

(PRE-FILED)

M3

71r0567

By: Delegates Billings, Hubbard, Bobo, Cadden, Grosfeld, Heller, Howard, Mandel,
Menes, Muse, Pitkin, Rosapepe, Valderrama, Frush, and Marriott

Requested: October 8, 1996

Introduced and read first time: January 8, 1997

Assigned to: Environmental Matters

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Constitutional Amendment for Environmental Rights**

3 FOR the purpose of requesting the United States Congress to submit to the states an
4 amendment to the United States Constitution that would ensure the right of each
5 person to clean and healthful air and water, and the right to the protection of the
6 other natural resources.

7 WHEREAS, The triumph of freedom and justice embodied in the Constitution of
8 the United States of America gave contemporary and future generations a structure for
9 ordered liberty that has served this Nation well. Those historic decisions, augmented from
10 time to time by amendment, permit each generation to overcome the great social
11 disturbances of its time. The rights of speech and assembly protected against an
12 overbearing government, the liberation of enslaved Americans, the right of women to
13 vote, restraints on the power of concentrated wealth, the intelligent use of the
14 government to protect everyone's economic interests, the use of national military power
15 here and abroad, have all been achieved through this Constitutional framework; and

16 WHEREAS, The American people have well understood their Constitution and the
17 values and powers it embodies. Liberty, justice, and our physical and material security are
18 the goals of our generation and our hope for future generations; and

19 WHEREAS, A Constitution that protects our personal security is the heart of the
20 American system. Our Constitution seeks to ensure that each person is free from the
21 threat of attack and from actions by other persons that diminish life, liberty, health, or
22 property or prevent the pursuit of happiness; and

23 WHEREAS, The people of our Nation are increasingly besieged by attacks on their
24 personal security, their health and the health of their families, and their right to enjoy the
25 air, water, and natural resources of the Nation. The continuing and growing threat to the
26 public health and the Nation's natural resources is the challenge to our generation of the
27 kind other generations faced and overcame; and

28 WHEREAS, We are the custodians of the health of our children and future
29 generations, whose ability to breathe clean air, drink healthful water, avoid poisons, and
30 share in the spiritual regeneration that comes from wilderness and nature is in danger.
31 We are obliged to protect each citizen from these threats as surely as the previous
32 generations were obliged to enhance freedom, justice, and prosperity; and

1 WHEREAS, A Constitutional remedy is necessary to accomplish this goal; and

2 WHEREAS, The decision to seek a Constitutional remedy is significant and
3 necessary. The people historically have been reluctant to amend the Constitution except
4 for the most compelling reasons. Although the General Assembly shares that view, the
5 commitment to the public health and environmental security of our citizens and of future
6 generations is so important and so deeply a part of American tradition and values that it
7 requires Constitutional status. We can no more rely on statutory protections for the
8 environment and public health than the Nation of 132 years ago could rely on law alone
9 for the liberation of enslaved Americans, or could the Nation of 78 years ago when it
10 declared the right of women's suffrage to be a Constitutional value; now, therefore, be it

11 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the
12 General Assembly requests the Congress of the United States to submit to the several
13 states the following amendment to the Constitution of the United States: "The natural
14 resources of the Nation are the heritage of present and future generations. The right of
15 each person to clean and healthful air and water, and to the protection of the other
16 natural resources of the Nation, shall not be infringed upon by any person."; and be it
17 further

18 RESOLVED, That the General Assembly also proposes that the legislatures of all
19 the states in the United States apply to the United States Congress requesting the
20 enactment of the above amendment to the Constitution; and be it further

21 RESOLVED, That a copy of this Resolution be forwarded by the Department of
22 Legislative Reference to the Maryland Congressional Delegation: Senators Paul S.
23 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and
24 Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin, Albert
25 R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Constance
26 A. Morella, House Office Building, Washington, D.C. 20515; and be it further

27 RESOLVED, That the Department of Legislative Reference forward a copy of this
28 Resolution to the secretary of state and presiding officers of both houses of the legislature
29 of each of the other states in the United States, the Clerk of the United States House of
30 Representatives, and the Secretary of the United States Senate.