



**Our Children's
Trust** Youth v. Gov



**Western
Environmental
Law Center**

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Contacts:

Helen Britto, Our Children's Trust, helen@ourchildrenstrust.org, 925.588.1171

Nate Bellinger, Our Children's Trust, lead counsel, nate@ourchildrenstrust.org, 413-687-1668

Melissa Hornbein, Western Environmental Law Center, hornbein@westernlaw.org, 406.708.3058

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Post-oral argument [press conference](#) with remarks from attorneys and youth plaintiffs

**Montana Supreme Court Hears Oral Arguments in Landmark Youth-Led Constitutional Climate Case
*Held v. State of Montana***

Helena, MT—Today, counsel for the 16 plaintiffs in the historic youth-led constitutional climate case, *Held v. State of Montana*, presented oral arguments before the Montana Supreme Court. In a packed courtroom, counsel for the plaintiffs argued to affirm the August 2023 [ruling in favor of the plaintiffs](#) from District Court Judge Kathy Seeley declaring that the State of Montana's laws that require the State to turn a blind eye to young people's climate injuries while promoting fossil fuel activities violate their constitutional rights to a clean and healthful environment, including a livable climate, their dignity, safety and equal protection of the law.

After Judge Seeley's historic ruling, the state appealed the decision to the Montana Supreme Court. The court also filed for a stay in District Court asking the court to delay its decision on *Held* pending appeal. Judge Seeley denied the request for stay and the state Supreme Court denied a similar request to stay the District Court's order.

Attorney for the plaintiffs Roger Sullivan of McGarvey Law today argued that the 16 young Montanans have personally suffered direct and severe impacts from climate change, supported by the unchallenged scientific expert testimony presented at trial. He asserted that the youth proved that they have suffered constitutional injuries to their unalienable rights including their physical health and safety, which is more than enough to establish that the Court has jurisdiction to review the statute at the heart of their climate injuries—a law that requires the State agencies to ignore those injuries entirely in regulating fossil fuel activities in Montana. In his arguments, Sullivan stated:

“This case is about Montana's climate, Montana's constitution, and Montana's children. These courageous young Montanans who are present in the courtroom today testified about the impacts of extreme summer heat while working on the family ranch, about their inability to breathe clean air as a result of the new ‘smoke season,’ about maintaining ancient Tribal traditions tied to the seasons and the

absence of winter snow, and about impacts to their cherished landscapes all across our state, from the grandeur of our mountains to the vastness of our rolling plains. Now before you is an unparalleled trial record with findings of fact based on testimony of the youth plaintiffs and Montana's renowned climate scientists and medical professionals which established that the reason there is a constitutional injury is because the legislature told the state agencies that they could not look at the impacts on Montana's climate of the fossil fuel activities they permit, and so the agencies haven't, which is why the record shows they have never denied a fossil fuel permit. This record also shows we are in a climate emergency and additional greenhouse gas emissions will cause additional heating and additional injuries to plaintiffs."

"With this case we are working to protect our state of Montana, our people, and our land because this is our home. It is our responsibility and moral obligation, along with that of the courts, to hold our government systems accountable in ensuring our most fundamental rights are protected," said named plaintiff Rikki Held. "Our case, ruled on by Judge Seeley last year, has laid out the best available science on climate change and related health impacts especially to young people, has shown long-standing state action against the well-being of our state and our future, and has raised the voices of us young Montanans who have already experienced the results of our state government's actions contributing to the global climate crisis. I hope the Montana Supreme Court affirms Judge Seely's August order to ensure our constitutional rights, including the fundamental right to a livable climate, are protected and adhered to as we lay our path for the future."

"The scale at which the State is suggesting State agencies operate, on a permit by permit basis, is not appropriate to the scale of the climate emergency. A decision in favor of *Held* plaintiffs would allow agencies the framework within which to make constitutionally compliant decisions, and position Montana to alter the systems that injure the youth plaintiffs. A safe, and livable climate is in all of our interests," said Our Children's Trust attorney Nate Bellinger. "The State should stop fighting Montana's youth, stop prioritizing fossil fuel development over the best interests of its own residents, and get to work complying with the *Held* order. We thank the Court for hearing us today, and look forward to its ruling."

The 16 youth plaintiffs in this case are represented by attorneys with Our Children's Trust, the Western Environmental Law Center, and McGarvey Law.

About *Held v. State of Montana*:

In March of 2020, 16 youth from across Montana filed a constitutional climate suit against their state government. They asserted Montana's support for the extraction, burning, and transport of fossil fuels ignored the facts of the climate crisis and violated their constitutional rights to a clean and healthful environment, dignity, safety, and equal protection of the law.

In a seven-day trial in June 2023, District Court Judge Kathy Seeley heard from 12 youth plaintiffs and 10 expert witnesses about how youth are harmed by their government's laws that require agencies to ignore climate change while approving the use of fossil fuels, and what science requires to protect their fundamental rights.

In August 2023, Judge Seeley ruled wholly in favor of the youth plaintiffs making *Held v. State of Montana* the nation's first, winning, youth-led constitutional climate lawsuit and enshrining into law science-based protections for children's fundamental rights.

The State filed its appeal in September 2023 to the Montana Supreme Court.

At oral argument the Montana Supreme Court has the opportunity to listen to attorneys from both sides and review the trial court record.

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

The Western Environmental Law Center (WELC) uses the power of the law to foster thriving, resilient western U.S. lands, waters, wildlife, and communities in the face of a changing climate. We envision a western U.S. abundant with protected and interconnected ecosystems, powered by renewable energy, and cared for by communities brought together in an ecology of kinship. www.westernlaw.org