

Contemporary Rights of Nature in the United States

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The Rights of Nature movement is at the precipice of watershed social changes. Leaders of this international, indigenous-led movement call upon the public to radically reimagine the human relationship with nature. This conference comes at a crucial moment when some leading environmental law scholars are prematurely dismissing rights of nature within the United States. This paper responds by building upon the ideas of Christopher Stone to chart the theoretical and doctrinal pathways that breathe life into the legal framework of rights to nature. This Article charts the present status and potential of rights of nature in the United States.

Most discourse about the rights of nature focuses on a few well-known examples outside of the United States: constitutional rights of Ecuador, or New Zealand and Australia granting rights to wind and rivers. In fact, the United States has a growing body of diverse rights of nature that legal scholars have overlooked. For example, natural resource damages—contained in six federal statutes—have resulted in over **10 billion dollars** of tort remedies specifically benefitting nature. Indigenous governments located throughout the United States—including The Yurok, White Earth Band of Ojibwe, Ho-Chunk Nation, Navajo Nation, and Ponac Nation—have created legal personhood, statutory personhood, and constitutional provisions in tribal government. Additionally, wildlife holds many rights hidden in federal statutes, as with Bald Eagles claiming property rights superior to humans in the Golden Eagle and Bald Eagle Act. Collectively, this diffuse and innovative set of laws forms the nascent body of existing rights of nature in the United States. In sum, there *are* rights of nature in the United States today – examples that deserve discussion, consideration, and potential extension.

This paper seeks to uncover and elevate these rights, thus promoting, amplifying, and calling attention to many diffuse efforts to capitalize upon their collective potential. It links popular discourse on the Rights of Nature with its theoretical foundations and well-established statutory systems in the United States. It seeks to bring together attorneys representing Indigenous governments, trade authors, and work by environmental law scholars to envision the path forward for rights of nature within the United States and beyond.