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Doctors, Tribal Nations, Businesses, Retired Supreme Court Justices, Legal Experts, and More File Amicus Briefs in Support of Montana Youth Climate Case

HELENA, Mont.—Scores of organizations and individuals from across the country have now submitted eleven “friend of the court” briefs in support of the youth plaintiffs in the constitutional climate case, *Held v. State of Montana*.

This comes in response to the State of Montana’s appeal to the Montana Supreme Court following the [youth plaintiffs’ landmark victory](#) in August 2023.

[Amicus briefs](#) have been submitted by retired Montana Supreme Court justices, the ACLU, public health experts, doctors, children’s rights advocates, legal scholars, Tribal Nations, outdoor businesses including Patagonia, the Montana Trial Lawyers Association, elite athletes, faith organizations and others.

In a brief filed by more than [100 public health experts and doctors and 17 health organizations](#), including the American Academy of Pediatrics and the American Lung Association, supporters wrote, “[T]he medical literature on public health strongly supports the District Court’s factual findings that climate change is creating serious respiratory, extreme heat, and mental health harms which are being realized by Appellees today. The harm is acute and immediate.”

Of wildfires specifically, they said, “[T]he urgency of the crisis is growing, and the threat in Montana is escalating.”

[Six retired justices of the Montana Supreme Court](#), supported the contention that the youth plaintiff’s constitutional case was appropriately decided by Montana’s courts. “The judicial prerogative to interpret and enforce the constitution is vital to the rule of law,” they wrote.

The **[ACLU of Montana and the national ACLU](#)** also said the District Court acted squarely within its authority to hear the case and issue its opinion. “The inalienable right to a clean and healthful environment is an individual right, not a directive to the Legislature, and is therefore fully self-executing,” they wrote. They also noted that it appears in the state constitution more than once. If anything, this reiteration confirms the need for this Court to enforce the right, rather than allow it to become an empty promise.”

Five Tribal Nations—the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, the Chippewa Cree Indians of the Rocky Boy’s Reservation, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, the Little Shell Tribe of Chippewa Indians of Montana, and the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation of Montana—said the rights afforded to Indigenous people under the Montana Constitution must be upheld.

“Though impossible to generalize across all the diverse Native Nations and Indigenous people in Montana,” they wrote, “one of the strongest common roots of culture and identity is a deep connection to the land, water, wildlife, and natural environment. These places are not merely regarded as natural resources or sites for recreation but rather play a central role in defining systems of learning, understanding, culture, and the very existence of Indigenous people.”

In their brief, **members of the outdoor recreation industry—including Patagonia and Montana-based organizations**—noted that their industry contributes more to the state’s economy than mining, quarrying, and oil and gas extraction there, *combined*. But tourism and recreation activities across the board are being impacted by climate change. “The industry cannot continue to thrive unless government agencies account for the climate impacts of their decisions,” they wrote. Montana must follow its own constitution’s imperative to address climate change.

Background

In 2023, the District Court ruled that Montana laws that promote fossil fuels and require turning a blind eye to climate change are unconstitutional. The State appealed to the Montana Supreme Court and filed their opening briefs in February, 2024.

In March, the youth plaintiffs filed their [response](#) to the State’s appeal of their case. The youth plaintiffs maintain 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.

Defendants have until April 26th to file their reply briefs. The Supreme Court is expected to set a date for oral argument soon.

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

Read more about [Held v. State of Montana](#).

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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