

Youths sued Montana over climate change and won. Why it matters.

[washingtonpost.com/climate-environment/2023/08/17/montana-climate-lawsuit-impact](https://www.washingtonpost.com/climate-environment/2023/08/17/montana-climate-lawsuit-impact)

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In a decision that made headlines around the world, a Montana judge on Monday ruled in favor of the young plaintiffs who took to the courts to argue that the state violated their right to a clean environment.

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In doing so, the district court struck down a provision in the Montana Environmental Policy Act that barred the state from considering climate impacts when permitting energy projects. The court also affirmed that climate is included in the state constitution's guarantee of a right to a "clean and healthful environment."

Climate activists hailed the landmark decision in *Held v. Montana* as a major victory for using the courts to challenge governmental policies and industrial activities they say are harming the planet. Allies of the fossil fuel industry dismissed it as a judicial aberration that is unlikely to survive on appeal.

What is known is that the Montana ruling changed the legal landscape overnight and could have sweeping implications for climate litigation across the country.

Here's what you need to know.

Who are the youths, and why are they suing?

The case was brought by 16 young Montanans, ranging in age from 5 to 22. (The youngest was 2 years old when the case was first filed in March 2020.) The named plaintiff is Rikki Held, the oldest, who detailed in her testimony how extreme weather has hurt her family's ranch.

The plaintiffs say climate change has jeopardized their recreation, traditions, mental health and physical health. For the Indigenous plaintiffs, such as 20-year-old Sariel Sandoval, climate change further threatens their land and culture. The state, the plaintiffs say, is partially to blame for these harms through its promotion of fossil fuels, particularly coal, which produces significantly more greenhouse gas emissions than natural gas.

As of 2021, Montana was the nation's fifth-largest coal producer, and many state leaders are proud of that. But the state also has a provision in its constitution guaranteeing a right to a "clean and healthful environment," and the young litigants argued that the state's actions

were unconstitutional.

What makes this case significant?

Even before a decision was made, the case had already made history for being the first youth-led and first constitutional climate case to go to trial in the nation.

Now, experts say the ruling from Judge Kathy Seeley is one of the strongest decisions on climate change ever issued by a court — both in the United States and worldwide. Seeley determined that the litigants had standing to bring the case. She also ruled that the government played a role in harming the youths — as they had detailed in their lawsuit — because of a statute prohibiting the state from considering climate change when permitting energy projects.

How have previous youth climate cases fared in the U.S.?

They have been largely unsuccessful (the Montana case was not the first of its kind for lack of trying). At least 14 of these suits have been dismissed in the United States, according to a July report from the U.N. Environment Program and Columbia University's Sabin Center for Climate Change Law.

However, there are signs the tide may be turning. Already, the nonprofit group that represented the youths, Our Children's Trust, has legal action pending in four other states, including a constitutional case in Hawaii that is scheduled to go to trial next year. And in June, a judge cleared a path for a 2015 case brought by the firm against the federal government, *Juliana v. United States*, to go to trial.

How is climate litigation faring internationally?

The amount of climate litigation — and successes — is growing rapidly worldwide. The cumulative number of climate cases has more than doubled in the past five years, driven in part by an increase in cases brought by youths, women's groups, local communities and Indigenous people.

According to the report from the U.N. and Columbia, as of the end of 2022, about 34 rights-based climate cases have been brought by and on behalf of youths. And among the approximately 550 cases that have been decided, more than half have had outcomes favorable to climate action, according to a 2023 report from the Grantham Research Institute on Climate Change and the Environment.

What does this mean for climate cases in other states?

The Montana case centered on a particular circumstance — a provision in the state’s constitution — but legal experts said the case could make waves beyond Montana’s borders. The experts said judges could look to Seeley’s ruling in making their own decisions, and the win for the plaintiffs could also inspire others to bring their own cases. And though only a handful of states have a constitutional provision guaranteeing a similar right to Montana’s, lawmakers in states such as Iowa, Connecticut and Maine have introduced legislation to add a “green amendment,” as they are known, to their state constitutions. Monday’s ruling could energize those efforts, experts said.

What has been the response from the defendants?

A spokeswoman for Montana Attorney General Austin Knudsen confirmed Monday that the state is planning to appeal the decision. If it does so, the case will go to the Montana Supreme Court. The spokeswoman, Emily Flower, described the ruling as “absurd” and said in a scathing statement that the case was a “week-long taxpayer-funded publicity stunt.”

Flower also alleged that Seeley “bent over backward to ... earn herself a spot in their next documentary,” presumably in reference to the documentary “Youth v Gov” about a youth-led lawsuit brought by Our Children’s Trust against the federal government.

Some fossil fuel groups and conservatives have also questioned the biases of judges presiding over climate cases.

State Republican lawmakers and the Montana Petroleum Association, which advocates for the oil and gas industry, were more muted in their response. However, they raised concerns that the decision could hold up or prevent energy projects from receiving permits, which they said would hurt the state’s economy. They are hopeful that the state will prevail in its appeal, they said.

Will the case survive an appeal?

It’s too soon to tell. However, some legal experts say it is unlikely the decision will be immediately overturned.

Michael Gerrard, the founder of Columbia’s Sabin Center for Climate Change Law, noted that the Montana Supreme Court previously denied an effort from the state to derail the trial, which he said could be a good sign for the youths.

He added that if the court were to reverse the decision, it would probably be on legal grounds, as opposed to disputing the district court’s factual findings. Those findings, which included that fossil fuel use is the principal cause of climate change and that climate change is already harming the young plaintiffs, are significant, he said.

How are people, young and old, reacting?

The youths in the case are elated by the ruling, according to Our Children's Trust. Eva Lighthiser, 17, said in a statement shortly after the decision: "I'm so speechless right now. I'm really just excited and elated and thrilled."

On the other side of the political spectrum, Alex Epstein, a 43-year-old supporter of fossil fuels, went on Fox News and X — the social media platform formerly known as Twitter — to call the ruling "a terrible decision that if unreversed will hurt Montana and many other states."

But for many young activists, this is a new day. The Sunrise Movement, a climate advocacy group that mobilizes youths, said on social media that the victory in Montana would have been "unimaginable" a few years ago — and that it is proof that the younger generation is "unstoppable."

More on climate change

Understanding our climate: Global warming is a real phenomenon, and weather disasters are undeniably linked to it. As temperatures rise, heat waves are more often sweeping the globe — and parts of the world are becoming too hot to survive.

What can be done? The Post is tracking a variety of climate solutions, as well as the Biden administration's actions on environmental issues. It can feel overwhelming facing the impacts of climate change, but there are ways to cope with climate anxiety.

Inventive solutions: Some people have built off-the-grid homes from trash to stand up to a changing climate. As seas rise, others are exploring how to harness marine energy.

What about your role in climate change? Our climate coach Michael J. Coren is answering questions about environmental choices in our everyday lives. Submit yours here. You can also sign up for our Climate Coach newsletter.