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SENATE JOINT MEMORIAL 13

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

CISCO MCSORLEY

A JOINT MEMORIAL

REQUESTING CONGRESS TO SUBMIT AN AMENDMENT TO THE UNITED STATES
CONSTITUTION TO PROTECT THE RIGHTS OF PERSONS TO CLEAN AND
HEALTHFUL AIR AND WATER.

WHEREAS, the triumph of freedom and justice embodied in the
United States constitution has given contemporary and future
generations a structure for ordered liberty that has served this
nation well; those historic decisions, augmented from time to
time by amendment, gave us a constitution that permits each
generation to overcome the great social disturbances of its
time; the rights of speech and assembly were protected against
overbearing government; the liberation of enslaved Americans;
the right of women to vote; restraints on the power of
concentrated wealth; the intelligent use of government to
protect the economic interests of all; and the use of national

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1 military power, here and abroad, have all been achieved through
2 this constitutional framework; and

3 WHEREAS, the American people have well understood their
4 constitution, and the values and powers it embodies; liberty,
5 justice and our physical and material security remain the goals
6 of our generation and our hope for future generations;

7 WHEREAS, a constitution that protects our personal security
8 is the heart of the American system; it seeks to ensure that
9 each person is free of the threat of attack and free of actions
10 by others that diminish life, liberty, health or property or
11 that prevent the "pursuit of happiness"; and

12 WHEREAS, the people of the nation are increasingly besieged
13 by attacks on their personal security, their health and the
14 health of their families and their right to enjoy the air, water
15 and natural resources of the nation; the continuing and growing
16 threat to the public health and the nation's natural resources
17 is the challenge to our generation of the kind other generations
18 faced and overcame;

19 WHEREAS, we are the custodians of the health of our
20 children and of future generations, whose ability to breathe
21 clean air, drink healthful water, avoid poisons and share in the
22 spiritual regeneration that comes from wilderness and nature is
23 in danger, and we are obliged to protect each citizen from these
24 threats as surely as were previous generations obliged to
25 enhance freedom, justice and prosperity; and

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1 WHEREAS, a constitutional remedy is necessary to accomplish
2 this goal; and

3 WHEREAS, the decision to seek a constitutional remedy is
4 significant and necessary; the people have historically been
5 reluctant to amend the constitution except for the most
6 compelling reasons and, although this body shares that view, the
7 commitment to the public health and environmental security of
8 our citizens and of future generations is so important, and so
9 deeply a part of American tradition and values, that it requires
10 constitutional status; and

11 WHEREAS, we can no more rely on statutory protections for
12 the environment and public health than the nation of one hundred
13 thirty years ago could rely on law alone for the liberation of
14 enslaved Americans, nor could the nation of eighty years ago
15 when it declared the right of women's suffrage to be a
16 constitutional value; and

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
18 STATE OF NEW MEXICO that the congress of the United States be
19 requested to submit to the several states the following
20 amendment to the United States constitution:

21 "The natural resources of the nation are the
22 heritage of present and future generations. The
23 right of each person to clean and healthful air and
24 water, and to the protection of the other natural
25 resources of the nation, shall not be infringed upon

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1 by any person"; and

2 BE IT FURTHER RESOLVED that this body also proposes that
3 the legislature of each of the several states comprising the
4 Unites States apply to the congress requesting the enactment of
5 the above amēndment to the constitution; and

6 BE IT FURTHER RESOLVED that copies of this memorial
7 transmitted to New Mexico's congressional delegation, the
8 presiding officers of both houses of the legislature of each of
9 the other states in the union, the clerk of the United States
10 house of representatives and the secretary of the United States
11 senate.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
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6 March 8, 1997
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8 Mr. President:
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10 Your RULES COMMITTEE, to whom has been referred
11

12 SENATE JOINT MEMORIAL 13
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 JUDICIARY COMMITTEE.
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18 Respectfully submitted,
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23 _____
24 Gloria Howes, Chairman
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Altamirano, Aragon

Absent: None

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