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Youth plaintiffs file answer brief in Montana constitutional climate case

HELENA, Mont.—Attorneys for the 16 youth plaintiffs in the historic and closely-watched constitutional climate case, *Held v. State of Montana*, today filed [a brief](#) in response to the State’s appeal to the Montana Supreme Court.

“At trial we presented indisputable evidence and compelling testimony of the ways in which Montana is contributing to the climate crisis and harming its people,” said plaintiff Rikki Held. “We achieved a landmark victory and now the state is failing to make a sound legal argument in its appeal while still actively fighting against our right to a livable planet.”

Last year, the District Court ruled that Montana laws that promote fossil fuels and require turning a blind eye to climate change were unconstitutional. The State appealed to the Montana Supreme Court in September.

The youth plaintiffs argue that the decision last year in their favor by Judge Kathy Seeley in the First Judicial District Court of Montana was correct and should be affirmed.

“Contrary to the State’s unsubstantiated claims, this case is not about the impacts of climate change writ large, but rather about how *Montana’s* environment and natural resources, and *Montana’s* children and youth, are being harmed by Defendants’ actions that cause and contribute to climate harms *within Montana*,” the brief states.

“The State of Montana admits that youth Plaintiffs are being harmed by climate change but argues there is nothing the courts can do to protect Montana’s most vulnerable residents,” said Nate Bellinger, senior staff attorney for Our Children’s Trust, which represents the youth plaintiffs.

“But as the Plaintiffs know, there are three branches of government, and when the political branches violate constitutional rights, they can trust the courts to protect them,” he said. “The District Court correctly found, after a seven-day trial, Defendants are violating Plaintiffs’ fundamental constitutional rights, including their right to a clean and healthful environment. We are confident that after the Supreme Court reviews the extensive trial record, including the testimony from Plaintiffs and experts, it will come to the same conclusion and uphold the District Court’s ruling.”

“I first joined this case when I was just 14. Today, on my 18th birthday, Montanans’ wellbeing and access to a healthy environment is worsening, while Defendants repeatedly attempt to bog us down, avoid accountability for their actions, and continue with business as usual,” added plaintiff Eva L.

A series of amicus briefs from experts in a wide array of areas—including business, children’s rights, constitutional law, indigenous rights, and public health—in support of the youth plaintiffs are expected to be filed over the next several days.

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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