

A New Angle

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Justin Angle: This is A New Angle, a show about cool people doing awesome things in and around Montana. I'm your host, Justin Angle. This show is supported by First Security Bank, Blackfoot Communications and the University of Montana College of Business.

Justin Angle: Hey, folks, welcome back and thanks for tuning in. I'm joined today by Nate Bellinger and Grace Gibson Snyder. Nate is an attorney with Our Children's Trust, which is suing the state of Montana on behalf of 16 youth climate activists, including Grace, a graduate of Hellgate High School here in Missoula.

Nate Bellinger: The greenhouse gas emissions that Montana is responsible for burning just within its borders are more than the greenhouse gas emissions from over 100 other countries.

Justin Angle: The case is set for trial in June of this year. Grace, Nate, thanks for coming on the show today.

Grace Gibson Snyder: Thank you so much for having us.

Nate Bellinger: Yeah, thank you. It's great to be here.

Justin Angle: So, tell us, where did you grow up and what did your parents do? Grace let's start with you.

Grace Gibson Snyder: So, I grew up, I was born in Missoula, and I lived in Seattle for a few years, then moved back to Missoula, where I've lived for the last over a decade now. My parents, my mom was a physician, and my dad is an organic farmer and both, you know, based in Missoula.

Justin Angle: Excellent. Nate, how about you? Where did you grow up and what did your parents do?

Nate Bellinger: I grew up in Amherst, Massachusetts, so I have deep roots to New England, and I've lived in Eugene, Oregon for about 15 years at this point. And my mom was a college professor, and my dad owned a woodworking business.

Justin Angle: Great. And did you enter the law with an interest in environmental litigation?

Nate Bellinger: Yeah, I did. When I went to law school, I really went with a desire to focus on environmental issues. And I had some diverse experiences before that that kind of really inspired me to follow that path. And so, it was nice going to law school and really, really

knowing what I wanted to do. It allowed me to focus my time and energy both in law school and then when I got out of law school.

Justin Angle: Well, we'll talk about Our Children's Trust in a moment. But before we do that, Grace, I'd love to know a little bit about your history and how you got passionate about the climate.

Grace Gibson Snyder: Let me start way before I was ever born, actually, as a little back story. My family has been in Montana, excuse me, for a long time. My great great, I don't know how many greats, Grandma came in 1866. So, I'm the sixth generation born in Montana. So, like, Nate said very deep roots for sure. We've gone all around the state over the course of those generations. And I as Montanans know, I was very fortunate to grow up with such access to the outdoors. And so, I grew up hiking, biking. My family hunts and fishes and we ski cross-country and downhill. And so, we've spent hours upon hours outside. And so, with this just super deep connection to the natural spaces of Montana, I have a very strong desire to protect them and to keep them as pure and as healthy and as clean as they've been for me in my lifetime and as they've been for my family for so long.

Justin Angle: I understand the connection to the landscape, but at what stage did you decide you want to kind of take this on as a as a project of activism?

Grace Gibson Snyder: I don't know that I can pinpoint an exact moment. I remember a few early memories of learning about the melting glaciers and learning about polar bears, but I think I really started to become aware of it in late middle school, early high school, when I started to see things happening in Missoula that I knew then were connected to climate change. So, for example, the wildfire smoke every summer settles into the Missoula Valley so thickly and so heavily. And for me that was a bit of a disruption for my high school soccer career, for example. Our summer practices were moved inside or canceled because it was so smoky. It becomes so unhealthy to be outside. So, you know the kids on my team with asthma obviously were very heavily impacted. And, you know, even for me, without that, it's uncomfortable. Your throat gets all scratchy. It's dense, you know, you kind of just feel sticky, like it's so unpleasant and genuinely unhealthy. That was one big impact. Another is seeing firsthand the melting glaciers in Glacier National Park. I visited the park a lot a few summers ago. I spent a lot of time up there. And, you know, just being in this place of such amazing and pristine natural beauty and then seeing the glaciers melting. And I know they melt some naturally, obviously, as well. But knowing in the context of the, you know, the greater context as they've been shrinking so rapidly for so long and that they're expected to disappear within my lifetime, within 50 years, maybe, it's heartbreaking.

Justin Angle: So, Nate, tell us what this case is about. Like, what is the claim? What is the basis for the claim and what remedies are you seeking?

Nate Bellinger: This case *Held v State of Montana* was filed by 16 youth plaintiffs who are from really across the state of Montana. And they filed suit against the government of Montana. And the case argues that Montana's historic and ongoing actions to promote the extraction and burning of fossil fuels is causing dangerous greenhouse gas emissions, which are contributing to the climate impacts that Montana is already experiencing and ultimately violating these plaintiffs' fundamental constitutional rights secured by Montana's Constitution. And so, the claims are, again, infringement of these youth plaintiffs' constitutional rights, including their right to a clean and healthful environment. Their right to equal protection of law and individual dignity, and also the right to constitutionally protected natural resources, including, you know, the land and the rivers and the atmosphere in Montana. And so, these are all fundamental rights that are enumerated in Montana's constitution that we're arguing that are being violated by the state's conduct that's promoting fossil fuels. We're seeking what's called declaratory relief. And specifically, what we're asking for is a declaration from the court that the state of Montana's statutes and activities that are promoting and permitting fossil fuel extraction and development are violating the plaintiffs' fundamental constitutional rights. We want the court to state that clearly as a declaration of law. And that ruling would mean that it would then be unconstitutional for the state to continue its activities permitting and promoting its fossil fuel-based energy system that would then help transition Montana away from fossil fuels, which are an outdated and dangerous energy resource, and which those energy needs could then be met by renewable energies, which Montana has abundant opportunities for.

Justin Angle: Okay. And describe what Our Children's Trust is all about. What is your, how does your organization function? And then how do coalitions like this coalition that Grace is a member of with 15 other Montana youth, how do those groups come together?

Nate Bellinger: Sure. So, Our Children's Trust is a public interest law firm, and we're actually the only law firm of its kind in that we represent youth and bringing constitutional cases against governments. And so, our role is representing youth in trying to hold their governments accountable for the dangerous actions that they're taking to promote fossil fuels. And one thing that's also important about the work that we do at Our Children's Trust is all of our cases are based on protecting fundamental rights, so constitutional rights and public trust rights. And that's really important because it's our goal to secure legally enforceable remedies in court that will be durable and lasting. And the coalitions like we see in Montana of these incredible youth from across the state, you know, they oftentimes come together through the youth the, you know, Montana's youth, including the plaintiffs in this case, you know, they're, as you heard from Grace, many of them are really concerned about climate change and are doing things to minimize their climate impact personally or to improve their communities. So, a lot of the youth that we work with, including the youth in Montana, are part of youth groups that are already engaged in climate issues or they're part of a school club. And the best word of mouth for the cases is through the youth. And so, a lot of the outreach for the plaintiffs comes directly from peers and from youth to youth.

Justin Angle: Yeah. Grace, maybe from your perspective, how did you kind of get involved with this coalition and why did you sort of think this was a, the right path for you to be a part of a lawsuit like this?

Grace Gibson Snyder: I was a member of Hellgate High School's Environmental Club, which is called SAVE, Students Against Violating the Environment. And it was through this club that I heard about Our Children's Trust for the first time. And through a guest speaker, I got in contact with Nate and became a plaintiff. And I didn't even know about our constitutional right to a clean and healthful environment before getting involved in this case. I just knew that I wanted to be involved in protecting Montana and that this was a great opportunity to do the same work that I had already been then starting to do locally on a little bit of a larger scale in terms of advocating for myself and for my rights and for my future.

Justin Angle: And so, you mentioned the clean and healthful environment provision in the Montana State Constitution. Nate, a question for you, is this part of the Montana Constitution unique in that? Does it create a unique opportunity for a lawsuit like this? Or could some of the outcomes in this case determine outcomes in other states or at a national level? How generalizable is a result in this case?

Nate Bellinger: I think to answer that question it's just worth kind of briefly reflecting back on the 1972 Constitutional Convention when that right to a clean healthful environment was added to Montana's constitution. And if you look through that constitutional history, which has

been, you know, recorded verbatim, it's just an incredible resource. It really shows to you that when the constitutional delegates were gathering and talking about the right to a clean and healthful environment, it was their goal to enact a constitutional provision that was as protective as possible. They were fighting about how to make it most protected, not the least protective. They understood that what they were doing was necessary for both present and future generations. So, you have that intergenerational concerns articulated in that language in the Constitution as well. And so, Montana was really a leader. In codifying that right, the right to a clean and healthful environment and explicitly incorporating it into its constitution. But to answer your question about the implications of the case beyond Montana. These rights, these fundamental rights to a healthful environment, these are fundamental rights that we all enjoy. You know, every citizen in the United States and every state enjoys. So, the implications of this case would be significant beyond Montana. Just to give you one example, Judge Aiken, in our federal case, *Juliana v United States*, she said in one of her decisions that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society. These rights to a stable climate system, you know, sometimes are explicitly articulated in the Constitution. Sometimes it's more implicit. But they're fundamental rights that we all hold. And a successful outcome in the Montana case will be really important for Montana, but also have important legal precedent beyond Montana as well.

Justin Angle: We'll be back to my conversation with Nate Bellinger and Grace Gibson Snyder after this short break.

Justin Angle: Welcome back to A New Angle. I'm speaking with Nate Bellinger and Grace Gibson Snyder about their constitutional climate lawsuit *Held v Montana*.

Justin Angle: Grace, when you were talking about your motivation to participate and to be an activist in this space, you referenced the changes you're seeing in the world around you and how those impact your experience, but also your thoughts about the future and not only your future, but the future of your friends and future family members and future generations. One of the aspects of climate change that I think is perhaps under-covered in our media is the mental health cost of experiencing a changing climate and having some stress about what may come in the future. How do you view that issue with your colleagues and peers as you're advancing in your education?

Grace Gibson Snyder: It certainly has been a part of my experience. As I became more aware of climate change and its impacts on Montana and in the predicted impacts on Montana, there's a whole range of emotions that that's evoked over the last, say, five or eight years. For one, it's sadness and a deep sense of loss. And I think many people in Montana understand that feeling. If you imagine these spaces that we've grown up in disappearing, it's kind of an unmeasurable experience that could just disappear. There's also anxiety about maybe the more extreme impacts or the more violent impacts of climate change in Montana and elsewhere, like hurricanes and drought and famine and the super conflictual results of that that I certainly don't want to see happen. That brings me to kind of my most intense mental health impact has been the struggle in my mind about whether or not to have kids. I would love to

have kids and to raise children, but I am worried, I guess, partly about contributing to that by, you know, bringing in other resource consuming person to the world. But more importantly, I'm concerned about the impacts of climate change on my children. I, you know, since age 14, have been thinking about whether or not I want to have kids. And that burden is way too much for anyone, particularly a 14-year-old. There's so much more I could say about this. There's the guilt that I feel whenever I'm not working on climate change and trying to protect Montana. There's the issues of being accused of ulterior motives and the burden that's placed upon us by older generations. There's so many levels of the mental health impacts of climate change for sure.

Justin Angle: Yeah, and maybe this is a good opportunity for you to talk about your experience in the case so far. What's been your experience of this participating in this litigation and the kind of adversarial nature of how this system works?

Grace Gibson Snyder: I struggle with that because I would like to think that this is not an adversarial issue, not a conflictual issue. I do deeply and truly believe that Montana is brought together by our love for the outdoors, regardless of political views, regardless of anything. I think we all deeply understand and have experienced, you know, dependance on and love for nature. The reality is unfortunately slightly different. I think I have been frustrated by what I perceive as the state, the defendant's, unwillingness to acknowledge the realities of climate change and their own actions. The other thing that I've learned in this process is just how much

people care about this. I think we have been met with outstanding support from around the country, around the world, and very strongly within Montana.

Justin Angle: Nate, as you're approaching trial, what are your kind of key hurdles you have to get over? What are the proof points? Do you have to prove that climate change is real? Do you have to prove that specific Montana laws or policies contribute to it? What are the key aspects of the case that you have to prove in your claim?

Nate Bellinger: First of all, I'll just say we've overcome a lot of hurdles already to get to this doorstep of trial. The case was filed almost three years ago, and the state has tried numerous times to have the case dismissed. And with respect to trial and what we need to prove, we don't need to prove, for example, that Montana is singularly responsible for climate change. But what we will show, and we have the expert testimony to demonstrate this, is that Montana is a significant contributor to climate change. There are vast amount of fossil fuels in Montana, and the state is actively promoting the extraction and development of those fossil fuels. And those fossil fuels, when burned, are a really significant contributor to climate change. And as one of our experts notes in his report, the greenhouse gas emissions that Montana is responsible for burning just within its borders are more than the greenhouse gas emissions from over 100 other countries. A lot of the plaintiffs they're not only dealing with the emotional burden and injuries of the climate injuries that they are experiencing, which is a huge weight in and of itself. But as you heard Grace talk about, those injuries are exacerbated and made even worse when you have a government that is affirmatively acting to harm you when

they know what they're doing is dangerous. Instead of addressing the problem, the state of Montana is doubling down on fossil fuels. So, we'll present that full story, you know, that story is really full of really devastating and concerning climate impacts and injuries. But there's also a story of hope here, which is it's not too late. There are feasible remedies that Montana can start implementing to be phasing out fossil fuels. It makes sense economically and it's technically feasible. And so, there is an alternate future here where we can still protect the clean and healthful environment of Montana and secure a better and brighter future for these plaintiffs.

Justin Angle: I'd love to learn a little bit more about some of the other plaintiffs, and I don't know if that's a better question for you, Nate or Grace, but describe the group a little bit.

Nate Bellinger: The plaintiffs, like I said, they're there from across Montana, and it's a great, diverse group of young people. So, we have, for example, Rikki Held who lives in Broadus in eastern Montana, and her family owns a 7,000-acre ranch. She's talked a lot about how she's experienced climate impacts on her ranch and how it affects her ability to work outside and her family's ability to raise cattle and have adequate water resources. The wildfires that have been on her property, there's plaintiffs in the opposite side of Montana, in northwest Montana, up in Kalispell area, who do a lot of hunting and fishing. And they, too, have seen the impacts of climate change on the resources. The plaintiffs, you know, individually and collectively really tell this story about how their health, their well-being, their resources that they depend on for

their survival and well-being are all being impacted. And that's having very real injuries to them.

Grace Gibson Snyder: All I can add to this is that I really respect all the plaintiffs. They're awesome. Every time that I've met one, I've been so grateful to meet other Montanans who have the same ties to place that I do, who have a similar vision of this new future, as Nate was describing, all the possibilities, and I think seeing other youth and other Montana youths specifically that also see the possibilities in the future really helps me to remember the hope that we have. I mean, it's a great counterbalance to all the mental health impacts that I was mentioning earlier. So, I've been so grateful to be a part of this little community and to share it with the larger communities.

Justin Angle: Wonderful. Grace, one final question for you as you're kind of exploring this next phase of your life as a college student, making choices about your education, career. For somebody interested, if somebody listening has interested in getting involved in climate activism, learning more about this issue, particularly a young person is interested and learning from your example, what advice would you have for them? Where would you, how would you direct them?

Grace Gibson Snyder: I think there's a couple things. First, I would find what motivates you. For me, I kind of meandered within the realm of environmental work for a couple of years before I realized that policy specifically is what I'm interested in. So, I think if you can find, you

know, it's fine if it takes a while, but if you can find the thing that really drives you and inspires you and keeps you motivated, I think it gets you through some of the harder days. And I think finding a community is really important and we have many in Montana, and Montana itself really kind of is one, but a community that shares the same values and that you can learn from. And I think that's really important too, is just the amount that I've learned from people that I've met through my work and people that I've met because of my work, and people who have said to me that, oh, you know, I read about the case, and I love to talk about it. And just the amount that you can learn just from talking to people in Montana is astounding. And I think that's really amazing. And then concretely, recognizing the value of all the different things that you learn in school, some of them seem so unrelated, but they all do really play into whatever it is that you do choose to pursue. Like, you know, I never thought, you know, the poems that I read in English class would ever come up again. But, you know, some of the most beautiful poems ever are about nature and preserving it. And this beautiful can actually have with the land. And so, it's really all, it's all connected. It all matters. And so, finding what motivates you and finding a community and ways to learn that keep you inspired and move you in a little way to contribute.

Justin Angle: Yeah, that's a wonderful sentiment. Thank you for sharing, Grace. Nate, if folks want to learn more about Our Children's Trust, this case, other legal avenues that are open to them in their pursuit of climate justice, where would you direct them online? How can people learn more about what you're up to?

Nate Bellinger: The Montana cases is going to trial. The trial start on June 12th in in Helena. So that'll be a credible opportunity for plaintiffs and expert to testify in court. So, if you want to follow the trial, learn more about our work in Montana. We're also working in a number of other states around the country. We have a federal case, and we work globally as well. So, you can find lots more information about all of the work we're doing in Montana and elsewhere on our website. It's our children's trust dot org and on social media. And there's lots of opportunities to support the work as well. So, if you do want to get involved, get in touch with us. We can use the support.

Justin Angle: Super well Nate, Grace so wonderful to learn about this effort, your dedication to it and its importance to the state of Montana. Thanks for joining us today. Good luck with the case and maybe we can chat again down the road.

Grace Gibson Snyder: Thank you so much for having us.

Justin Angle: Thanks for listening to A New Angle. We really appreciate it. And we're coming to you from Studio 49. A generous gift from UM Alums Michele and Loren Hansen.

Justin Angle: A New Angle is presented by First Security Bank, Blackfoot Communications and the University of Montana College of Business with additional support from Consolidated Electrical Distributors, Drum Coffee and Montana Public Radio. Keely Larson is our producer. VTO, Jeff Amentt and John Wicks made our music. Editing by Nick Mott, Social Media by Aj

Williams, and Jeff Meese is our master of All Things Sound. Thanks a lot, and see you next time.