



August 14, 2023

Press Contact:

John Mackin, 646.499.1873, john@ourchildrenstrust.org

Erin Barnhart, 541.653.7597, erin@ourchildrenstrust.org

Sweeping Constitutional Win for *Held v. State of Montana* Youth Plaintiffs

Helena, MT—In an historic first, Judge Kathy Seeley in the First Judicial District Court of Montana [ruled wholly in favor](#) of the 16 youth plaintiffs in *Held v. State of Montana*, declaring that the state of Montana violated the youth’s constitutional rights, including their rights to equal protection, dignity, liberty, health and safety, and public trust, which are all predicated on their right to a clean and healthful environment. The court invalidated as unconstitutional and enjoined Montana laws that promoted fossil fuels and required turning a blind eye to climate change. The court ruled the youth plaintiffs had proven their standing to bring the case by showing significant injuries, the government’s substantial role in causing them, and that a judgment in their favor would change the government’s conduct.

In a 103-page decision, Judge Seeley’s [Findings of Fact, Conclusions of Law, and Order](#) set forth critical evidentiary and legal precedent for the right of youth to a safe climate, including these highlights:

- "Each additional ton of GHGs [greenhouse gases] emitted into the atmosphere exacerbates impacts to the climate."
- "Every additional ton of GHG emissions exacerbates Plaintiffs’ injuries and risks locking in irreversible climate injuries."
- "Plaintiffs’ injuries will grow increasingly severe and irreversible without science-based actions to address climate change."
- "Plaintiffs have proven that as children and youth, they are disproportionately harmed by fossil fuel pollution and climate impacts."
- "The State authorizes fossil fuel activities without analyzing GHGs or climate impacts, which result in GHG emissions in Montana and abroad that have caused and continue to exacerbate anthropogenic climate change."
- The order provides meaningful redress to plaintiffs’ injuries because “the amount of additional GHG emissions emitted into the climate system today and in the coming decade will impact the long-term severity of the heating and the severity of Plaintiffs’ injuries.”
- "The Defendants have the authority under the statutes by which they operate to protect Montana's environment and natural resources, protect the health and safety of

Montana's youth, and alleviate and avoid climate impacts by limiting fossil fuel activities that occur in Montana when the MEPA analysis shows that those activities are resulting in degradation or other harms which violate the Montana Constitution.”

- “Montana's contributions to GHG emissions can be measured incrementally and cumulatively both in terms of immediate local effects and by mixing in the atmosphere and contributing to global climate change and an already destabilized climate system.”
- “Montana's GHG contributions are not *de minimis* but are nationally and globally significant. Montana's GHG emissions cause and contribute to climate change and Plaintiffs' injuries and reduce the opportunity to alleviate Plaintiffs' injuries.”
- Court finds that Earth Energy Imbalance is the most critical scientific metric in determining climate stability and includes a graphic showing that 350 ppm was the level of CO₂ where the Earth was last within energy balance. Allowing consideration of climate change “would provide the clear information needed to conform their decision-making to the best science and their constitutional duties and constraints, and give them the necessary information to deny permits for fossil fuel activities when inconsistent with protecting Plaintiffs' constitutional rights.”

“Today, for the first time in U.S. history, a court ruled on the merits of a case that the government violated the constitutional rights of children through laws and actions that promote fossil fuels, ignore climate change, and disproportionately imperil young people,” said Julia Olson, Chief Legal Counsel and Executive Director with Our Children’s Trust “In a sweeping win for our clients, the Honorable Judge Kathy Seeley declared Montana’s fossil fuel-promoting laws unconstitutional and enjoined their implementation. As fires rage in the West, fueled by fossil fuel pollution, today’s ruling in Montana is a game-changer that marks a turning point in this generation’s efforts to save the planet from the devastating effects of human-caused climate chaos. This is a huge win for Montana, for youth, for democracy, and for our climate. More rulings like this will certainly come.”

“Today we witnessed democracy in action as Montana’s judiciary fulfilled its constitutional duty to hold the political branches accountable for actions exacerbating the climate crisis and causing harm to the state’s youngest and most vulnerable people. This is what climate justice in the courts, and protecting the constitutional rights of our children’s right to a safe climate looks like,” said Nate Bellinger, senior staff attorney with Our Children’s Trust.

“This is a landmark decision establishing enforceable principles of intergenerational justice,” said attorney Roger Sullivan, of McGarvey Law. “Simply stated, the government elected by this generation must abide its obligation to pass on a stable climate system to future generations.”

“It is incredibly gratifying to see a Montana court recognize the effects the state’s harmful energy policies have on young people and all Montanans,” said Barbara Chillcott, senior attorney at the Western Environmental Law Center. “Judge Seeley’s ruling underscores the reality that Montana’s government is actively working to undermine our constitutional right to a clean and healthful environment. Despite the state’s attempts to avoid any responsibility, the court’s decision affirms that the state has the ‘discretion to deny permits for fossil fuel activities that

would result in unconstitutional levels of GHG emissions, unconstitutional degradation and depletion of Montana's environment and natural resources, or infringement of the constitutional rights of Montanans and Youth Plaintiffs.' This decision sets important precedent for other constitutional climate cases in the U.S., and, most importantly, gives these youth plaintiffs some hope for a better future."

Trial in this landmark youth-led climate lawsuit - the first ever constitutional climate trial in U.S. history - ran from June 12 to June 20, and included testimony from 10 of plaintiffs' expert witnesses as well as 12 of the 16 young Montanans who filed the suit over three years ago. Originally scheduled to run through June 23, 2023, trial concluded early when the state declined to call two of its expert witnesses who were slated to testify.

The youth plaintiffs claimed their lives and liberties were at stake, including their constitutional rights to a clean and healthful environment, to equal protection of the law, to individual dignity, and to safety, health, and happiness - and the responsibility of their state government to cease its actions that exacerbate the climate crisis, degrade Montana's environment and natural resources, and harm the youth.

The youth plaintiffs in this case did not seek money in their lawsuit. Instead, today's ruling declared that state laws prohibiting Montana agencies from considering climate change or greenhouse gas emissions when permitting fossil fuel activities were unconstitutional. The laws declared unconstitutional and enjoined included laws passed during the 2023 legislative session. The legislative and executive branches will now be responsible for conforming their practices around fossil fuels to the judge's ruling, including the admonition that "[e]very additional ton of GHG emissions exacerbates Plaintiffs' injuries and risks locking in irreversible climate injuries."

The State has 60 days to decide whether to appeal the decision to the Montana Supreme Court.

Youth plaintiffs in the case were elated by Judge Seeley's ruling and expressed immense gratitude to everyone who made this possible.

"This ruling, this case; it is truly historic. We are heard! Frankly the elation and joy in my heart is overwhelming in the best way. We set the precedent not only for the United States, but for the world." - Kian, youth plaintiff

"I'm so speechless right now. I'm really just excited and elated and thrilled. I cannot believe the ruling. I'm just so relieved. I feel so grateful to have worked with every single person who has been involved in this. Everybody from Our Children's Trust is just amazing. They're all so wonderful. And I have so much love and appreciation for the other youth plaintiffs because they're just so fantastic and such wonderful people. And we together have done this amazing thing and it's just so wonderful." - Eva, youth plaintiff

Our Children's Trust also represents and supports young people in active global and U.S. state

climate litigation like *Natalie R. v. State of Utah*; *Layla H. v. Commonwealth of Virginia*; and *Navahine v. Hawai'i State Department of Transportation*, which will take place in Honolulu from [June 24-July 12, 2024](#). Our Children's Trust also represents the 21 youth plaintiffs in the landmark federal constitutional climate lawsuit, *Juliana v. United States*, which is also [back on track for trial following a June 1, 2023 ruling from a U.S. District Court judge](#).

[Read the full decision here](#).

About [Held v. State of Montana](#)

Held v. State of Montana is a constitutional climate lawsuit brought by 16 Montana youth against their State to protect their equal rights to a healthy environment, life, dignity, and freedom. They are suing because their government keeps promoting and supporting fossil fuel extraction and burning, which is making the climate crisis worse, harming the youth plaintiffs.

The youth are suing to protect their state constitutional right to a clean and healthful environment as well as the air, waters, wildlife and their public lands that are threatened by drought, heat, fires, smoke, and floods. They are also suing to protect their rights to individual dignity and equal protection of the law.

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

###

Our Children's Trust is the world's only nonprofit public interest law firm that exclusively 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 safe climate, based on the best available science. www.ourchildrenstrust.org