10. Ga. Const., art. III, § VI, par. II(a)(1).

11. *See,* for example, *Hayes v. Howell,* 308 S.E.2d 170, 176 (Ga., 1983) (concluding that environmental legislation would be a legitimate exercise of state police power even absent the Georgia Authorization provision).

12. R.I. Const., art. I, § 16.

13. Va. Const., art. XI, § 1.

14. For an example involving the Montana legislature, see Barton H. Thompson, Jr., "Constitutionalizing the Environment: The History and Future of Montana's Environmental Provisions," 64 *Mont. L. Rev.* 157, 182 (2003).

15. *See,* for example, Maine Const., art. IX, § 23 (supermajority); N.Y. Const., art. XIV, § 4 (separate legislative sessions).

16. R.I. Const., art. I, § 16.

17. Cal. Const., art. IV, § 20.

18. Ibid. Many of the fish and game commissions created in state constitutions are modeled after a "Model Fish and Game Commission" developed by the International Association of Game, Fish, and Conservation Commissioners in 1934 to give fish and game decisions to expert entities, partially shielded from direct interest group pressures. See Arguments in Favor of Assembly Constitutional Amendment No. 45, in *Proposed Amendments to Constitution, Propositions, and Proposed Laws* 19 (Cal. Sec. of State, 1940).

19. Mich. Const., art. IV, § 52.

20. Cal. Const., art. I, § 25.

21. *See,* for example, Advisory Op. to the Gov'r, 706 So. 2d 278, 281 (Fla., 1997); Petition of Highway US-24, 220 N.W.2d 416 (Mich., 1974); *Commonwealth v. National Gettysburg Battlefield Tower,* 311 A.2d 588 (Pa., 1973).

22. *See,* for example, *Stop H-3 Ass'n v. Lewis,* 538 F. Supp. 149 (D. Haw., 1982), modified on other grounds, 740 F.2d 1442 (9th Cir., 1984), cert. denied, 471 U.S. 1108 (1985); *Enos v. Sec'y Envt'l Affairs,* 731 N.E.2d 525, 532, n. 7 (Mass., 2000); *City of Elgin v. County of Cook,* 660 N.E.2d 875, 891 (Ill., 1995); *State v. General Dev. Corp.,* 448 So. 2d 1074 (Fla. Dist. Ct. app., 1984), aff'd, 469 So. 2d 1381 (Fla., 1985).

23. Wisc. Const., art. IX, § 1.

24. Colo. Const., art. XVI, § 6.

25. Mass. Const., amend. XLIX.

26. Ill. Const., art. XI, § 1.

27. Haw. Const., art. XI, § 9; Ill. Const., art. XI, § 2.

28. N.Y. Const., art. XIV, § 5.

29. For a general discussion of citizen suit provisions in national environmental laws, see Barton H. Thompson, Jr., "The Continuing Innovation of Citizen Enforcement," 2000 *U. Ill. L. Rev.* 185.

30. Haw. Const., art. XI, § 9.

31. Mich. Const., art. IV, § 52.

32. Stockholm Declaration of the United Nations Conference on the Human Environment, 11 I.L.M. 1416 (1972).

33. World Charter for Nature, U.N.G.A. RES 37/7, 22 I.L.M. 455 (1983).

34. Rio Declaration on Environment and Development, 31 L.L.M. 874 (1992).

35. *See* Thompson, supra note 14, at 160.

36. Ga. Const., art. III, § VI, par. II(a)(1) (the "General Assembly shall have the power to provide by law for . . . [r]estrictions upon land use in order to protect and preserve the natural resources, environment, and vital areas of this state").

37. As noted earlier, for example, the Virginia Constitution declares that it is the "policy of the Commonwealth to conserve, develop, and utilize its natural resources" and to "protect its atmosphere, lands, and waters from pollution." Va. Const., art. XI, § 1.

38. New York's constitution, for example, provides that the legislature "shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources." N.Y. Const., art. XIV, § 4. *See also* Fla. Const., art. II, § 78; La. Const., art. IX, § 1; Mich. Const., art. IV, § 52; S.C. Const., art. XII, § 1.

39. Typical is the Hawaii Constitution, which declares that "Each person has the right to a clean and healthful environment." Haw. Const., art. XI, § 9. *See also* Ill. Const., art. XI, §§ 1–2; Mont. Const., art. II, § 3; Pa. Const., art. I, § 27.

40. *See,* for example, Ill. Const., art. XI, §§ 1–2 ("healthful environment").

41. *See,* for example, N.Y. Const., art. XIV, § 4 ("abatement of air and water pollution and of excessive and unnecessary noise").

42. N.M. Const., art. XX, § 21.

43. La. Const., art. IX, § 1.

44. Charles S. McCowan, Jr., "Evolution of Environmental Law in Louisiana," 52 *La. L. Rev.* 907, 912 (1992) (quoting Records of the Louisiana Constitutional Convention of 1973, Convention Transcripts, 103rd Day's Proceedings, Dec. 18, 1973, vol. IX, pp. 2911–12).

45. *Save Ourselves, Inc. v. Louisiana Envtl. Control Comm'n,* 452 So. 2d 1152, 1157 (La., 1984).

46. Hawaii's constitution, for example, instructs the state not only to protect the environment but also to "promote the development and utilization" of the state's resources "in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State."

47. N.Y. Const., art. XIV, § 5.

48. Haw. Const., art. XI, § 9; Ill. Const art. XI, § 2.

49. *See,* for example, *Robb v. Shockoe Slip Found.,* 324 S.E.2d 674, 676 (Va., 1985).

50. *See,* for example, *State v. Gen. Dev. Corp.,* 448 So. 2d 1074, 1080 (Fla. Dist. Ct. App., 1984), aff'd 469 So. 2d 1381 (Fla., 1985) (individual state attorney did not have authority under constitutional provision to challenge creation and modification of artificial waterways).

51. *See,* for example, *Enos v. Sec'y Envt'l Affairs,* 731 N.E.2d 525, 532, n. 7 (Mass., 2000) (constitutional provision does not provide separate standing); *Lockman v. Secretary of State,* 684 A.2d 415, 417, 420 (Me., 1996) (dispute not yet ripe for judicial review); *City of Elgin v. County of Cook,* 660 N.E.2d 875, 891 (Ill., 1995) (standing lacking to bring suit under environmental provision); *Parsons v. Walker,* 328 N.E.2d 920, 924–25 (Ill. App. Ct., 1975) (lawsuit dismissed as premature).

52. *See,* for example, Advisory Op. to the Gov'r, 706 So. 2d 278, 281 (Fla., 1997) (environmental amendment to Florida constitution is not self-executing); *County of Delta v. Michigan Dept. of Nat. Resources,* 325 N.W.2d 455 (Mich. Ct. App., 1982); Petition of Highway US-24, 220 N.W.2d 416 (Mich., 1974).

53. *See,* for example, Advisory Op. to the Gov'r, 706 So. 2d 278, 281 (Fla., 1997), citing *Gray v. Bryant,* 125 So. 2d 846 (Fla., 1960).

54. *State Highway Comm'n v. Vanderkloot,* 220 N.W.2d 416, 426 (Mich., 1974).

55. *See* Adams et al., supra note, at 182–83 (discussing the New York case law and concluding that the "New York courts have been reluctant to apply article XIV, section 4 in a manner that would limit State action"). The Pennsylvania courts were the first to hold an environmental provision to be self-executing, but have established a standard for invalidating state actions that is exceptionally hard to meet. Unless the plaintiff can show that the state failed to make a "reasonable effort to reduce the environmental incursion to a minimum" or that the environmental harm "clearly outweighs" the benefits of the challenged action, the state wins. *See Commonwealth v. National Gettysburg Battlefield Tower,* 302 A.2d 886 (Pa. Commw. Ct., 1973), aff'd, 311 A.2d 588 (Pa., 1973); *Payne v. Kassab,* 312 A.2d 86 (Pa. Commw. Ct., 1973).

56. *Save Ourselves, Inc. v. Louisiana Envtl. Control Comm'n,* 452 So. 2d 1152, 1159 (La., 1984). *See also* Matter of American Waste & Pollution Control Co., 642 So. 2d 1258 (La., 1994) (rejecting a decision by the Louisiana Department of Environmental Quality since the Secretary of the DEQ "did not list his basic findings or his ultimate findings, nor did he articulate a rational connection between the factual findings and his order"); Matter of Rubicon, Inc., 670 So. 2d 475 (La., 1996) (failure to provide sufficient analysis).

57. For a lengthier overview and discussion of the Montana Supreme Court's treatment of its state's environmental provisions, *see* Thompson, supra note 14.

58. *Montana Envtl. Info. Ctr. v. Department of Envtl. Quality,* 988 P.2d 1236 (Mt., 1999).

59. The "right to a clean and healthful environment" leads the list of "inalienable rights" set out in the Montana Constitution's "Declaration of Rights." Mont. Const., art. II, § 3.

60. Montana Envtl. Info. Ctr., 988 P.2d at 1246.

61. C*ape-France Enterprises v. Estate of Peed,* 29 P.3d 1011, 1017 (Mont., 2001). In confirming that any violation of the constitutional guarantee would require a compelling state interest, the court emphasized that a compelling state interest is "at a minimum, some interest 'of the highest order and . . . not otherwise served'" and that generally the defendant must show that a violation of the guarantee is justified by "the gravest abuse, endangering a paramount government interest." Ibid. at 1016–17 (quoting *Armstrong v. State,* 989 P.2d 364, 375, n. 6 (Mt., 1999)).

62. *Orr v. State of Montana,* No. BDV-201-423. In August 2002, the trial court dismissed plaintiffs' claims as not stating a cause of action, but the case is currently on appeal.

63. For a discussion of the empirical evidence, *see* Thompson, supra note 1, at 892–93; Evan J. Ringquist, Environmental Protection at the State Level: Politics and Progress in Controlling Pollution (1993). Ringquist, however, did find that "mining strength," as measured by the value of mining output as a percentage of gross state product, was correlated with weaker water quality regulation. Ibid. at 161–65.

64. Rio Declaration, supra note 34, principle 15.

65. World Charter, supra note 33, principle 11.

66. *See,* for example, Stockholm Declaration, supra note 32, principle 6.

67. Rio Declaration, supra note 34, principle 16.

68. Fla. Const., art. II, § 7(b).

69. Rio Declaration, supra note 34, principle 17.

70. *See* Daniel Mandelker, NEPA Law and Litigation, ch. 12 (2d ed., 1994).

71. Rio Declaration, supra note 34, principle 10.

72. Ibid., principle 14.

73. For an expansive review of environmental justice issues, *see* Clifford Rechschaffen and Eileen Gauna, *Environmental Justice: Law, Policy, and Regulation* (2002).

74. Mich. Const., art. IV, § 52. *See also* R.I. Const., art. I, § 17 (legislature must provide for the "conservation" of natural resources and for "adequate resource planning for the control and regulation of the use of natural resources of the state").

75. Ohio Const., art. II, § 36. *See also* Fla. Const., art. II, § 7 (instructing the legislature to make "adequate provisions" for the "conservation and protection of natural resources"); N.C. Const., art. XIV, § 5 (policy of state is to "conserve and protect its land and waters").

76. Thus the Texas Constitution requires the "conservation and development" of the state's natural resources. Tex. Const., art. XVI, § 59. *See also* La. Const., art. IX, § 1 (requiring the legislature of the state to enact laws protecting, conserving, and replenishing natural resources "insofar as possible and consistent with the health, safety, and welfare of the people"); Va. Const., art. XI, §§ 1–2 (state policy is "to conserve, develop, and utilize its natural resources," and legislature can enact laws in support).

77. Mont. Const., art. IX, § 1(3).

78. Haw. Const., art. XI, § 1. The Pennsylvania Constitution similarly declares that the state's "public natural resources are the common property of all the people, including generations yet to come" and requires the state, as "trustee of these resources," to "conserve and maintain them for the benefits of all the people." Pa. Const., art. I, § 27.

79. Rio Declaration, supra note 34, principle 2. *See also* Stockholm Declaration, supra note 32, principle 2 ("natural resources of the earth . . . must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate").

80. Alaska Const., art. VIII, § 4.

81. The Alaska legislature has statutorily defined "sustained yield" as "the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the state land consistent with multiple use." Alaska Code § 38-04-910(12).

82. World Charter for Nature, supra note 33, principle 4 ("Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist."). The World Charter for Nature also provides that "[l]iving resources shall not be utilized in excess of their natural capacity of regeneration." Ibid., principle 10(a).

The Stockholm Declaration can be read also to mandate a sustained yield. Principle 3, in particular, provides that the "capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved." Stockholm Declaration, supra note 32, principle 3.

83. Stockholm Declaration, supra note 32, principle 5. The same provision also mandates that the benefits from non-renewable resources should be "shared by all mankind." Ibid.

84. World Charter for Nature, supra note 33, principle 10(d).

85. Mich. Const., art. IX, § 35; Minn. Const., art. XI, § 14; Ore. Const., art. XV, § 4.

86. Under Michigan's constitution, the funding comes from any revenues collected by the state for the "extraction of nonrenewable resources from state owned lands." Mich. Const., art. IX, § 35. The Minnesota Constitution provides that "not less than 40 percent of the new proceeds from any state-operated lottery" must be deposited in the fund. Minn. Const., art. XI, § 14. Oregon's constitution dedicates 15 percent of lottery proceeds. Ore. Const., art. XV, § 4.

87. Mich. Const., art. IX, § 35.

88. The historic water-law doctrine in the eastern United States had been the riparian doctrine, which permitted riparian property owners, but no one else, to make limited use of water from streams and rivers; diversions to distant uses were prohibited. Many western settlers believed that the riparian doctrine would stunt growth in the West where water was more limited, and they lobbied for the prior appropriation doctrine, under

which water was assigned on a first-come, first-served basis and could be diverted and moved tens or hundreds of miles to water-starved uses.

89. *See,* for example, Colo. Const., art. XVI, § 6; Idaho Const., art. XV, §§ 1–4; Neb. Const., art. 15, § 6; N.M. Const., art. XVI, § 2. Not all the appropriation provisions, however, are a century old. When Alaska adopted its constitution in 1959, it also provided that all waters, except mineral and medicinal waters reserved to the people for common use, "are subject to appropriation." Alaska Const., art. VIII, § 13. And when Montana rewrote its constitution in 1972, it continued the original guarantee of appropriation. Mont. Const., art. IX, § 3.

90. *See,* for example, Mont. Const., art. IX, § 3 (continuing earlier provision); N.M. Const., art. XVI, § 2; Wyo. Const., art. 8, § 1.

91. *People v. Emmert,* 597 P.2d 1025, 1028 (Colo., 1979).

92. *Montana Coalition for Stream Access, Inc. v. Curran,* 682 P.2d 163, 170 (Mont., 1984).

93. *See,* for example, Alaska Const., art. VIII, § 13; Colo. Const., art. XVI, § 6; Idaho Const., art. XV, § 3; Mont. Const., art. IX, § 3; Neb. Const., art. 15, § 6; N.M. Const., art. XVI, § 2. Although courts seldom invoke these provisions to limit water use, they on occasion have used them to bar waste. *See,* for example, *Wilkins v. State,* 313 N.W.2d 271 (Neb., 1981).

94. Cal. Const., art. X, § 2. The Hawaii Constitution also directs the legislature to provide for a water resources agency that will "set overall water conservation, quality and use policies." Haw. Const., art. XI, § 7.

95. California courts have actively used the state's constitutional provision to restrict water usage deemed excessive or unjustified. *See,* for example, *Imperial Irrigation Dist. v. State Water Resources Control Bd.,* 231 Cal. Rptr. 283 (Cal. Ct. App., 1986); *Joslin v. Marin Mun. Water Dist.,* 429 P.2d 889 (Cal., 1967).

96. *See,* for example, Ark. Const., amend. 35; La. Const., art. IX, § 7; Mo. Const., art. IX, § 40(a).

97. Colo. Const., art. XVIII, § 12b.

98. *See* La. Const., art. IX, § 8; Minn. Const., art. XI, § 11; Mo. Const., art. IV, § 36.

99. *See* Mo. Const., art. IV, § 36; N.M. Const., art. V, § 2.

100. *See,* for example, La. Const., art. IX, § 8.

101. Mont. Const., art. IX, § 2.

102. La. Const., art. VII, §§ 10.2, 10.6.

103. *See,* for example, Alaska Const., art. VIII, § 6 (applying to all lands "possessed or acquired by the State, and not used or intended exclusively for governmental purposes"); Fla. Const., art. X, § 11; Haw. Const., art. XII, § 4 (applying to all lands "granted to the State of Hawaii" on statehood); La. Const., art. IX, § 3; Wash. Const., art. XVII, § 1.

104. *See* Fla. Const., art. X, § 11 (land held "in trust for all the people"); Haw. Const., art. XIII, § 4 (land held "as a public trust for native Hawaiians and the general public").

105. *See* Joseph L. Sax, "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention," 68 *Mich. L. Rev.* 471 (1970).

106. *See* Ala. Const., art. I, § 24; Minn. Const., art. II, § 2; S.C. Const., art. 14, §§ 1, 4; Wisc. Const., art. IX, § 1.

107. Courts have cited these provisions to establish a public right to use the waterways themselves and to strike down ordinances limiting use of the waters. *See,* for example, *People ex rel. Younger v. County of El Dorado,* 157 Cal. Rptr. 815 (Cal. App., 1979) (invalidating county ordinance banning public navigation of South Fork of American River for safety and antilittering reasons); *Wernberg v. State,* 516 P.2d 1191 (Alaska, 1973) (constitution designed to ensure broadest possible use of state waters).

108. For a wonderful elaboration of this theme, *see* Carol Rose, "The Comedy of the Commons: Custom, Commerce and Inherently Public Property," 53 *U. Chi. L. Rev.* 711 (1986).

109. *See* Alaska Const., art. VIII, § 3, 15 (reserving both fish and wildlife for "common use" of the public); Cal. Const., art. I, § 25; Haw. Const., art. XI, § 6 (covering "fisheries in the sea waters of the State not included in any fish pond"); R.I. Const., art. 1, § 17 (protecting both fishery rights and "the privileges of the shore"); Va. Const., art. XI, § 3; Vt. Const., § 67.

110. Cal. Const., art. I, § 25.

111. N.Y. Const., art. XIV, § 1. Sometimes known as the "forever wild" provision, it provides that the "lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands." Ibid.

112. Ala. Const., amend. 543. According to the constitution, these lands are to be protected and used "for conservational, educational, recreational, or aesthetic purposes." Ibid. § 3(a).

113. Colo. Const., art. XXVII, § 1.

114. N.C. Const., art. XIV, § 5.

115. *See,* for example, Mass. Const., amend. art. 49; Mich. Const., art. IX, § 35 and art. X, § 5.

116. Ala. Const., amend. 543, § 1.

117. *See,* for example, *City of Long Beach v. Mansell,* 3 91 Cal. Rptr. 23, 38–39 (Cal., 1970); *Forestier v. Johnson,* 127 P. 156, 159 (Cal., 1912).

118. N.Y. Const., art. XIV, § 4.

119. Maine Const., art. IX, § 23; N.C. Const., art. XIV, § 5.

This page intentionally left blank.

Bibliography

Those interested in pursuing the subject of state constitutional reform in greater depth are urged to consult *State Constitutions for the Twenty-first Century: The Politics of Constitutional Reform* and *State Constitutions for the Twenty-first Century: Drafting State Constitutions, Revisions, and Amendments*.

The following works provide more detailed analysis of topics treated in this volume.

General Works on State Constitutions

Abrahamson, Shirley. "Divided We Stand: State Constitutions in a More Perfect Union." 18 *Hastings Const. Law Q.* 723 (1991).

Book of the States (annual publication).

Dishman, Robert B. *State Constitutions: The Shape of the Document* (rev. ed., 1968).

Elazar, Daniel J. *American Federalism: A View from the States* (3d ed., 1984).

Elazar, Daniel J. "The Principles and Traditions Underlying American State Constitutions." 12 *Publius* 11 (1982).

Grad, Frank P. "The State Constitution: Its Function and Form for Our Time." 54 *Va. L. Rev.* 928 (1968).

Kincaid, John. "State Constitutions in the Federal System." 496 *Annals Am. Acad. Pol. & Soc. Sci.* 12 (1988).

Lutz, Donald. "The Purposes of American State Constitutions." 12 *Publius* 25 (1982).

Model State Constitution (6th rev. ed., 1968).

State Constitutional Law Issue, *Rutgers Law Journal* (annual publication).

Sturm, Albert L. "The Development of American State Constitutions." 12 *Publius* 57 (1982).

Tarr, G. Alan. *Understanding State Constitutions* (1998).

Williams, Robert F. *State Constitutional Law* (3rd ed., 1999).

CONSTITUTIONAL REFORM

Allen, Tip H., Jr., and Coleman B. Ransome Jr. *Constitutional Revision in Theory and Practice* (1962).

Benjamin, Gerald, and Henrietta N. Dullea, eds. *Decision 1997: Constitutional Change in New York* (1997).

Cain, Bruce E., and Roger G. Noll, eds. *Constitutional Reform in California: Making State Government More Effective and Responsive* (1995).

Connors, Richard J. *The Process of Constitutional Revision in New Jersey: 1940–1947* (1970).

Cornwell, Elmer E., Jr., Jay S. Goodman, and Wayne R. Swanson. *State Constitutional Conventions: The Politics of Revision in Seven States* (1975).

Dishman, Robert B. *The Revision and Amendment of State Constitutions* (1970).

Graves, W. Brooke, ed. *Major Problems in State Constitutional Revision* (1960).

Hammons, Christopher W. "State Constitutional Reform: Is It Necessary?" 64 *Alb. L. Rev.* 1327 (2001).

Sturm, Albert L. *Thirty Years of State Constitution-Making: 1938–1968* (1970).

Tarr, G. Alan. ed. *Constitutional Politics in the States* (1996).

Teaford, Jon C. *The Rise of the States* (2002).

Wheeler, John P., Jr. *Salient Issues of Constitutional Reform* (1961).

Williams, Robert F. "Is Constitutional Revision Success Worth the Popular Sovereignty Price?" 52 *Fla. L. Rev.* 249 (2000).

RIGHTS AND STATE CONSTITUTIONS

Collins, Ronald K. L. "Bills and Declarations of Rights Digest." *The American Bench* (3d ed., 1985).

"Developments in the Law—the Interpretation of State Constitutional Rights." 95 *Harv. L. Rev.* 1324 (1982).

Dowlut, Robert, and Janet A. Knoop. "State Constitutions and the Right to Keep and Bear Arms." 7 *Ok. City U. L. Rev.* 177 (1982).

Feldman, Jonathan. "Separation of Powers and Judicial Review of Positive Rights Claims: The Role of State Courts in an Era of Positive Government." 24 *Rutgers L.J.* 1057 (1993).

Friedelbaum, Stanley, ed. *Human Rights in the States* (1988).

Friesen, Jennifer. *State Constitutional Law: Litigating Individual Rights, Claims, and Defenses* (2d ed., 1996).

Latzer, Barry. *State Constitutions and Criminal Justice* (1991).

Neuborne, Burt. "State Constitutions and the Evolution of Positive Rights." 20 *Rutgers L.J.* 881 (1989).

Sachs, Barbara Faith, ed. *Fundamental Liberties and Rights: A Fifty State Index* (1980).

Tarr, G. Alan. "Church and State in the States." 64 *Wash. L. Rev.* 73 (1989).

Tarr, G. Alan. "The New Judicial Federalism in Perspective." 72 *Notre Dame L. Rev.* 1097 (1997).

Tarr, G. Alan, and Mary Cornelia Porter, eds. "Special Issue: New Directions in State Constitutional Law." 17 *Publius* 1 (1987).

Williams, Robert F. "Equality Guarantees in State Constitutional Law." 63 *Tex. L. Rev.* 1195 (1985).

Voting, Elections, and Constitutional Change

Constitutional Change

Colatuono, Michael G. "The Revision of American State Constitutions: Legislative Power, Popular Sovereignty, and Constitutional Change." 75 *Calif. L. Rev.* 1473 (1987).

Cronin, Thomas E. *Direct Democracy: The Politics of Initiative, Referendum, and Recall* (1989).

Dinan, John J. "'The Earth Belongs Always to the Living Generation': The Development of State Constitutional Amendment and Revision Procedures." 62 *Rev. of Pol.* 645 (2000).

Ellis, Richard J. *Democratic Delusions: The Initiative Process in America* (2002).

Gais, Thomas, and Gerald Benjamin. "Public Discontent and the Decline of Deliberation: A Dilemma in State Constitutional Reform." 68 *Temple L. Rev.* 1291 (1985).

Gerber, Elisabeth R. *The Populist Paradox: Interest Group Influence and the Promise of Direct Legislation* (1999).

Gerber, Elisabeth R. *Stealing the Initiative: How State Government Responds to Direct Democracy* (2001).

Lutz, Donald. "Toward a Theory of Constitutional Amendment." 88 *Am. Pol. Sci. Rev.* 355 (1994).

Magelby, David. "Let the Voters Decide? An Assessment of the Initiative and Referendum Process." 66 *U. Colo. L. Rev.* 13 (1995).