine" behavior.<sup>305</sup> The long overdue amendment to the Family Court Act can now prevent youth from being unnecessarily funneled into family courts and the criminal legal system.<sup>306</sup> Often, such a legal finding could result in traumatic foster home placement, institutionalization for up to one year, or lingering probation and social service supervision.<sup>307</sup>

To pass this legislation, "two dozen high school students" from GGE engaged in civil disobedience in March 2020, "holding posters saying such things as 'Encourageable not Incorrigible,'" as they joined their legislative sponsors.<sup>308</sup> This legislative activism built upon momentum from M4BL as well as the #MeToo movement while also highlighting a companion cultural, educational project. "Incorrigibles, a state and federally funded project, . . . collect[ed] firsthand accounts from surviving residents of" early twentieth-century girls disciplinary institutions

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303. GIRLS FOR GENDER EQUITY, *supra* note 299, at 20–24.

304. Michael Fitzgerald, *New York Moves to Eliminate Language in State Law Labeling Youth 'Incorrigible'*, IMPRINT (July 23, 2020, 8:00 PM), <https://imprintnews.org/child-welfare-2/new-york-state-law-labeling-youth-incorrigible-fitzgerald/45525>; see S.B. 2737, 2021 Leg., Reg. Sess. (N.Y. 2021), <https://www.nysenate.gov/legislation/bills/2021/S2737>; Press Release, Kathy Kochul, Governor, State of New York, Governor Hochul Signs Legislation Eliminating Discriminatory Language from Parts of Education Law and Prohibiting Intimidation and Retaliation Against Students (May 4, 2022), <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-eliminating-discriminatory-language-parts-education-law-and>. For an explanation of status offenses, see Smith, *No Quick Fix*, *supra* note 32, at 64.

305. See Fitzgerald, *supra* note 304; S.B. 2737, 2021 Leg., Reg. Sess. (N.Y. 2021), <https://www.nysenate.gov/legislation/bills/2021/S2737>.

306. See Fitzgerald, *supra* note 304.

307. *Id.*

308. *Id.*

including legendary jazz singer Ella Fitzgerald, who was deemed “ungovernable” as a “[c]ity teen” and “sent up the Hudson River to a racially segregated group home . . . where she was barred from singing in the choir.”<sup>309</sup> GGE’s other legal advocacy efforts include activism against school policing and for city budget investment in Healing-Centered Schools.<sup>310</sup> The organization likewise engages in a wide range of other types of activism, including public education campaigns against street harassment, peer consent education, and training institutes across the country.<sup>311</sup>

### III. A WAY FORWARD: AMERICAN DEMOCRACY & YOUTH EMPOWERMENT

Despite the varying, impressive ways that youth activists are moving beyond the first two reconstructions to exert pressure on institutions and create legal avenues towards revolutionary change, too many such endeavors are either stymied by related legal barriers or constrained by the way the law currently limits youth themselves. The following recommendations suggest crucial next steps for better facilitating youth activism and their revolutionary vision for American society and economy.

#### A. *Youth Voting and Universal Suffrage: The Baseline*

Guaranteed enfranchisement of individuals age sixteen and over throughout the United States is a necessary baseline for our successful representative democracy and is also integral to supporting youth activists’ methods and goals, while the minimum age for holding public office should also be revisited.<sup>312</sup> That said, both discussion of the Twenty-Sixth Amendment, which lowered the U.S. voting age from

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309. *Id.*

310. For more on GGE’s work on the removal of police from school campuses in NYC, see *GGE Testifies Before the New York City Council Committee on Education*, GGE (Sept. 1, 2021), [https://campaigns.ggenyc.org/gge-testifies-before-the-new-york-city-council-committee-on-education/?\\_ga=2.46148583.1742912458.1675018300-619410280.1675018300](https://campaigns.ggenyc.org/gge-testifies-before-the-new-york-city-council-committee-on-education/?_ga=2.46148583.1742912458.1675018300-619410280.1675018300). For information about GGE’s involvement in the Dignity in Schools Campaign, see generally *Dignity in Schools Campaign-New York*, DIGNITY IN SCHOOLS., <https://dignityinschools.org/dsc-ny> (last visited Apr. 14, 2023).

311. For more on GGE’s public education campaign around gender-based violence and the importance of consent, see *GGE Releases “Hey, That’s Not OK”, an Ending Gender-Based Violence Resource Booklet*, GGE (Sept. 2, 2021), [https://campaigns.ggenyc.org/gge-releases-hey-thats-not-ok-ending-gender-based-violence-resource-booklet/?\\_ga=2.219603161.1742912458.1675018300-619410280.1675018300](https://campaigns.ggenyc.org/gge-releases-hey-thats-not-ok-ending-gender-based-violence-resource-booklet/?_ga=2.219603161.1742912458.1675018300-619410280.1675018300).

312. See Douglas, *In Defense of Lowering the Voting Age*, *supra* note 145; Douglas, *The Right to Vote*, *supra* note 145.

twenty-one to eighteen in 1971,<sup>313</sup> and an extensive discussion of youth voting more generally, are beyond the scope of this Article. Not only is there a global trend of including individuals age sixteen and over in voter enfranchisement, but there is “strong empirical evidence” that “the cognitive processes required for competent voting reliably mature” by age sixteen,<sup>314</sup> supporting the trend to successfully lower the voting age in places such as Canada; Scotland; Takoma Park, Maryland; and Berkeley, California as well as efforts to lower the age in the United Kingdom.<sup>315</sup> Although Republican state legislatures in the United States are generally attacking voting rights and specifically targeting youth and communities of color in a rapidly diversifying nation,<sup>316</sup> jurisdictions that have lowered their voting age for local elections cite the goal of bolstering legal protections for youth who are frequently deprived of their rights or undervalued for their contributions and capacities in U.S. politics and policymaking.<sup>317</sup>

Expanding the franchise for youth could likely address many more nuanced challenges that youth activists face when attempting to create lasting change, including disregard for their proposals and a lack of adult fiscal and human resource support for youth organizations. Youth often describe the way they are written off or disregarded by policymakers and

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313. U.S. CONST. amend. XXVI, § 1.

314. Vivian E. Hamilton, *Democratic Inclusion, Cognitive Development, and the Age of Electoral Majority*, 77 BROOK. L. REV. 1447, 1453 (2012).

315. See generally Sonja C. Grover, *The 26th Amendment to the U.S. Constitution: Does It Really Make Age Discrimination in the Vote Against Under 18s Constitutional? The Broader Lessons*, in 6 IUS GENTIUM 99 (2011) (discussing whether current voting age restrictions violate the U.S. Constitution); Sonja C. Grover, *The U.K. Example of Resistance to the Vote at 16: The U.K. Electoral Commission and Select U.K. Social Scientists*, in 6 IUS GENTIUM 81 (2011) (discussing the debate over the voting age in the United Kingdom). But see Katharine Silbaugh, *Developmental Justice and the Voting Age*, 47 FORDHAM URB. L.J. 253, 258–60, 264–65 (2020) (discussing the tensions between two movements—one seeking to lower the voting age to sixteen, seeing sixteen- and seventeen-year-olds as possessing adult capacities, and another advocating for raising the age of majority across an array of legal areas such as the scope of criminal conduct under the juvenile justice system, driving, support from foster care, among others); Katharine Silbaugh, *More Than the Vote: 16-Year-Old Voting and the Risks of Legal Adulthood*, 100 B.U. L. REV. 1689, 1698–1704 (2020) [hereinafter Silbaugh, *More Than the Vote*] (discussing the risks of a lowered voting age, namely reduced legal protections and potential exploitation of adolescents who currently benefit from minor status).

316. Amy Gardner et al., *How GOP-Backed Voting Measures Could Create Hurdles for Tens of Millions of Voters*, WASH. POST (Mar. 11, 2021), <https://www.washingtonpost.com/politics/interactive/2021/voting-restrictions-republicans-states/> (“At least 250 new laws have been proposed in 43 states to limit mail, early in-person and Election Day voting.”).

317. Hiroharu Saito, *Equal Protection for Children: Toward the Childist Legal Studies*, 50 N.M. L. REV. 235, 247–49 (2020); Douglas, *The Right to Vote*, *supra* note 145, at 1070–73; Silbaugh, *More Than the Vote*, *supra* note 315, at 275–76.

potential allies simply because of their age or due to presumptions about their knowledge, insight, and resourcefulness.<sup>318</sup> Kashyap Nathan, a sixteen-year-old immigrant rights activist asserts, “[p]eople are hesitant to take you seriously . . . . If I bring up a data point or draw a connection in a meeting, people would be more inclined to take that point (if I were older).”<sup>319</sup> Jamie Margolin, who founded Zero Hour at age fifteen in 2017, likewise expresses frustration that many older Americans seem to miss the urgency of climate action because youth voices are the ones most fervently pressing for change.<sup>320</sup> Margolin explains, “[t]hey’ll just pat us on the head and say . . . maybe one day *you* should run for office and *you* can take action . . . [but] [b]y the time I grow up, it’ll be too late!”<sup>321</sup> Margolin and many other youth rightfully point out that as long as “the people who are holding power” cannot personally project their own lives far enough into the future of climate disaster, necessary change is less likely within the “tiny window” of time that actually exists.<sup>322</sup> Extending the vote to more youth can also potentially encourage more alliances between adults and youth-led organizations needing nonprofit support and intergenerational collaboration with older activists who can still put vital lessons from past reconstructions into practice.<sup>323</sup>

Potentially lowering the ages for holding public office can ultimately strengthen young people’s political power and economic self-determination as well. When youth have more prominence in the democratic system—including the potential to encourage expansion of two-party dominance, which was an unprecedented development during the Populist Revolution of the 1890s<sup>324</sup>—they will be more influential in making decisions that shape our entire system and representing their own interests. Likewise, whereas youth activism is often currently met with repression or criminalization,<sup>325</sup> enhanced youth representation can

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318. See, e.g., Biederman et al., *supra* note 1.

319. *Id.*

320. Meunier, *supra* note 157, ¶ 8.

321. *Id.*

322. *Id.* ¶¶ 8, 9.

323. Ctr. for Hum. Rts. & Glob. Just., *supra* note 8, at 23:21–27:49, 30:58–36:13.

324. *Social and Labor Unrest in the 1890s*, PRESSBOOKS, <https://pressbooks-dev.oer.hawaii.edu/ushistory/chapter/social-and-labor-unrest-in-the-1890s/> (last visited Apr. 14, 2023).

325. See, e.g., O’Hanlon, *supra* note 179; Cheryl Corley, *Black Lives Matter Fights Disinformation to Keep the Movement Strong*, NPR (May 25, 2021, 2:56 PM), <https://www.npr.org/2021/05/25/999841030/black-lives-matter-fights-disinformation-to-keep-the-movement-strong>.

better prevent such outcomes and eliminate laws that curtail their other civic engagement.<sup>326</sup>

The state of the *Juliana* case provides an instructive lesson on the need for elevating youth representation in electoral politics and expanding political power among the masses (as opposed to monied interests and corporations) more generally. Many experts noted that *Juliana* was always a “long shot” because the Supreme Court has mostly abandoned the task of “recognizing new unenumerated fundamental rights” while “climate change is the kind of complex, multistakeholder issue that Anglo-American common law has historically left for politicians rather than judges to solve.”<sup>327</sup> Essentially, “*Juliana*’s outcome may . . . have been overdetermined, both as a doctrinal and as a sociological matter.”<sup>328</sup> Yet, if the American experiment persists in any way, the end of enumerated rights should never be a foregone conclusion. Although youth will literally inherit the nation and world long after other generations disappear, the judiciary is abandoning opportunities to evolve. Thus, youth warrant the opportunity to reimagine opportunities and avenues that the law can create, even as youth activists understand the limitations of legal strategies altogether. Similarly, *Juliana* now reveals a stalemate between the three branches of government, as the judiciary has asserted it has limited ability to foster structural change in the way that *Brown v. Board of Education* and school desegregation plans—however flawed and unsuccessful—attempted.<sup>329</sup> Youth political empowerment can bolster the legislative and executive branches’ ownership for remedying climate catastrophe and make planetary survival a reality before time runs out.

### B. Campaign Finance Reform and Reimagining Electoral Politics

Although thorough proposals for transforming the U.S. campaign finance system are beyond this Article’s scope, youth activists have been remarkably successful in getting politicians and institutions to refuse fossil fuel funding, and a new vision for funding politics is far from impossible. Many of the barriers youth activists encounter when pursuing their goals—including the international prominence of fossil fuel companies, the role of corporations in the growth of the carceral and surveillance state, and personal and political threats from the NRA—persist specifically because of the U.S. campaign-finance system as well

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326. On broader repression of youth civic engagement in the United States, see generally Charisa Smith, *When COVID Capitalism Silences Children*, 71 U. KAN. L. REV. 553 (2023).

327. *Federal Courts — Justiciability*, *supra* note 255, at 1933.

328. *Id.*

329. See Pismarov, *supra* note 256.

as global racial capitalism. Sound proposals to remove corporate money from politics,<sup>330</sup> in addition to proposals to reform the beleaguered Electoral College,<sup>331</sup> have already garnered broad public support<sup>332</sup> and can create pathways to youth empowerment as well as revolutionary, systemic progress.

### C. *Protections for Activism and Intellectual Dissent*

Since legal protections for activists have weakened in the past decade and U.S. government policies demonize peaceful protests and divergent visions of public safety and governance, measures to protect civil disobedience, dissent, and critical analysis of the law are vital both in order to support youth activists and to promulgate the reimagined America they seek.<sup>333</sup> Youth activists in all the aforementioned movements have endured state overreach and describe being targeted for criminalization, surveillance, or other socioeconomic stigmatization by public officials and corporations.<sup>334</sup> Anti-protest bills are proliferating across the country, yet the issue is not necessarily on the radar of those

330. See, e.g., *Campaign Finance Reform*, ACLU, <https://www.aclu.org/issues/free-speech/campaign-finance-reform> (last visited Apr. 14, 2023); Julian Brookes, *Campaign Finance Reform Introduced in Senate*, BRENNAN CTR. FOR JUST. (Sept. 20, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/campaign-finance-reform-introduced-senate>.

331. Barbara Sprunt & Miles Parks, *Proposed Reforms for the Electoral Count Act Draw Broad Support*, NPR (July 22, 2022, 12:50 PM), <https://www.npr.org/2022/07/22/1112937054/proposed-reforms-for-the-electoral-count-act-draw-broad-support>; *Past Attempts at Reform*, FAIRVOTE, [https://fairvote.org/archives/the\\_electoral\\_college\\_past\\_attempts\\_at\\_reform/](https://fairvote.org/archives/the_electoral_college_past_attempts_at_reform/) (last visited Apr. 14, 2023).

332. Sprunt & Parks, *supra* note 331.

333. See BILL QUIGLEY, LEGAL BRIEFING FOR PEOPLE CONSIDERING NON-VIOLENT CIVIL DISOBEDIENCE 1 (n.d.), <https://ccrjustice.org/files/Legal%20Briefing%20for%20CD%20NSM.pdf>; Vaidya Gullapalli, *Decades-Old Protections for Protesters Are in Jeopardy*, APPEAL (Dec. 11, 2019), <https://theappeal.org/decades-old-protections-for-protesters-are-in-jeopardy/>. See generally Amna A. Akbar, *Demands for a Democratic Political Economy*, 134 HARV. L. REV. F. 90, 96–98 (2020) (explaining that radical reshaping of U.S. democracy cannot be either voted into being or legislated into being, thus the strengthening of non-reformist reforms—sites of contestation and self-determination from the “bottom-up,” including the rights to organize, strike, and resist state violence—is crucial).

334. See, e.g., Ctr. for Hum. Rts. & Glob. Just., *supra* note 8; Corley, *supra* note 325; O’Hanlon, *supra* note 179. See generally Hoffman, *supra* note 96 (discussing the modern financial system, including credit surveillance and debt collection systems, and its inherent tie to the carceral system). Hoffman argues that abolishing the prison-industrial complex requires abolition of these financial systems, offering a grounding in solidarity economics as the basis for prison and credit surveillance abolition. See *id.*

not directly concerned about the law or activism.<sup>335</sup> Although attacks on critical race theory may not seem as concerning, the more school systems and post-secondary institutions attempt to curtail academic speech and connections between unjust legal regimes and the United States' imperialist settler colonial history, the more likely youth activists are to be stifled or denied vital educational motivators.<sup>336</sup>

Additionally, legal measures must urgently shift the troubling direction of the FBI's counterterrorism division, which echoes both COINTELPRO and the "Red Scare" era of anti-communist hysteria, where even mild dissent could result in blacklisting and full socioeconomic ostracization.<sup>337</sup> As scholar Charisse Burden-Stelly asserts, the FBI's designation of "Black Identity Extremism" "transform[s] those who oppose racist police violence, consider the U.S. criminal justice system to be patently unjust, [and] advocate Black self-determination" into an inherent threat to public safety, which dangerously "legitimizes the use of extraordinary repression and subjection"—a threat to all activists and dissenters.<sup>338</sup> Consequently, legislation protecting activism and academic critique is necessary on every level of government, as well as increased litigation when activism, dissent, and critique are silenced or criminalized. Organizations including Law For Black Lives and the ACLU have begun training advocates and initiating such legal defense measures, including those where youth under age eighteen are plaintiffs, and even more intervention is essential.<sup>339</sup> Likewise, laws that penalize political and intellectual dissent end up diminishing youth activists' credibility in the marketplace, in institutions of higher learning, and in potential professional prospects.<sup>340</sup> Imminent changes in such repressive laws could thus protect young activists' future wellbeing more broadly.

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335. *Anti-Protest Bills Around the Country*, ACLU (June 23, 2017), <https://www.aclu.org/issues/free-speech/rights-protesters/anti-protest-bills-around-country>.

336. See generally Stephen Sawchuk, *What Is Critical Race Theory, and Why Is It Under Attack?*, EDUC. WK. (May 18, 2021), <https://www.edweek.org/leadership/what-is-critical-race-theory-and-why-is-it-under-attack/2021/05>; Rana Jaleel, *Critical Race Theory and the Assault on Antiracist Thinking: What Counts as Racism?*, AAUP (Oct. 14, 2021), <https://www.aaup.org/article/critical-race-theory-and-assault-antiracist-thinking>.

337. Burden-Stelly, *supra* note 143.

338. *Id.*

339. See, e.g., *Anti-Protest Bills Around the Country*, *supra* note 335; *Mission Statement*, LAW FOR BLACK LIVES, <http://www.law4blacklives.org/our-work-1> (last visited Apr. 14, 2023); Heyward, *supra* note 295.

340. Ctr. for Hum. Rts. & Glob. Just., *supra* note 8, at 23:21–27:49, 30:58–36:13.

*D. Expanding Community Self-Governance and Participatory Budgeting*

As the goals of the youth movements discussed herein are wide-ranging, and are legal, market-based, policy-based, and even focused on broader culture shifts, community self-governance could potentially alter the fundamental balance of power and resources in all those arenas. Although still a somewhat fledgling practice in the United States, participatory budgeting is proliferating and already facilitating changes that marginalized groups have previously sought without success.<sup>341</sup> “The New York Times calls participatory budgeting ‘revolutionary civics in action’ [because] it deepens democracy, builds stronger communities, and creates a more equitable distribution of public resources.”<sup>342</sup> Expanding participatory budgeting processes can diminish the influence that lobbyists, corporate interests, and powerful law enforcement agencies have on all levels of U.S. politics, further ensuring that youth and communities directly impacted by various budget and policy decisions are the ones determining the direction of their jurisdiction’s future. Community control of school districts, public safety priorities, and environmental policy is also part of community self-governance, and it similarly empowers youth while even enabling them to establish the priorities of the legislative and executive branch.<sup>343</sup>

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341. *What Is PB?*, PARTICIPATORY BUDGETING PROJECT, <https://www.participatorybudgeting.org/what-is-pb/> (last visited Apr. 14, 2023) (“Participatory budgeting (PB) is a democratic process in which community members decide how to spend part of a public budget. It gives people real power over real money. PB started in Porto Alegre, Brazil, in 1989, as an anti-poverty measure that helped reduce child mortality by nearly 20%. Since then PB has spread to over 7,000 cities around the world, and has been used to decide budgets from states, counties, cities, housing authorities, schools, and other institutions.”); see, e.g., *Participatory Budgeting*, N.Y.C. COUNCIL, <https://council.nyc.gov/pb/> (last visited Apr. 14, 2023); *Participatory Budgeting*, HUD EXCH., <https://www.hudexchange.info/programs/participatory-budgeting/> (last visited Apr. 14, 2023).

342. *What Is PB?*, *supra* note 341.

343. See, e.g., Vincent Southerland, *The Master’s Tools and a Mission: Using Community Control and Oversight Laws to Resist and Abolish Police Surveillance Technologies*, UCLA L. REV. (forthcoming 2023); Olúfẹmi O. Táíwò, *Power over the Police*, DISSENT (June 12, 2020), [https://www.dissentmagazine.org/online\\_articles/power-over-the-police](https://www.dissentmagazine.org/online_articles/power-over-the-police). Movements like M4BL and #8ToAbolition, as well as many scholars and practitioners, view “community self-governance” as a necessary element of civic transformation. See, e.g., #8toAbolition, 8TOABOLITION, <https://www.8toabolition.com/> (last visited Apr. 14, 2023).

## CONCLUSION

If anything, the lessons of American reconstruction and revolution reveal the cyclical nature of progress and the resilience of both legalized oppression and opportunity through legal avenues. With the resurgence of political repression, state violence, and socioeconomic strife, youth and adults alike have an uphill battle. Nevertheless, youth movements and youth themselves remain largely underestimated. This Article aims to recommend youth empowerment and legal measures towards that end. However, because centering youth voice and experience is paramount, any such analysis and accompanying legal advocacy must be constantly revisited and informed by youth who are directly impacted and who maintain one of the most critical perspectives on law and social change.

