



Written by [James Murphy](#) on December 20, 2024

## Montana Supreme Court Says Climate Change Harms State’s “Environmental Life Support System”

On Wednesday, the Montana Supreme Court upheld a lower court’s ruling in the nation’s first “constitutional” climate change trial, affirming that the youth plaintiffs enjoy a constitutional right to a “clean and healthful environment ... as part of the environmental life support system.” The Court affirmed District Court Judge Kathy Seeley’s August 2023 decision by a 6-1 majority.

The Court’s [ruling](#) also nullified two portions of Montana’s Environmental Policy Act (MEPA). Those portions, it said,

precluded an analysis of GHG [greenhouse gas] emissions in environmental assessments and environmental impact statements during MEPA review.



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The case, [Held v. Montana](#), accused the state of failing to consider the child plaintiffs’ right to an environment free of fossil fuel pollution, which climate zealots claim exacerbates climate change. According to Seeley’s original ruling, greenhouse gas emissions are

proven to be a substantial factor in causing climate impacts to Montana’s environment, and harm and injury to the youth plaintiffs.

[Said](#) lead plaintiff Rikki Held:

This ruling is a victory not just for us, but for every young person whose future is threatened by climate change. We have been heard, and today the Montana Supreme Court has affirmed that our rights to a safe and healthy climate cannot be ignored.

Western Environmental Law Center, which uses the courts to push climate change policies, [noted](#) in a press release:

This ruling, the first of its kind from a state supreme court, affirms the district court’s ruling that the state’s acts in perpetuating a fossil fuel energy system with blind eyes violated the youth plaintiffs’ fundamental constitutional rights to a clean and healthful environment, dignity, and safety, reinforcing the growing legal momentum behind youth-led climate justice movements.



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## **Our Children's Trust**

The ruling is a substantial win for Our Children's Trust, the climate zealot organization that has taken to hiding behind children to foment climate change activism.

Our Children's Trust is involved in other lawsuits exploiting children, including *Genesis B. v. United States Environmental Protection Agency* and [Juliana v. United States](#). They're even taking their child exploitation global, with *La Rose v. His Majesty the King* in Canada and *Jóvenes v. Gobierno de México* in Mexico.

"With the ruling now in place, the Montana Supreme Court's decision compels the state to carefully assess the greenhouse gas emissions and climate impacts of all future fossil fuel permits," [said](#) plaintiffs' attorney Melissa Hornbein. "Specifically, Montana's regulatory agencies must now evaluate the potential harm to the environment and the health and safety of the state's children from any new fossil fuel projects, and determine whether the project can be justified in light of the ongoing unconstitutional degradation of Montana's environment, natural resources, and climate."

## **Lone Dissent**

In his dissent, Justice Jim Rice [warned](#) that "courts must ... resist the temptation to depart from their lane." He also noted that "the Court's ruling opens the courts for litigants, upon a hypothetical set of facts, to seek and obtain redress from courts by advisory opinions."

Rice's sentiment was echoed by Montana Governor Greg Gianforte.

"This Court continues to step outside of its lane to tread on the right of the Legislature, the elected representatives of the people, to make policy," Gianforte said in [a statement](#). "This decision does nothing more than declare open season on Montana's all-of-the-above approach to energy, which is key to providing affordable and reliable energy to homes, schools, and businesses across our state."

Last week, the same court found that a 2023 state law banning so-called gender-affirming care for children violated Montana's constitution.

Rice and Gianforte are correct in that Montana's high court is ruling on issues outside its judicial authority. The courts are not the proper venue to decide scientific questions, especially unsettled questions like climate change.



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