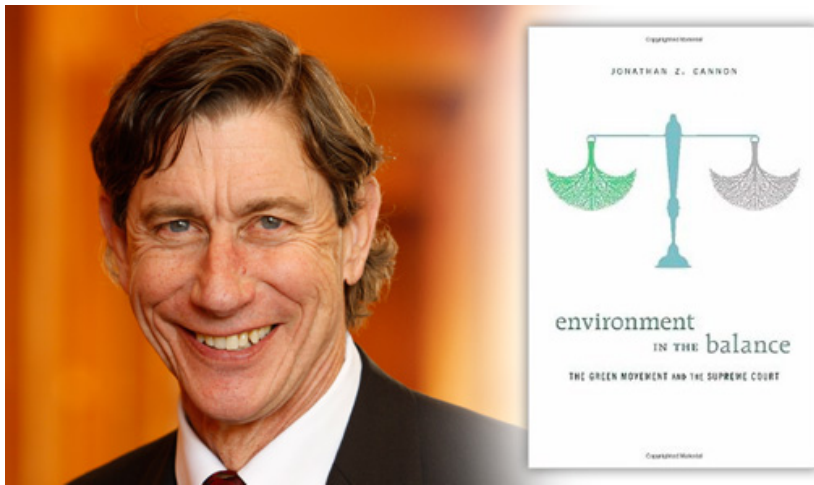




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## NEWS & EVENTS

### Professor's Book Looks at Environmental Movement Through Supreme Court Decisions



Professor Jon Cannon's "Environment in the Balance: The Green Movement and the Supreme Court" offers a legal and cultural analysis of U.S. Supreme Court environmental decisions.

University of Virginia School of Law professor [Jon Cannon](#)'s new book examining the U.S. Supreme Court's role in environmental policy offers insights on why the environmental movement has fallen short of its goal.

Cannon, a former general counsel for the Environmental Protection Agency and director of the school's [Environmental and Land Use Law Program](#), explores the justices' views and values on key environmental cases before the court in "[Environment in the Balance: The Green Movement and the Supreme Court](#)."

The book, published by Harvard University Press, covers 30 of the most significant Supreme Court environmental cases dating back to 1970.

"On close analysis, the language of [the court's] opinions gives clues about the values animating those opinions," Cannon said. "Over a range of opinions, these clues add up to a pretty clear picture of cultural differences between and among the justices on environmental issues. I use the results of that analysis in a broader assessment of environmentalism and its progress, or lack thereof, in society."

In analyzing the opinions in the 30 cases, Cannon read related background information, including briefs, lower court opinions, and oral arguments before the court. He also visited the Library of Congress to read the unpublished papers of justices that shed light on the court's deliberations.

"I wanted to get a sense of the context in which a case was decided and how the justices understood the case when the decision was issued," Cannon said. "The book interprets the opinions in these cases not just as legal texts, but as cultural texts. I focus on the connotative meanings, the tone of the opinion, and the story that the opinion is telling, as well as the doctrine and holding of the case. I use this approach to get at the beliefs and values that may be animating the thinking of the justices beyond the confines of a traditional legal analysis."



Cannon said his interest in the book's topic began during his time at the EPA, when he participated in processes that yielded cases the Supreme Court would decide.

Though the court's decisions have sometimes favored environmentalists, often they have not. Cannon concludes that environmentalists have lost more than they have won in the court. In that regard, the green movement's track record in the court is consistent with its success in society.

"The movement that started out so powerfully in the 1970s has been stymied more recently, as it faces monumental issues such as climate change, biodiversity loss and ocean degradation," Cannon said.

"The environmental movement has made real progress and produced significant benefits, but is not powerful enough to move the needle on the most daunting issues that remain."

In his book, Cannon explores alternative futures for the movement that might give it greater traction in addressing these issues. One alternative, Cannon suggests, is inclusivity.

"Environmentalists could broaden their cultural appeal through advancing solutions to environmental problems that might bring in others with different cultural viewpoints," he said. "For example, to deal with climate change, environmentalists might embrace a future that features industrial-scale technologies, including nuclear power, private-sector initiative and technical innovation, and economic growth. This would move away from the suspicion of large-scale technology, markets and economic growth traditionally associated with the movement, but would potentially increase the appeal to other groups. Some environmental groups are already pursuing this path.

"The risk is that realigning the movement to broaden its appeal will disconnect it from the cultural roots that have given it energy and purpose," Cannon said. "In my view, we have to work out a new relationship with nature — one that's responsive to the realities of the present, both physical and cultural, but also one that draws on a sense of connectedness to nature that has been at the core of the

movement from the beginning."

In any event, Cannon said, "whatever the movement's future directions, the court will continue in its role as legal and cultural arbiter."

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