

of robust environmental law and policy is now in serious jeopardy. Anti-government ideologues of the bar and the bench are resurrecting the pre-modern dogmas of radical federalism and unfettered economic liberty to attack not just environmental laws themselves but the constitutional substructure on which those laws are erected. According to some advocates and judges, the Constitution demands massive deregulation, special rights for corporations and developers, and the curtailment of citizens' access to justice. If left unanswered, this reinterpretation of constitutional principles could lead to a judicial dismantling of environmental protection in the United States. . . . These developments in the courtroom are not accidental, but the result of a well-financed effort to reshape the judiciary (as well as the political branches of government) along strict ideological lines. . . . Today, a handful of right-wing foundations provide generous funding for organizations . . . hostile to environmental regulation."¹¹ Those who attack long-settled domestic environmental protections are, of course, even more dead-set against international ones.

In early August 2002, shortly before the World Summit on Sustainable Development at Johannesburg, twenty-five conservative think tanks and other organizations wrote President Bush to "applaud [his] decision not to attend the Summit in person." They continued: "We also strongly support your opposition to signing new international environmental treaties or creating new international environmental organizations at the Johannesburg Summit. In our view, the worst possible outcome at Johannesburg would be taking any steps towards creating a World Environment Organization, as the European Union has suggested. . . . [T]he least important global environmental issue is potential global warming, and we hope that your negotiators at Johannesburg can keep it off the table and out of the spotlight."¹²

In the end, not only was President George W. Bush not among the 104 heads of state in attendance, but the United States fought with considerable success against tough targets and timetables, including helping to defeat the European proposal to set a goal of having 15 percent