



3-1-1976

Introduction Symposium - Legal Aspects of Environmental Problems - Introduction.

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Recommended Citation

Adrian A. Spears, *Introduction Symposium - Legal Aspects of Environmental Problems - Introduction.*, 8 ST. MARY'S L.J. (1976).

Available at: <https://commons.stmarytx.edu/thestmaryslawjournal/vol8/iss1/2>

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INTRODUCTION

ADRIAN A. SPEARS*

With newspaper stories daily trumpeting the continuing controversy of urban growth over the Edwards Aquifer, a symposium such as this is indeed timely and appropriate. The aquifer problem, while perhaps the most visible of late, is certainly not the only environmental concern for San Antonio. The present struggle in determining our priorities is but a reflection of a national effort which touches all Americans. Whether it be the use of catalytic converters in the automobiles we drive, or the use of nuclear energy to generate electricity to light our homes, we are all affected. At this crucial point in history, when decisions are being made which will determine the direction and extent of our growth as a community and nation, as well as the degree to which we will commit ourselves to protecting the quality of our environment, we can ill afford the luxury of being uninformed.

It seems elementary that a balance must be struck between continued growth on the one hand, and the protection of our environs on the other. We can neither afford to curtail all economic development in our environment, nor open the floodgates to indiscriminate and uncontrolled encroachments upon it. But somewhere in between the two extremes we must find a way to constantly expand our economic base in order to give due consideration to the preservation of private property rights, the elimination of unemployment, and the promotion of prosperity, without, at the same time, substantially infringing upon the quality of life in our community. Like most "simple" solutions, the problem lies in applying general principles to specific situations, but I submit that adequate safeguards can be provided if we are willing to make full use of the vast body of scientific and technological knowledge available to us.

As I see it, policy judgments affecting matters of this magnitude should first be made by the legislative branch on whatever level the particular situation requires. Abdication of this responsibility by elected officials will necessarily leave a void for the courts to fill, and the

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price to our overloaded judicial system, as well as to society as a whole, may prove to be more than we can afford to pay.

It is my belief that this symposium will help to encourage an informed dialogue within our community, as well as the state, after which it should be easier for the hard decisions to be made by those who sought, and were given, the responsibility for making them.

The editors of St. Mary's Law Journal are to be commended for providing a format in which the issues involved can be discussed in a calm and deliberate manner.