PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION
AMENDMENT XXVI

1. Every person has an inalienable right to a clean, healthful, and decent
environment.

2. Any citizen adversely affected by the environmental activity of any other
person or agency, public or private, shall be entitled to redress in an
appropriate state court, Article VI of the Constitution to the contrary
notwithstanding.

3. Any person or agency, public or private, using or exploiting common
environmental resources shall, if it is substantially challenged in a civil
proceeding that his activities will upset the natural ecological balance,
be required to demonstrate affirmatively that his action will not redound
to the detriment of the public or generations yet unborn.

4. Every state shall have power to place higher standards of regulation
upon the use of common environmental resources than those that may
have been provided by federal law, Article VI of the Constitution to the
contrary notwithstanding.

5. The Congress shall pass laws or taxes as are necessary to preserve or
restore the environment from contamination or degradation by chemical,
biological, radiological, thermal, or other pollution. In addition, the
Congress shall undertake to acquire and preserve open land, wilderness
spaces, and scenic areas.

—Drafted by A. A. D’Amato
Assistant Professor of Law
Northwestern University