

A RESOLUTION OF THE JACKSON COUNTY DEMOCRATIC PARTY
Resolution 2025-01
Oregon Environmental Rights

- 1) **Whereas**, the Declaration of independence guarantees us the unalienable rights to Life, Liberty and the Pursuit of Happiness but these unalienable rights are not constitutionally guaranteed; and
- 2) **Whereas**, it is difficult to imagine enjoying life and happiness without a healthy environment in which to live and recreate; and
- 3) **Whereas**, “The constitutions of more than three-quarters of the countries on earth have explicit reference to environmental rights or responsibilities” (Webb 2021); and
- 4) **Whereas**, “In the last several years courts in the Netherlands, Germany, France, Australia, Pakistan, Nepal and Colombia have held that these provisions, or similar non-statutory doctrines, require national governments to act on climate change.” (Webb 2021); and
- 5) **Whereas**, we Oregonians pride ourselves on the delights of our natural environment and the environmental sensitivity of Oregonians; and
- 6) **Whereas**, global warming and the consequent climate change that it induces are driven by air pollution derived largely from fossil fuel use and land conversions; and
- 7) **Whereas**, the Montana Constitution states: “Article IX, section 1.(1) The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations. (2) The legislature shall provide for the administration and enforcement of this duty” (Montana 2021); and
- 8) **Whereas**, three states are currently seeking to establish the constitutional right and several others are considering such an effort (Bolstad 2023); and
- 9) **Whereas**, the Oregon constitution currently does not guarantee Oregonians the right to a healthy environment; and
- 10) **Whereas**, Senator Jeff Golden introduced in 2021 an “amendment to Oregon Constitution establishing right to clean and healthy environment and to preservation of natural, cultural, scenic, recreational and healthful qualities of environment” that was still in committee when the session adjourned, and thus failed.” (OLIS 2021); and
- 11) **Whereas**, the Public Trust Doctrine, founded in Roman Law, holds that governments have a responsibility to protect certain natural resources (Scanlan 2000); and
- 12) **Whereas**, “Today, the [Public Trust] doctrine is frequently invoked in natural resource conflicts, some involving constitutional takings claims, and some of which push the boundaries of previously recognised trust values, such as appeals to public trust principles in support of meaningful climate governance.” (Ryan 2022); and
- 13) **Whereas**, the lawsuit brought by Our Children’s Trust on behalf of current and future youth demanding that the Oregon government should protect our air from climate pollution contamination failed while a similar case in Montana was successful; and
- 14) **Whereas**, a national Green Amendment campaign seeks to establish the right to a clean environment in every U.S. State (Green 2021); and

- 15) **Whereas**, the Public Trust Doctrine has been invoked in several successful legal cases, for example:
 - a) Illinois Central Railroad Co. v Illinois (U.S. Supreme Court 1892), dealing with submerged lands in Illinois;
 - b) National Audubon Society v Superior Court 198 (Justia undated a) dealing with Mono Lake, California;
 - c) Environmental Law Foundation v State Water Resources Control Board in 2018 (Justia undated b) dealing with groundwater; and
- 16) **Whereas**, the Hawai'i constitution "declares that the state holds all of its natural resources in trust for the public, including land, water, air, minerals, and energy sources (Art. XI, § 1)(Ryan 2022); and
- 17) **Whereas**, the Pennsylvania constitution states: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment..." (Art. I, § 27) (Ryan 2022)
- 18) **Whereas**, A bill being prepared for the 2025 Oregon Legislative Session, with Senator Jeff Golden as a lead sponsor, would refer a Healthy Rights Amendment to the voters. The language of the suggested constitutional amendment is appended.

NOW, THEREFORE, THE JACKSON COUNTY DEMOCRATIC PARTY RESOLVES AS FOLLOWS:

The Jackson County Democratic Party urges legislative action leading towards a guarantee that Oregonians are able to enjoy the right to a healthy environment.

Sources Cited

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Appendix

Proposed amendment to the Oregon Constitution, Article I (Bill of Rights), Section 48: Right to a clean, safe, and healthy environment

- (1) All people, including children and future generations, have the fundamental right to a clean, safe, and healthy environment.
- (2) The government shall protect and restore this right equitably for all people, giving the highest priority to the safety and health of children and future generations.
- (3) Any person may obtain equitable relief against government action or inaction allowing harm or threat of harm to public safety and health interests in this right. Courts shall consider sustainable measures toward clean water, clean air, thriving ecosystems, and a more stable climate to be compelling state interests for paramount consideration and weight. Prevailing parties securing protection for public safety or health shall be entitled to costs of litigation, including attorney and expert witness fees.
- (4) This right is enforceable upon enactment, without implementing legislation or exhaustion of other remedies. This right is remedial in purpose, adding to and strengthening existing rights and remedies to achieve a healthy environment for all.

ADOPTED by the Jackson County Democratic Party Central Committee on the 27th day of January, 2025.

David B. Sours

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Chair, Jackson County Democratic Party