

Press Release Re: New Mexico Environmental Rights Joint Resolution Pre-Filed

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Environmental & Community Leaders Praise Legislators For Proposing Constitutional Environmental Rights Be Added to New Mexico's Bill of Rights

Santa Fe, NM: New Mexico leaders are applauding the Joint Resolution pre-filed Monday, January 4, by Senator Antoinette Sedillo Lopez, Senator Bill Soules, and Representative Joanne Ferrary to amend the New Mexico Constitution in order to add enforceable environmental rights. Senator Mimi Stewart, Senator Harold Pope, Jr, Representative Tara Luján and Representative Andrea Romero are signing on as co-sponsors in support. The Joint Resolution proposing the amendment was pre-filed by the sponsors on the first day legislators could pre-file their legislative proposals for the 2021 legislative session.

The Joint Resolution proposes amending the state constitution's Bill of Rights to recognize and protect the rights of all of the people of New Mexico "to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment"; to ensure these rights are protected for present and future generations; and to designate all the state's government officials as trustees of the natural resources of the state constitutionally obligated to

“conserve, protect, and maintain” them. If passed, the new language would replace the language currently found in Article XX Section 21 which environmental leaders believe has failed to provide the enforceable environmental protections its original supporters had intended.

"New Energy Economy expresses sincere gratitude to our true representative leaders like Senators Sedillo Lopez, Soules, Pope, Senator Pro Tem Mimi Stewart, and Representatives Ferrary, Luján and Romero who are championing the Green Amendment, a self-executing provision in our New Mexico Constitution that will provide individuals and communities with the legal right to protect our water, land and air from contamination. The Green Amendment, like other Constitutional Amendments will grant us inalienable rights, and require the preservation and protection of our beloved home for future generations," said **Mariel Nanasi, Executive Director of [New Energy Economy](#)**.

“The rights of New Mexicans are under constant assault by extractive industry. Communities of color in our state have been subject to environmental racism for decades. Future generations are endangered by the emissions generated in the Permian Basin. We need a means by which to hold polluters accountable. That’s what the Green Amendment offers,” stated **Artemisio Romero y Carver, Steering Committee Member of [Youth United For Climate Crisis Action](#)**.

“The Green Amendment is a “No-Brainer”. As the World realizes Climate Change, realizes the desecration and pollution of Mother Earth and our natural environment, the need for an enforceable set of governing principles and environmental rights created by the will of the People is a must and will only help our state and its agencies to achieve the government’s responsibility of protecting and caring for its constituents. A New Mexico Green Amendment clearly recognizes that all the people of the state have an individual, inalienable and infeasible right to a clean and healthy environment, including pure Sacred water, clean air, healthy ecosystems, a stable climate, and to the preservation of the natural, cultural, scenic, healthful, and magnificent qualities of our New Mexico environment. A New Mexico constitutional Green Amendment is a must for our beloved ‘Land of Enchantment’,” stated **[Terry A. Sloan](#)**, Director of Southwest Native Cultures, Albuquerque, New Mexico, a leader in the Green Amendment movement since its inception here in New Mexico and nationally and an ECOSOC accredited member of the United Nations.

"As the first environmental advocate at the state capitol, I led the effort to create a constitutional right to a clean, healthy environment through passage of Article XX Section 21. I was later horrified to learn that the bi-partisan intentions of its Democrat and Republican sponsors as well as every N.M. Senator and an overwhelming majority of the House were corrupted by polluters who twisted the language to justify their desecrating actions. Passage of this new Green Amendment will give New Mexicans a true constitutional right to enforceable environmental protections," said **Sally Rodgers who, for over fifty years, has been a leading advocate for environmental protection in New Mexico**.

“New Mexico is on the leading edge of the national movement to recognize environmental rights as fundamental inalienable rights deserving the same highest protection that is currently given to speech, religious, civil and property rights,” said **Maya van Rossum, author of the book [The Green Amendment](#) and founder of the organization [Green](#)**

[Amendments For The Generations](#) seeking to advance constitutional environmental rights nationally. van Rossum was also a lead plaintiff in the Pennsylvania case that secured constitutional environmental rights for the people of that state. “Our current system of environmental laws and government, in New Mexico and nationwide, focuses on permitting pollution rather than preventing it. By contrast, constitutional Green Amendments ensure government officials are making informed decisions focused on protecting environmental rights from the beginning of the decision-making process when protection is best accomplished. Green Amendments are also powerful for advancing environmental justice protections by ensuring government officials are protecting the environmental rights of all people and are constitutionally prohibited from creating environmental sacrifice zones,” added van Rossum.

"In 2015, entities sued New Mexico and Governor Susana Martinez regarding methane emissions into the atmosphere (*Sanders-Reed v. Martinez*, [2015-NMCA-063](#)) The Court of Appeals decided that Under Article XX Section 21 of our NM Constitution, the legislature had complied with its Public Trust Duty pertaining to Natural Resources and upheld the lower courts Summary Judgement in favor of the State. We still have the methane problems and time is running out. Laws we have now do not protect us. We need to pass legislation that can be used to help us keep our air and water clean. A New Mexico Green Amendment to our State Constitution is the tool to protect New Mexicans and not industry bad actors and the state that permits the bad actions." said **Mike Neas, a leading advocate for advancing a New Mexico Green Amendment.**

“While big development and extraction companies reap the profits, we lose. We lose our water. We lose our health. We suffer economic losses. We lose our New Mexico. The Green Amendment is an equalizer that can help protect and restore our water, air, and soils in New Mexico,” said **Elaine Cimino, a leader of New Mexico’s [Common Ground Rising](#).**

“I strongly believe that there is much that can be done by state government agents as trustees of the natural resources of New Mexico in areas that call out for support of clean air and water, such as the Carlsbad, Chaco area and the South Valley of Albuquerque. With passage of the proposed Green Amendment officials will be constitutionally obligated to conserve, protect, and maintain our natural resources,” explains **Linda Starr, co-leader of the [Rio Grande Valley Broadband of Great Old Broads for Wilderness](#).**

"Indivisible Nob Hill wholeheartedly supports a Green Amendment to the Bill of Rights in our New Mexico Constitution. We must stop the routine and systematic damage to our environment in the name of economic development and ensure we protect the clean air, pure water, healthy environment and ecosystems for all future generations of people, flora and fauna," stated **Rayellen Smith, President of [Indivisible Nob Hill](#)**, a leading supporter of the Amendment.

"In a state so dependent on gas and oil revenues, that industry has outsized influence on our political process. The Yazzie-Martinez case has shown that using the State Constitution can force state government to address needs that have been neglected for decades. With the Green Amendment advocacy groups will have a much greater capacity to force the state to resist the gas and oil industry and protect our land, air and water," stated **Paul Gibson, Director of [Retake Our Democracy](#).**

[350 Santa Fe](#) facilitator **Robert Cordingley** welcomed the filing of the bill to add a ballot initiative for a New Mexico Green Amendment: “The urgency of establishing an enforceable constitutional right to a clean and healthy environment has become increasingly clear as we have watched the rapid warming of our planet and its emerging consequences. New Mexico's contributions to the accumulation of greenhouse gases in our atmosphere is disproportionately high, given our state's population, because of our significant levels of oil and gas activities and electrical generation. Embedding the protection of the environment into our state's founding document is a crucial step toward ensuring that our government and industries take decisive action to end these emissions as rapidly as possible. If corporations enjoy constitutional protection of their interests, our environmental interests deserve no less.”

“People of faith throughout New Mexico believe caring for Sacred land, water, air, the health of communities and creation for future generations is a moral and spiritual responsibility that needs to be pro-active. New Mexico Interfaith Power and Light and many faith communities and individuals believe the time has come for forward thinking and action, especially in light of the greater droughts and effects of a warming climate that we face. This constitutional amendment can be one very important tool to help our state,” stated **Sr. Joan Brown, of, Executive Director, [New Mexico Interfaith Power and Light](#)**.

“Pollinators are endangered from a “thousand little cuts”— climate change, human development, destruction of habitat, and industrial pollution. Clean air, water and habitat ensure survival for healthy pollinators and a thriving human food system. More than 1,000 unique native bees make their home in New Mexico alongside thousands of honeybee hives and their keepers. Bees support unique artisanal products and pollinator services, critical for the agricultural economy and food traditions. The Green Amendment will help us preserve New Mexico's unique cultures, pollinator and human communities and natural resources now and in the future,” offers **Anita Amstutz, leader of [Think Like A Bee](#)**, a New Mexico pollinator advocacy and education nonprofit that supports passage of the Green Amendment in the upcoming 2021 Legislative Session.

“The Green Amendment is key to addressing climate change. It is empowering the people to ensure our governments stand with them to protect our environment from bad players in industry and it will ensure we all stand up for future generations,” stated **Cheryl Harris, [Adelante Progressive Caucus](#) Chair**. “Clean water and air, a stable climate and healthy environments are basic rights essential to life, liberty, and the pursuit of happiness; it is wonderful to have New Mexico helping to be a leader among states in securing these basic rights,” Harris added.

“My grandfather died at the age of 71 from black lung contracted from decades working in unsafe conditions in the coal mines to keep the lights on and the cook stoves hot. My mom and her brothers are now in their 90s. If OSHA and workplace safety nets and laws had been in place, I might have actually met him. Having a Green Amendment will be a wake-up call to all industries to be mindful, conscientious, or just get out of town,” said **Athena Christodoulou, [Adelante Progressive Caucus](#) Political Director**. “Once New Mexico has passed this powerful amendment we are hoping other states will be inspired to follow our lead,” added Christodoulou.

The **Rev. Holly Beaumont, D. Min., Organizing Director for [Interfaith Worker Justice – NM](#)** offers: “I would point to the message offered by the Ecumenical Patriarch of Constantinople, Bartholomew I, on the World Day of Prayer for the Care of Creation, on September 1. Calling for a renewed commitment to protecting the environment he stated: “How much longer will nature endure the fruitless discussions and consultations, as well as any further delay in assuming decisive actions for its protection? A change of direction toward an ecological economy is an unwavering necessity.”

“The wildlife of New Mexico—all species, from the smallest butterfly to the largest elk-- are part of living ecosystems and a public trust that the government has a duty to protect and maintain for the benefit of all New Mexicans, including future generations,” said **Kevin Bixby, Executive Director** of the [Southwest Environmental Center](#). “And yet, our outdated state policies and institutions do not reflect this fact. A Green Amendment would firmly establish the duty of government to do better.”

If the Joint Resolution secures a majority vote of support in both the Senate and House of Representatives it will be placed on the next general election ballot in 2022 for a vote by the people of the state.

Currently constitutional Green Amendments exist in Pennsylvania and Montana. In addition to New Mexico, constitutional environmental rights amendments are being advanced in New Jersey, West Virginia, Vermont, Maine, Maryland, New York, Oregon and Washington.

Fact sheets, information and resources on the New Mexico Green Amendment movement can be found at www.NMGreenAmendment.org , information on what is happening in other states can be found at www.ForTheGenerations.org .

Joint Resolution filing can be found at:

<https://www.nmlegis.gov/Sessions/21%20Regular/bills/senate/prefile/218167.3.pdf>

The proposed New Mexico Joint Resolution reads as follows:

SECTION 1. It is proposed to amend Article 2 of the constitution of New Mexico by adding a new section to read:

- A. The people of the state, including future generations, have the right to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate, and to the preservation of the natural, cultural, scenic and healthful qualities of the environment.*
- B. The state, including each branch, agency, and political subdivision, shall serve as trustee of the natural resources of the state, among them its waters, air, flora, fauna, climate and public lands. The state shall conserve, protect, and maintain these resources for the benefit of all the people, including generations yet to come.*
- C. The rights stated in this section are inherent, inalienable, and indefeasible and are among those rights reserved to all the people and are on par with other protected inalienable rights. The provisions of this section are self-executing.*

SECTION 2. It is proposed to amend Article 20 of the constitution of New Mexico by repealing Section 21.

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