16 Youth File Constitutional Climate Lawsuit Against the State of Montana

Helena, Montana - Today, 16 young people from across Montana filed a constitutional climate lawsuit - Held et al., v. State of Montana et al. - against the state of Montana. The youth plaintiffs assert that, by supporting a fossil fuel-driven energy system, which is contributing to the climate crisis, Montana is violating their constitutional rights to a clean and healthful environment; to seek safety, health, and happiness; and to individual dignity and equal protection of the law. The youth plaintiffs also argue that the state’s fossil fuel energy system is degrading and depleting Montana’s constitutionally protected public trust resources, including the atmosphere, rivers and lakes, and fish and wildlife. The youth plaintiffs range in age from 2 to 18 and are from Missoula, Bozeman, Helena, Kalispell, Livingston, Bigfork, Polson, Broadus, and the Flathead Indian Reservation.

In the complaint, the youth plaintiffs allege that:
“Children are uniquely vulnerable to the consequences of the climate crisis, which harms Youth Plaintiffs’ physical and psychological health and safety, interferes with family and cultural foundations and integrity, and causes economic deprivations. . . . Because of their unique vulnerabilities and age, Youth Plaintiffs are disproportionately harmed by the climate crisis and face life-long hardships.”

The youth plaintiffs also allege that:
“Although Defendants know that Youth Plaintiffs are living under dangerous climatic conditions that create an unreasonable risk of harm, they continue to act affirmatively to exacerbate the climate crisis.”

Nate Bellinger, co-counsel for the youth plaintiffs and Senior Staff Attorney with Our Children’s Trust, stated:
“Throughout our nation’s history, and this state’s history, courts have been called upon to remedy systemic injustices, especially when those injustices are impacting children. Here, 16 courageous youth from across Montana, most of whom cannot vote, are looking to the judiciary to protect their constitutional rights from conduct by the state of Montana that promotes fossil fuels, contributes to the climate crisis, and is causing these youth plaintiffs grave harm.”

Rikki Held, the 18 year old named plaintiff in the case and a resident of Broadus, said:
“As a fifth generation Montanan under the big sky, I wish to preserve the health and resources of our state. Our government knows the devastating effects of fossil fuels and must take action to protect the land that my family and fellow Montanans rely upon and hope to conserve for future generations.”

Claire V., 17 year old plaintiff from Bozeman, commented:
“I decided to join the climate change lawsuit because I love Montana’s constitution. It guarantees the people protection and improvement to our environment. But, because of overwhelming evidence of the state’s contribution to the climate crisis by supporting and promoting fossil fuels, it has become clear that my constitutional rights have been deprived.”
Shiloh Hernandez, co-counsel for the youth plaintiffs and staff attorney with Western Environmental Law Center, said:

“Montana is already suffering the lashes of climate change: higher temperatures, less snowpack, lower summer stream flows, worsening droughts, heatwaves, larger and longer wildfires and choking smoke waves, widespread forest die-offs, and decreased agriculture and tourism. Allowing emissions to continue unabated is utterly irrational. It will, in the words of world’s leading climate scientists, cause Montana to suffer severe, pervasive, and irreparable harm, costing us billions of dollars in damage to the state. We owe our children better. A victory in this case would require Montana to inventory greenhouse gas emissions and develop a plan for reducing them that is proportional to the problem. This case has the potential to set important precedent for our nation and the planet.”

The youth plaintiffs are asking the court to declare the state energy policy, which explicitly promotes fossil fuels as an energy source, unconstitutional and order the state to develop and implement a remedial plan consistent with what scientists say is needed to protect the youth plaintiffs’ constitutional rights from further infringement. The youth plaintiffs are also challenging the constitutionality of a provision in the Montana Environmental Policy Act that prohibits the state from considering the impacts of climate change when making decisions about which projects to permit.

Roger Sullivan, co-counsel for the youth plaintiffs and Senior Partner at McGarvey Law, stated:

“The provisions of the Montana Constitution upon which we rely were explicitly intended by the framers to be, not simply remedial, but anticipatory and preventative of harm to this and future generations of Montanans. We are acting in the spirit of the naturalist Terry Tempest Williams who instructed, ‘The eyes of the future are looking back at us and they are praying for us to see beyond our own time. They are kneeling with hands clasped that we might act with restraint, that we might leave room for the life that is destined to come.’”

Mica K., 11 year old youth plaintiff from Missoula, shared:

“I am joining this lawsuit because the climate crisis will deeply impact my ability to access the outdoors and see the animals I love. I am also concerned about my long term access to clean water and food.”

The case is one of many related legal actions brought by youth in several states and countries, led by Our Children’s Trust, and all seeking science-based action by governments to stabilize the climate system. Leading public interest law firms Western Environmental Law Center and McGarvey Law are partners with Our Children’s Trust in Montana, advancing the rights of youth.

The youth plaintiffs are represented by Nate Bellinger with Our Children’s Trust, Shiloh Hernandez with Western Environmental Law Center, and Roger Sullivan and Dustin Leftridge with McGarvey Law.

Our Children’s Trust is a non-profit public interest law firm that provides strategic, campaign-based legal services to youth from diverse backgrounds to secure their legal rights to a safe climate. We work to protect the Earth’s climate system for present and future generations by representing young people in global legal efforts to secure their binding and enforceable legal rights to a healthy atmosphere and stable climate, based on the best available science. We support our youth clients and amplify their voices before the third branch of government in a highly strategic legal campaign that includes targeted media, education, and public engagement work to support the youths’ legal actions. Our legal work – guided by constitutional, public trust, human rights laws and the laws of nature – aims to ensure systemic and science-based climate recovery planning and remedies at federal, state, and global levels. www.ourchildrenstrust.org/

The Western Environmental Law Center uses the power of the law to safeguard the wildlife, wildlands, and communities of the American West in the face of a changing climate. As a public interest law firm, WELC does not charge clients and partners for services, but relies instead on charitable gifts from individuals, families, and foundations to accomplish our mission. www.westernlaw.org

McGarvey Law is a law firm in Northwest Montana that since 1975 has been advocating on behalf of individuals and businesses for healthy communities and a clean environment. www.mcgarveylaw.com

###