

“Following Our Prophetic Daughters and Sons”

17 September 2023

Scripture: Acts 2:16-18

16...this is what was spoken through the prophet Joel:

17 "In the last days it will be, God declares, that I will pour out my Spirit upon all flesh, and your sons and your daughters shall prophesy, and your young men shall see visions, and your old men shall dream dreams.

18 Even upon my slaves, both men and women, in those days I will pour out my Spirit; and they shall prophesy.

Sermon

So how 'bout some good news for a change? Even though our summer weather was mostly cool and uncharacteristically wet, which in turn saved most of Colorado from the seemingly annual rash of devastating forest fires, it seemed as if the rest of the U.S. and much of the world was literally burning up or flooding!

Could all that be a sign, as the author of Acts states, of the “last days” of our dear earth’s survival?

So, who here has heard the names; Rikki Held, age 18, Olivia Vesovich, 17, Sariel Sandoval, 17, Kian Tanner, 15, Grace Gibson-Snyder, 16, Eva Lighthiser, 14, or of Badger and Lander Busse, ages 12 and 15, or Nathaniel K., only 2 years old or Claire V., 14, Mika K. and Olivia V.?

No, they are not a list of names from a recent mass shooting, after all I did say that this was going to be a “good news” sermon this morning.

Well, those 12 joined four other plaintiffs and all 16, then ages 2 to 18 in March 2020, in a lawsuit, known as Held v. Montana, which alleged that the state of Montana had violated their constitutional right to a clean and healthful environment. And almost exactly one month ago, on August 14 those darn kids won!

District Court Judge Kathy Seeley sided with them, concluding that “plaintiffs have a fundamental constitutional right to a clean and healthful environment, which includes climate as part of the environmental life support system.”

She continued that, “Montana’s emissions and climate change have been prharm, to be a substantial factor in causing climate impacts to Montana’s environment, harm and injury.”

The case was only the third climate-related lawsuit ever to go to trial and the first to focus on a state's constitution. And with Seeley's ruling, *Held v. Montana* became the first ever lawsuit to link climate change to the constitutional right to a healthy environment."

The magnitude of this ruling cannot be overstated. I think this is the strongest decision on climate change ever issued by any court," says Michael Gerrard, the founder and faculty director of the Sabin Center for Climate Change Law at Columbia University.

And this case is part of a wave of litigation related to climate change that is targeting companies and governments around the globe. States and cities are suing companies like Exxon, Chevron, and Shell, seeking damages from climate disasters, and claiming that the companies have known for decades that their products were responsible for global warming.

Individuals are now suing state and federal governments, claiming that they enabled the fossil fuel industry while simultaneously failing to protect their own citizens.

Michael Burger, executive director of the Sabin Center said, "This was climate science on trial and what the court has found as a matter of fact is that the science is right. Emissions do contribute to climate change, climate harms are real, people can experience climate harms individually and every ton of greenhouse gas emissions matters."

Now, Seeley's ruling does not bar the use of fossil fuels in the state, but it does limit legislation that has made Montana a fossil fuel haven. The court also found that renewables (wind, solar, hydro) can economically substitute for fossil fuel and that the state law barring consideration of climate impact assessment is unconstitutional. Seeley also charged the Montana state legislature with protecting the climate, although it remains to be seen how the Republican super majority will tackle the task. The Montana Attorney General's office is already planning to file an appeal.

It is estimated that Montana has 74 billion tons of coal reserves, the largest in the U.S., accounting for about 1/3 of the nation's total. Currently, Montana is the fifth largest coal producing state and the 12th largest oil producing state in the country. So, the stakes of the ruling were certainly quite high. But it could also embolden other judges to do the same.

The case tested a clause in Montana's constitution protecting the right to "a clean and healthful environment" extends to climate change. Several other states—including Hawaii, Illinois, Massachusetts, Pennsylvania, and Rhode Island—and more than 100 countries around the globe have similar constitutional clauses.

But what may have been the most effective in convincing the Judge, were the testimonies of those young Montanans regarding the personal negative effects of climate change. Those pesky kids testified about effects they had already witnessed in their own short lives, things such as: extreme weather that threaten family ranching, warmed rivers and streams that harm fish, wildfire smoke that worsens their asthma and disruptions to nature that interfere with

Indigenous cultural traditions. They also spoke of the toll on their mental health, and the anguish they felt as they considered a future dimmed by environmental collapse.

For Badger Busse, it was his namesake ecosystem the Badger-Two Medicine Wilderness. By the way - are you ready for some more good news - on September 1, an agreement was finalized for the Wilderness, to permanently retire the last remaining federal oil and gas lease after a nearly 40 year battle by the Blackfoot Tribe, the federal government and other conservation groups.

“This is a case of love,” said Grace Gibson-Snyder, the now 19-year-old plaintiff from Missoula. She then paused, and added: “And a certain amount of fear, for sure. But the fear of loss comes from our love for these places.” And the now 22 year old Rikki Held, the lead plaintiff, said the outcome was, “a long time coming”.

Bless her heart, three years may seem like nothing to most of us more cynical oldsters, but it is a big chunk of her life so far. She added, “Getting a ruling that listens to our stories and our voices and the best available science is just really important.” And all I can say is, way to go youngsters!

But, how have some of the supposed grownups in this scenario reacted?

Well... Emily Flower, a spokeswoman for the Republican, Attorney General, Austin Knudsen said in a statement, “This ruling is absurd, but not surprising from a judge who let the plaintiffs’ attorneys put on a weeklong taxpayer-funded publicity stunt that was supposed to be a trial.” Flower also called Seeley “an ideological judge who bent over backward to allow the case to move forward and so earn herself a spot in their next documentary.”

Flower’s boss, the week before the decision, petitioned the court to have the lawsuit dismissed in light of a recent legislative revision that now bars state agencies from evaluating any “greenhouse gas emissions and corresponding impacts to the climate.”

That bill, coincidentally, was passed by the state legislature soon after the Held v. Montana lawsuit was filed.

Economist Terry Anderson, a witness for the state, said that “Montana energy or environmental policies have virtually no effect on global or local climate change because Montana’s greenhouse gas contributions to the global total is trivial.”

He also argued that climate change could ultimately benefit Montana by making the growing seasons long and thus giving Montana farmers the potential to produce more valuable crops.

In fact, in November of 2020, Republican Governor, Gianforte withdrew Montana from the U.S. Climate Alliance, a coalition of states working to cut greenhouse gas emissions. He also signed two laws designed to prevent the closure of coal-fired power plants.

So, it seems to me that it's the kiddos in this story who seem far more grown up than many of the adults who are actually running the state.

But change does take a long time. The origins of the case stretch back nearly a decade, when a nonprofit called Our Children's Trust petitioned the Montana Supreme Court to rule that the state has a duty to address climate change.

Julia Olson, chief legal counsel and executive director of the Trust, said of the verdict, "Today, for the first time in US history, a court ruled on the merits of a case that the government violated the constitutional rights of children through laws and actions that promote fossil fuels, ignore climate change and disproportionately imperil young people . . . This is a huge win for Montana, for youth, for democracy and for our climate - more rulings like this will certainly come."

The decision in *Held v. Montana* has also been heralded by experts as "landmark" litigation, "groundbreaking" and a "first-of-its-kind."

But behind one of the nation's most watched climate lawsuits were 16 young folks then ages 2-18, teenagers, toddlers, and everything in-between!

Persistent and pesky kids, driven by passionate love for those places that in their short lifetimes they had learned to cherish. My, my, my . . . what some of us old farts should learn from them!

An era in human history is coming to an end - it is the last days of a world order dominated by fossil fuels. That old world is now giving way as a new generation takes action! May we all take inspiration to follow their lead!

Steve Ramer

Pastor Fort Collins Mennonite Fellowship
300 E. Oak St.
Ft. Collins, CO 80524
(970) 412-7510