

Melting the Polarization Around Climate Change Politics

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ABSTRACT

Climate change has become one of the most highly polarized political problems, but it was not always this way. As recently as 2008, leading Republicans and Democrats agreed on the implications of global warming research. This Article charts how the United States moved from a bipartisan agreement on the need to address climate change to the current state of seemingly intractable polarization. From the perspective of someone who has worked with environmental non-profits, this Article suggests that advocates need to disrupt the conventional wisdom on climate change politics if they are to achieve lasting success. Tackling a problem like climate change requires sustaining pollution-reduction efforts over many decades, even as the political pendulum continues to swing. Because of that, environmentalists must embrace the goal of cultivating a working coalition regardless of who is in power.

TABLE OF CONTENTS

I. Introduction	456
II. History: The Science and Politics on Climate Change	459
A. Climate Research and the Confirmation of Human-Induced Global Warming	459
B. Early Partisan Approaches to Climate Policy	461
C. The Bipartisan Window of Opportunity Remains Open	465

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D.	The Seeds of Polarization Take Root.	468
III.	The Partisan Problem: The Environmental Community's Uneasy Place Within the Political Culture	472
A.	The 1992 Bush v. Clinton Presidential Campaign.	474
1.	A Conflict Between Traditionalist and Moralistic Cultures . . .	475
2.	The Individualistic Culture	476
B.	The 2008 McCain v. Obama Presidential Campaign.	477
C.	ACES are Low: Lessons We Need To Take from a Difficult Loss. .	483
IV.	Solution: Leveraging Competing Political Cultures to Build a Climate- Action Majority	486
A.	Leveraging the Trump Moment	487
B.	Bipartisanship's Limitations	491
V.	Conclusion	494

I. INTRODUCTION

President Donald Trump has rejected the science on climate change, famously tweeting that it is a “hoax” “created by and for the Chinese.”¹ The White House’s attitude marks a dramatic reversal from the prior Obama administration, of course. But more importantly, it caps a decade-long trend toward increased political polarization on the issue. As recently as 2008, leading Republicans and Democrats agreed on the implications of global warming research. At a presidential campaign event in May 2008, Senator John McCain explained, “We stand warned by serious and credible scientists . . . that time is short and the dangers are great. The most relevant question now is whether our own government is equal to the challenge.”²

This Article investigates how the United States moved from bipartisan agreement on the need to address climate change (even if the federal government failed to act) to the current state of seemingly intractable polarization. While opponents of action to address climate change have waged a vicious and well-funded campaign aimed at denigrating the peer-reviewed science,³ that campaign only tells part of the story. Activists for sound climate policies must also consider how they can change their tactics and strategies. Environmentalists have struggled to navigate the complex and often contradictory political cultures at play: lobbyist-funded “traditional” politics, grassroots-driven “individualistic” politics, and

1. Dylan Matthews, *Donald Trump Has Tweeted Climate Change Skepticism 115 Times. Here's All of It.*, VOX (June 1, 2017), <https://www.vox.com/policy-and-politics/2017/6/1/15726472/trump-tweets-global-warming-paris-climate-agreement>.

2. See John McCain, *Remarks at the Vestas Training Facility in Portland, Oregon*, THE AMERICAN PRESIDENCY PROJECT (May 12, 2008), <http://www.presidency.ucsb.edu/ws/?pid=77300>.

3. See generally NAOMI ORESKES & ERIK M. CONWAY, *MERCHANTS OF DOUBT: HOW A HANDFUL OF SCIENTISTS OBSCURED THE TRUTH ON ISSUES FROM TOBACCO SMOKE TO GLOBAL WARMING* (2010).

science-based “moralistic” politics.⁴ Climate activists must look at these competing political cultures to understand the ways that the environmental advocacy community has unwittingly contributed to the increased polarization of the issue.

On a list of our nation’s most intractable political problems, climate change is among the most challenging because there has been a complete failure to agree on the basic facts that should form the ground rules of political debate. Republicans and Democrats might disagree vociferously on how to address the potential threat from a nuclear-armed North Korea, for example, but at least they can maintain a consensus that the threat is real.

President Trump labeled a recent missile test as a “reckless and dangerous action by the North Korean regime.”⁵ Senator Ed Markey, a liberal Senator from Massachusetts and a leading Democrat on the Senate Foreign Relations Committee, largely agreed with Trump when he referred to the launch as a “reckless and provocative escalation.”⁶ Despite their intense, political differences, Trump and Markey did not dispute the basic evidence about actions taken by the North Korean regime. That agreement allowed the partisans to launch their respective policy attacks in response to the evidence. The President blasted “Crooked Hillary” on Twitter for former Secretary of State Clinton’s policies toward Pyongyang.⁷ Senator Markey had previously excoriated President Trump over his “vague Twitter bluster” on the issue.⁸ But critically, no one claimed that a North Korean missile test might be a hoax perpetuated by their political adversaries for the purpose of partisan gain.

The same vital, kernel of consensus does not currently exist with regard to global warming policy. Environmental advocates have tried to work around this dilemma, focusing on issues indirectly connected to climate change such as promoting energy efficiency.⁹ The American Council for an Energy Efficient Economy has stressed: “The United States can put itself on a path to halving energy use by 2050 . . . These efforts will save the nation billions of dollars in lower energy bills, create domestic jobs, improve health by reducing pollution,

4. See Vivian E. Thomson & Vicki Arroyo, *Upside-Down Cooperative Federalism: Climate Change Policymaking and the States*, 29 VA. ENVTL. L. J. 1 (2011).

5. *North Korea Says Missile Test Shows All US Within Range*, BBC (July 29, 2017), <http://www.bbc.com/news/world-asia-40760583>.

6. See Ed Markey, *Senator Markey Reiterates Call for Direct Diplomacy with North Korea After Latest Ballistic Missile Test* (July 28, 2017), <https://www.markey.senate.gov/news/press-releases/senator-markey-reiterates-call-for-direct-diplomacy-with-north-korea-after-latest-ballistic-missile-test/>.

7. See Gabrielle Levy, *Trump Blames Clintons, Obama for North Korea’s Nuclear Advances*, U.S. NEWS AND WORLD REPORT (Sept. 20, 2017), <https://www.usnews.com/news/national-news/articles/2017-09-20/trump-blames-clintons-obama-for-north-koreas-nuclear-advances>.

8. See Ed Markey, *Markey Statement on Latest North Korea Ballistic Missile Test* (July 4, 2017), <https://www.markey.senate.gov/news/press-releases/markey-statement-on-latest-north-korea-ballistic-missile-test>.

9. See AMERICAN COUNCIL FOR AN ENERGY-EFFICIENT ECONOMY, *THE ROAD TO CUTTING US ENERGY USE AND EMISSIONS IN HALF WHILE STRENGTHENING THE ECONOMY* (2017), <http://aceee.org/fact-sheet/road-to-cutting-energy-use>.

and make homes and businesses more comfortable.”¹⁰ Notably absent in this call-to-action is any direct discussion of climate change. The limitation with this kind of work-around is that it fails to address the urgency and immediacy of the global warming problem. The nation’s most successful energy efficiency programs deliver incremental reductions in energy usage (measured in kilowatt-hours) of less than 3.5% per year.¹¹ The average savings rate for American electric utilities, however, is far lower—just 0.89% per year.¹² The current level of reduction in kilowatt-hours consumed will not be sufficient for achieving the carbon reductions needed to limit global temperature increases to 1.5 °C, as recommended by the Intergovernmental Panel on Climate Change.¹³

This unfortunate fact presents an existential challenge for advocates hoping to aggressively reduce greenhouse gas pollution on the scale necessary to mitigate the worst impacts of global warming. Without broad acceptance of the most rudimentary aspects of the peer-reviewed science, a robust and clear-eyed solution to the climate crisis cannot possibly exist.

From the perspective of someone who spent more than a decade as a practitioner with an environmental advocacy organization, I argue that the primary mission for environmental groups now must be to *disrupt* the conventional wisdom on climate change politics. By disruption, I mean that environmentalists must choose to act in ways that breaks up the traditional cycle that has dominated climate change discourse for a quarter-century: (1) politically active¹⁴ environmental groups endorse a Democratic candidate for office, while at the same time excoriating the Republican candidate for relying on campaign donations from “big polluters;” (2) the Republican candidate attacks her Democratic opponent for being beholden to “environmental extremists;” (3) media outlets report on the tension as a choice between the “economy” or the “environment.” To break out of this cycle, environmental groups must prioritize strategies that force other stakeholders—such as elected officials, electric utilities, and chambers of commerce—to alter their own, reflexive responses.

10. *Id.*

11. GRACE RELF ET AL., AMERICAN COUNCIL FOR AN ENERGY EFFICIENT ECONOMY, THE 2017 UTILITY ENERGY EFFICIENCY SCORECARD viii (2017), <http://aceee.org/research-report/u1707> (noting that the top two utilities had savings rates between 3% and 3.5%).

12. *Id.*

13. The United Nations Environment Programme publishes an Emissions Gap Report, which documents the “gap” between public commitments on climate change and on-the-ground efforts to meet those commitments. The 2017 Emissions Gap Report notes that the current trend in global greenhouse gas pollution is that emissions are increasing, year over year, although the “rate of growth has decreased over the past few years.” See UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP), *Pre-2020 Action: Trends and Progress*, in THE EMISSIONS GAP REPORT 2.2 (2017), www.unenvironment.org/resources/emissions-gap-report.

14. Non-profit advocacy organizations with 501(c)(3) status are prohibited from engaging in election-related activity (*i.e.*, electioneering). With the term “politically active environmental groups,” I am referring to those organizations *without* 501(c)(3) status that are permitted to engage in electioneering. See Rev. Rul. 2007-41, 2007-25 I.R.B.

Part II of this Article provides a brief history of climate change politics and policy, summarizing both the development of the science of global warming and the increasingly polarized politics that have grown up with it. Part III of this Article seeks to diagnose how climate policy has become so polarized by focusing on three, distinct theories of political culture (moralistic, traditionalist, and individualistic-driven). Finally, Part IV endeavors to chart a solution that could melt the polarization around climate change politics by leveraging the competing political cultures in the Trump era and beyond.

II. HISTORY: THE SCIENCE AND POLITICS ON CLIMATE CHANGE

To appreciate just how polarized and hostile today's debate on climate policy has become, it is helpful to first trace the history of the scientific basis on climate change, and the political debate that accompanied this history. This section starts with climate science research in the 1960s and 1970s, and traces the beginnings of political polarization on climate change, with a focus on the presidential elections of 1992 (Bush v. Clinton) and 2008 (McCain v. Obama). This section highlights the consistent and longstanding opportunity for bipartisan solutions over many decades. It shows how only recently political polarization has become an insurmountable impediment to legislative action on the issue.

A. CLIMATE RESEARCH AND THE CONFIRMATION OF HUMAN-INDUCED GLOBAL WARMING

Contrary to conventional wisdom, our understanding of global warming is not new. For a half-century or more, the brightest minds in climate science have been warning us of the problem. A 1965 report of the President's Science Advisory Committee cautioned about "marked changes in climate" by the year 2000 because of increased carbon dioxide pollution.¹⁵ That led President Lyndon B. Johnson to insert a mention of the issue in a speech to Congress on "Conservation and Restoration of Natural Beauty." Johnson advised, "Air pollution is no longer confined to isolated places. This generation has altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels."¹⁶

A decade later (in the mid-1970s), the U.S. National Academy of Sciences convened a panel of twenty-three of the "nation's foremost experts in climate and geophysics"¹⁷ to assess what had been widely identified in scientific circles as "the global carbon dioxide problem."¹⁸ After more than two years of research and

15. ORESKES & CONWAY, *supra* note 3, at 170.

16. Lyndon B. Johnson, *President of the United States, Special Message to the Congress on Conservation and Restoration of Natural Beauty* (February 8, 1965), in THE AMERICAN PRESIDENCY PROJECT, <http://www.presidency.ucsb.edu/ws/?pid=27285>; ORESKES & CONWAY, *supra* note 3, at 171.

17. Margot Homblower, *World Faces A Heating-Up, Study Warns*, WASH. POST, July 25, 1977, at A1. <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1977-pt20/pdf/GPO-CRECB-1977-pt20-2-3.pdf>.

18. GEOPHYSICS STUDY COMMITTEE, NATIONAL RESEARCH COUNCIL, STUDIES IN GEOPHYSICS: ENERGY AND CLIMATE 6, 30, 158 (National Academy of Sciences 1977) (citing C.F. BAES, JR. ET AL.,

review, the esteemed authors announced, “The principal conclusion of this study is that the primary limiting factor on energy production from fossil fuels over the next few centuries may turn out to be the climatic effects of the release of carbon dioxide.”¹⁹ Publication of the report received front-page coverage from coast-to-coast: in the *Los Angeles Times*, the *Washington Post*, and the *New York Times*.²⁰ The implications were sobering: global temperature increases of 6 °C, and the potential for “catastrophic” effects on agriculture, fishing, and sea-level rise.²¹ In July 1977, the editorial board of the *Washington Post* underlined the importance of this study, explaining, “Scientific concern about the ‘greenhouse effect’ is not new. The NAS panel’s warning, though, is the first to carry the cachet of the nation’s official scientific establishment.”²²

A follow-up study in 1979, also commissioned by the National Academy of Sciences, cemented and strengthened earlier conclusions: “We now have incontrovertible evidence that the atmosphere is indeed changing and that we ourselves contribute to that change A wait-and-see policy may mean waiting until it is too late.”²³ This second research team, led by Jule Charney of the Massachusetts Institute of Technology and containing experts from Woods Hole Oceanographic Institution, Harvard University, the University of Stockholm, the National Center for Atmospheric Research, UCLA, and the University of Washington, confirmed “the principal conclusion that there will be appreciable warming” as a result of fossil-fuel combustion.²⁴

Despite the stark warnings contained in the Charney Report, the short-term politics of energy policy remained largely unaffected. While the 1977 NAS publication had referenced fossil fuel usage “over the next few centuries,”²⁵ one of that study’s lead authors placed the research in context, observing, “For the next 20 to 30 years [*i.e.*, out to 2007], it is all right to use coal, provided we don’t get committed to it.”²⁶ The Charney Report added, “In order to address this question in its entirety, one would have to peer into the world of our grandchildren, the world of the twenty-first century.”²⁷

The Energy Research and Development Administration, *The Global Carbon Dioxide Problem* (Oak Ridge National Laboratory 1976)).

19. *Id.* at viii.

20. Robert Gillette, *Drastic Warming of Climate Feared: Study Warns of Reliance on Coal, Oil*, L.A. TIMES, (July 25, 1977), at 1; Hornblower, *supra* note 17; Walter Sullivan, *Scientists Fear Heavy Use of Coal May Bring Adverse Shift in Climate*, NY TIMES, July 25, 1977, at 1.

21. Hornblower, *supra* note 17.

22. Editorial, *Coal and the Global Greenhouse*, WASH. POST, July 27, 1977, at A22.

23. CLIMATE RESEARCH BOARD, NATIONAL RESEARCH COUNCIL, CARBON DIOXIDE AND CLIMATE: A SCIENTIFIC ASSESSMENT vii–viii (National Academy of Sciences 1979) [Hereinafter *Charney Report*].

24. *Id.* at 2.

25. Hornblower, *supra* note 17 (citing Geophysics Study Committee, National Research Council, STUDIES IN GEOPHYSICS: ENERGY AND CLIMATE (National Academy of Sciences) (temperature increases “in the next 200 years”)); GEOPHYSICS STUDY COMMITTEE, *supra* note 18, at vii–viii.

26. Hornblower, *supra* note 17 (quoting study co-chairman Thomas F. Malone).

27. *Charney Report*, *supra* note 23.

The anticipated delay in climate impacts allowed political leaders to digest the research and still feel comfortable kicking the can down the road. Spencer Weart, who has written extensively on the history of science on global warming, summarized the situation with a salient anecdote:

Lawmakers cared far more about the few years until the next election than about the following century. (One scientist recalled briefing an official about a 1979 report on global warming; when the official was told that problems might develop in fifty years, he replied, “Get back to me in forty-nine.”)²⁸

The *laissez-faire* political attitude is significant because it allowed a strengthening scientific consensus to develop unencumbered by politics. President Jimmy Carter’s administration reacted to the National Academy of Sciences’ research by directing the Council on Environmental Quality to work with the State Department to assess the long-term impacts of climate change (and other environmental concerns) through the end of the century. That directive led to the development of the *Global 2000 Report to the President: Entering the Twenty-First Century*.²⁹ The title of this report alone reaffirmed a political perception that while climate change might be a significant problem, its most dramatic impacts were for future generations to consider and redress.³⁰ Without imminent political implications for their work, climate researchers were largely left alone, free from partisan interference.

B. EARLY PARTISAN APPROACHES TO CLIMATE POLICY

As the scientific understanding of climate change continued to develop in research institutions around the globe, the political landscape in America began taking a more defined shape. The writer and activist Bill McKibben was among the first to note the perilous disconnect between the United States’ political timeline and the scientific one. In his 1989 groundbreaking book about climate change, *The End of Nature*, McKibben observed:

It is an accident of the calendar: we live too close to the year 2000. Forever we have read about the year 2000. It has become a symbol of the bright and distant future, when we will ride in air cars and talk on video phones. The year 2010 still sounds far off, almost unreachably far off, as though it were on the other side of a great body of water. If someone says to me that a very bad thing will happen in 2010, I may feign concern but subconsciously I file it away We

28. Spencer Weart, *Government: The View from Washington, DC*, AM. INST. OF PHYSICS 1, 14 (Jan. 2017), <http://history.aip.org/climate/pdf/Govt.pdf>. For an illuminating description on the history of the science, see SPENCER R. WEART, *THE DISCOVERY OF GLOBAL WARMING* (2008); see also ORESKES & CONWAY, *supra* note 3, at 173–74 (retelling the same story).

29. *THE GLOBAL 2000 REPORT TO THE PRESIDENT: ENTERING THE TWENTY-FIRST CENTURY* (Gerald O. Barney ed. 1980).

30. JAMES GUSTAVE SPETH, *RED SKY AT MORNING: AMERICA & THE CRISIS OF THE GLOBAL ENVIRONMENT* 6–9 (2004).

live in the shadow of a number, and that makes it hard for us to see the future.³¹

Shortly before the publication of *The End of Nature*, NASA scientist James Hansen testified before Congress in the summer of 1988. The primary takeaway from his testimony was that global warming was no longer just a problem for future generations. The future was now. The *New York Times* zeroed-in on his statement that, “It is time to stop waffling so much and say that the evidence is pretty strong that the greenhouse effect is here.”³²

That same year, the Intergovernmental Panel on Climate Change (“IPCC”) was assembled by the World Meteorological Organization and United Nations Environment Programme “to provide policymakers with regular assessments of the scientific basis of climate change, its impacts and future risks, and options for adaptation and mitigation.”³³ The IPCC published its first Assessment Report in 1990, confirming that a frightening scientific consensus had emerged.³⁴ The authors expressed certainty that “emissions resulting from human activities are substantially increasing the atmospheric concentrations of the greenhouse gases These increases will enhance the greenhouse effect, resulting on average in an additional warming of the Earth’s surface.”³⁵ The analyses predicted an increase in “global mean temperature during the next century” that would be “greater than that seen over the past 10,000 years.”³⁶ Following publication of the IPCC report, calls for imminent political action grew more intense. Then-Senator Al Gore published his bestseller, *Earth in the Balance*, wherein he outlined a “Global Marshall Plan” to comprehensively address the threat of human-induced climate change.³⁷ The plan included a broad framework for international cooperation married to robust domestic initiatives.³⁸

At this point—as the calls for political action grew more pointed—a fundamental pivot occurred. Fred Singer, who had battled the U.S. Environmental Protection Agency over the public-health impacts of second-hand smoke, was among a handful of skeptical scientists who now entered the fray.³⁹ By 1991, Singer turned his attention to battling climate research. In an op-ed published in

31. BILL MCKIBBEN, *THE END OF NATURE* 7 (1989).

32. Philip Shabecoff, *Global Warming Has Begun, Expert Tells Senate*, N.Y. TIMES (June 24, 1988), <http://www.nytimes.com/1988/06/24/us/global-warming-has-begun-expert-tells-senate.html?pagewanted=all>.

33. *IPCC Factsheet: What is the IPCC?*, INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, http://www.ipcc.ch/news_and_events/Jadocs/factsheets/FS_what_ipcc.pdf (last visited Aug. 4, 2017).

34. CLIMATE CHANGE: THE IPCC SCIENTIFIC ASSESSMENT xii (J.T. Houghton et al. eds., 1990).

35. *Id.*

36. *Id.*

37. AL GORE, *EARTH IN THE BALANCE: ECOLOGY AND THE HUMAN SPIRIT* (1992).

38. *Id.* at 305–07, 319–21.

39. See also ORESKES & CONWAY, *supra* note 3, at 5–6 (noting that Singer had worked for the R.J. Reynolds Tobacco Company and carried out work funded by the Tobacco Institute, the research arm for the nation’s cigarette companies). Singer is currently affiliated with the Heartland Institute. See

the *Wall Street Journal*, Singer aggressively attacked the scientific consensus on global warming, alleging, “Environmental activists, aided and abetted by an uncritical press and sensationalist TV specials, have promoted a global warming scare.”⁴⁰ He made explicit his intention to “demolish[] the whole notion that energy use must be drastically constrained to avert a hypothetical climate disaster.”⁴¹

In 1992, the United Nations convened its Conference on Environment and Development in Rio de Janeiro, Brazil (better known as the Earth Summit) to establish the Framework Convention on Climate Change.⁴² This framework has provided the underpinnings for every major international commitment on global warming, from the 1998 Kyoto Protocol through the 2016 Paris Agreement. Despite the seminal importance of the Earth Summit, the administration of President George H.W. Bush took steps to weaken it.⁴³ At a press conference in Rio, the President was asked about “the isolation that the United States has had in Rio,” and about the media attention given to his environmental critics.⁴⁴ At a hearing of the Senate Foreign Relations Committee to consider the Rio Treaty, Al Gore alleged, “As we are all now all too well aware, the Bush administration was, through these negotiations [in Rio], the single largest obstacle to progress.”⁴⁵ Looking ahead to the 1992 presidential campaign, one reporter framed the tension with a particularly pointed question to President Bush: “It would be difficult for a politician that got a parking ticket in a red-light district to campaign as a family values candidate, even though there may be a perfectly acceptable reason for his being there. Given the opposition of environmental groups, can you still campaign as the environmental President, and will you?”⁴⁶

President Bush was not a climate activist, but neither was he a denier. As shown below, there was still a semblance of agreement that climate change was a pressing and real concern. That critical kernel of accepted fact, which is essential

Biography of S. Fred Singer, HEARTLAND INSTITUTE, <https://www.heartland.org/about-us/who-we-are/s-fred-singer> (last visited May 29, 2018).

40. S. Fred Singer, *No Scientific Consensus on Greenhouse Warming*, WALL ST. J., Sept. 23, 1991, at A14.

41. *Id.*

42. See UNITED NATIONS, U.N. CONFERENCE ON ENV'T & DEV. (1992), <http://www.un.org/geninfo/bp/enviro.html>.

43. See SPENCER R. WEART, *THE DISCOVERY OF GLOBAL WARMING* 161–62 (2008) (“The U.S. government’s overt rejection of the IPCC’s conclusions became an embarrassment in 1992. . . . The great majority of governments called for negotiating mandatory limits on greenhouse gas emissions. But no negotiation could get far without the United States, the world’s premier political, economic, and scientific power—and largest emitter of greenhouse gases.”).

44. George Bush, *The President’s News Conference in Rio de Janeiro, June 13, 1992*, THE AMERICAN PRESIDENCY PROJECT, <http://www.presidency.ucsb.edu/ws/?pid=21079> (last visited May 29, 2018).

45. *U.N. Framework Convention on Climate Change (Treaty Doc. 102-38)*, Hearing Before the Comm. on Foreign Relations, 102nd Cong. 3 (1993) (statement of Hon. Albert Gore, Jr., Senator of Tenn.).

46. George Bush, *supra* note 44.

for political compromise, still existed. President Bush even went to the Earth Summit in Rio to personally deliver the United States' remarks to the convention delegates. In those remarks he affirmed in clear and unambiguous language the legitimacy of the issue:

"We come to Rio with an action plan on climate change. It stresses energy efficiency, cleaner air, reforestation, new technology. And I'm happy to report that I've just signed that framework convention on climate change. And today I invite my colleagues from the industrialized world to join in a prompt start on the convention's implementation. I propose that our countries meet by Jan. 1 to lay out our national plans for meeting the specific commitments in the framework convention. Let us join in translating the words spoken here into concrete action to protect the planet."⁴⁷

Critics would argue that these comments simply repackaged the kind of aspirational rhetoric that form the bread-and-butter of most political speechmaking. That cynical analysis could be buttressed by claims that the "main sticking point . . . [in Rio] has been the United States' refusal to agree to specific timetables and targets for reducing emissions"⁴⁸ The Bush administration "succeeded in removing some key requirements from the global warming treaty" on those timetables and targets.⁴⁹ Nevertheless, the United States joined the world on a path of international cooperation. Singapore diplomat Tommy Koh, "the summit's most influential negotiator," stated that the conference had "succeeded much more than I had dared hope,"⁵⁰ because it brought the world's leaders together to acknowledge the problem and put in place the United Nations Framework Convention on Climate Change ("UNFCCC"), which remains a critical resource for international cooperation.⁵¹ Placed into that context, the President's remarks in Rio documented a sincere, if begrudging, acceptance of the peer-reviewed scientific research on climate change and laid the groundwork for future action. The President's Rio speech provided evidence that the opportunity for bold, bipartisan action on global warming was still very much alive in the summer of 1992.

47. George Bush, *U.S. 'Second to None' in Environmental Effort*, CONGRESSIONAL QUARTERLY ALMANAC, 29-E (1992) (providing the text of President Bush's formal remarks at the Earth Summit on June 12, 1992); *The Earth Summit: Excerpts From Speech by Bush on 'Action Plan*, N.Y. TIMES (June 13, 1992), <http://www.nytimes.com/1992/06/13/world/the-earth-summit-excerpts-from-speech-by-bush-on-action-plan.html>.

48. Stevenson Swanson, *U.S. Tossing Cold Water on Global Warming Pact*, CHI. TRIB., Feb. 23, 1992, at C1.

49. Maura Dolan & Rudy Abramson, *Earth Summit Ends on Note of Hope, Not Achievement*, L.A. TIMES, June 14, 1992.

50. *Id.*

51. See *Background*, UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, <https://unfccc.int/topics/science/resources/research-background> (last visited May 29, 2018).

C. THE BIPARTISAN WINDOW OF OPPORTUNITY REMAINS OPEN

Further evidence that the bipartisan window of opportunity remained open came from polling data. As late as November 1997 (five years post-Rio), slightly *more* Republicans than Democrats (47% to 46%) believed that “the effects of global warming . . . have already begun to happen.”⁵² During the 2000 Presidential campaign, then-Governor George W. Bush perceived a political need to adopt a strong position on global warming. At a campaign rally, Bush attempted to “out-flank” Vice President Gore on the issue and proclaimed:

“My opponent calls for voluntary reductions in such emissions. In Texas, I think we’ve done it better with mandatory reductions, and I believe the nation can do better as well With the help of Congress, environmental groups, and industry, we will require all power plants to meet clean air standards in order to reduce emissions of . . . carbon dioxide within a reasonable period of time.”⁵³

As President, Bush reneged on that commitment in dramatic and wholesale fashion. His administration would go on to allege (unsuccessfully) that “(1) . . . the Clean Air Act does not authorize EPA to issue mandatory regulations to address global climate change, . . . and (2) that even if the Agency had the authority to set greenhouse gas emission standards, it would be unwise to do so at this time.”⁵⁴ Despite President Bush’s stunning reversal, the mere fact that he felt compelled to issue the campaign promise in 2000 is important. Candidate Bush’s statement on climate change highlighted the fact that the issue continued to have bipartisan resonance. A meaningful chance for legislative action on climate change remained alive.

The proverbial brass ring of legislative victory seemed especially close in 2008, as the presidential race between John McCain and Barack Obama began to heat up. Senator McCain, in the decade leading up to the 2008 campaign, had built up a solid, pro-environment record on two issues directly linked to global warming: (1) a nuanced opposition to federally-imposed expansion of oil drilling; and (2) leadership in co-authoring cap-and-trade legislation to reduce carbon

52. Riley E. Dunlap, *Climate-Change Views: Republican-Democratic Gaps Expand* (May 29, 2008), <http://www.gallup.com/poll/107569/ClimateChange-Views-RepublicanDemocratic-Gaps-Expand.aspx>. (a Gallup Poll conducted November 6th through 9th in 1997 asked: “Which of the following statements reflects your view of when the effects of global warming will begin to happen – [ROTATED: they have already begun to happen, they will start happening within a few years, they will start happening within your lifetime, they will not happen within your lifetime but they will affect future generations, (or) they will never happen]?” Significant numbers of Republicans and Democrats (47% and 46%) selected “already begun to happen”).

53. Peter Bull, *Hot Politics*, FRONTLINE (April 24, 2007), <http://www.pbs.org/wgbh/frontline/film/hotpolitics/> (documentary showing an excerpt from campaign rally of then-Governor George W. Bush, at 28:01 to 28:57).

54. See *Massachusetts v. EPA*, 549 U.S. 497, 510 (2007).

pollution. In 2000, in an appearance on *This Week* (ABC News' premiere Sunday-morning talk show) he explained:

“Now, off of this coast of Texas, I understand Texans want offshore oil drilling. That’s fine with me. Off Florida, they don’t. I think that we should allow these decisions, to some degree to be made — significant degree to be made by the people who are directly affected by them.”⁵⁵

Addressing a long-running debate over federal drilling leases off of the coast of Southern California⁵⁶, McCain affirmed, “The leases for offshore oil drilling should never have been granted without allowing Californians a legitimate voice in the decision-making process.”⁵⁷

Two years later McCain articulated an even stronger, pro-environment stance as the Senate debated several amendments to a funding bill for the U.S. Department of Energy.⁵⁸ Two of those amendments would have opened up the Alaska National Wildlife Refuge (“ANWR”) for oil and natural gas development.⁵⁹ Senator McCain spoke in opposition to the proposals with rhetoric that questioned the expansion of domestic oil drilling more generally:

“With respect to taking truly effective action to reduce our oil dependence, regrettably the Senate reject a more effective measure to modestly increase fuel efficiency standards [for automobiles], a proposal that would substantially decrease our Nation’s dependence on foreign oil and also reduce greenhouse gas emissions. Had we adopted an increase of fuel efficiency standards to 36 mpg average by 2013, we could have potentially saved 2.5 million barrels of oil per day by 2020, which is about equal to present imports from the Persian Gulf. This prudent conservation measure would also save twice as much, if not more, oil than what is in ANWR.”⁶⁰

After quoting Teddy Roosevelt, the Republican “champion of conservation,” McCain announced his decision to vote against the ANWR amendments.⁶¹

McCain’s broader position on oil drilling at the time was strongly guided by a federalism-tinged view that the states should have a significant say in the

55. See Robert Farley & Angie Drobic Holan, *McCain’s Cheerleading for Drilling is New*, POLITIFACT (Aug. 4, 2008), <http://www.politifact.com/truth-o-meter/statements/2008/aug/04/john-mccain/mccains-cheerleading-for-drilling-is-new/> (discussing McCain’s evolving position on offshore oil drilling from 1999 to 2000).

56. See Robin Kundis Craig, *Regulation of U.S. Marine Resources: An Overview of the Current Complexity*, 19 NAT. RESOURCES & ENV’T 3, 7 (2004).

57. See Farley & Holan, *supra* note 55 (quoting a March 2000 statement by Sen. McCain to the Associated Press).

58. 148 Cong. Rec. 2871, 2872 (Proceedings and Debates of the 107th Congress, Second Session, Apr. 18, 2002).

59. *Id.* (Apr. 18, 2002) (the amendments were sponsored by Republican Senators Ted Stevens and Lisa Murkowski of Alaska, and co-sponsored by Louisiana Democrat John Breaux).

60. 148 Cong. Rec. 2871, 2885-86 (Apr. 18, 2002).

61. *Id.* at 2886.

exploitation or preservation of federal waters adjacent to their coasts. He acquiesced to drilling if the most directly affected communities were eager to shoulder the risk, but remained skeptical of drilling off the coast of states where there was clear opposition among the local citizenry. Thus, even with his opposition to drilling in ANWR, McCain was not necessarily a stalwart opponent of offshore oil and gas development.

Still, McCain's reluctance to embrace expanded oil drilling on federal lands dovetailed with his growing leadership on the issue of climate change. McCain co-sponsored the Climate Stewardship Act of 2003 with Connecticut Democrat Joe Lieberman.⁶² Although the legislation failed, by a vote of 43 to 55, it was heralded by environmental advocates as a significant step towards the development of a nationally uniform climate change policy.⁶³ Over the years McCain persisted, introducing substantially similar cap-and-trade legislation to cut greenhouse gas pollution in 2005 and 2007.⁶⁴ Then, as the 2008 presidential primaries were revving up, candidate McCain declared his intention to make climate change a centerpiece of his agenda. At a major campaign speech in May 2008, McCain framed the issue in stark terms: "We stand warned by serious and credible scientists across the world that time is short and the dangers are great. The most relevant question now is whether our own government is equal to the challenge."⁶⁵

Critically, McCain's leadership on global warming induced other prominent Republicans to acknowledge the threat and the need for action. Most famously, former Speaker of the House Newt Gingrich appeared in a public service announcement produced by the We Can Solve It campaign, an initiative of former Vice President Al Gore.⁶⁶ In the ad, Gingrich sat with then-Speaker Nancy Pelosi on a loveseat and declared, "We do agree our country must take action to address climate change . . . if enough of us demand action from our leaders, we can spark the innovation we need."⁶⁷

62. S. 139, 108th Congress (2003), <https://www.congress.gov/108/bills/s/139/BILLS-108s139rcs.pdf>; see also Cale Jaffe & Sean Carney, *Environmental Law*, 45 U. RICH. L. REV. 287, 291 (2010) ("In 2003, U.S. Senators John McCain and Joe Lieberman brought forth the bipartisan Climate Stewardship Act, which sought to create tradeable allowances of greenhouse gases to establish a market-driven program to reduce emissions.").

63. See *Summary of the Lieberman-McCain Climate Stewardship Act of 2003*, CENTER FOR CLIMATE AND ENERGY SOLUTIONS, <https://www.c2es.org/federal/congress/108/summary-mccain-lieberman-climate-stewardship-act-2003> (last visited May 29, 2018).

64. See S. 1151, 109th Congress (2005), <https://www.gpo.gov/fdsys/pkg/BILLS-109s1151is/pdf/BILLS-109s1151is.pdf>; see S. 280, 110th Congress (2007), <https://www.gpo.gov/fdsys/pkg/BILLS-110s280is/pdf/BILLS-110s280is.pdf>.

65. See John McCain, "Remarks at the Vestas Training Facility in Portland, Oregon," THE AMERICAN PRESIDENCY PROJECT (May 12, 2008), <http://www.presidency.ucsb.edu/ws/?pid=77300>.

66. See Bryan Walsh, "We' Climate Campaign: Glossy, But Will It Work?," TIME MAGAZINE (Sept. 1, 2008), <http://content.time.com/time/health/article/0,8599,1837761,00.html#ixzz2XxYBfuxC>.

67. Newt Gingrich Renounces Global Warming Ad (2011), https://www.youtube.com/watch?v=qj6n_-wB154; see also Ezra Klein, *Obama's Climate Change Regulations are Less Ambitious than what Republicans were Proposing in 2008*, VOX (June 2, 2014), <https://www.vox.com/2014/6/2/5770506/remember-when-the-gop-believed-in-climate-change>.

Heading into the general election, both major-party candidates endorsed a cap-and-trade regime to reduce carbon emissions. The Democratic plan was endorsed by major environmental organizations (the League of Conservation Voters and the Sierra Club, among them). The Republican plan was led by a candidate who had been at the vanguard of climate action in Congress for at least five consecutive years. The most significant distinction between McCain's and Obama's competing proposals was the means by which credits in a cap-and-trade scheme would be allotted. The McCain proposal favored the free allocation of a portion of the credits to polluters in the early years of a program. The Obama plan preferred a more aggressive, 100% auction of credits to prod heavily-polluting industries to reduce emissions more quickly.⁶⁸ In short, it looked like regardless of who won the White House, Congress would be moving forward on a comprehensive climate bill.

D. THE SEEDS OF POLARIZATION TAKE ROOT

That spring turned out to be the high-water mark for bipartisan efforts to address climate change. By September 2008, the McCain-Palin perspective on domestic oil reserves had been distilled, thanks to the crucible of campaign politics, to a three-word slogan: "Drill, baby, drill."⁶⁹ For his part, Newt Gingrich deeply regretted reaching across the aisle to Speaker Pelosi. He called the climate change TV spot the "dumbest single thing" he had done in his career.⁷⁰ In 2009 and 2010, efforts to strengthen a bipartisan coalition to pass cap-and-trade legislation failed in spectacular fashion.⁷¹ Although the Republican party's 2008 platform acknowledged climate change and supported "measured and reasonable steps,"⁷² by 2012 the GOP's position had been transformed into an outright opposition to "any and all cap and trade legislation." Further, Republicans were committed to "prohibit[ing] EPA from moving forward with new greenhouse gas regulations."⁷³ And of course, in November 2016, the

68. Andrew C. Revkin et al., *Election Guide 2008, On the Issues: Climate Change*, N.Y. TIMES (2013), <https://www.nytimes.com/elections/2008/president/issues/climate.html>.

69. Josh Kurtz, 'Drill, Baby, Drill!' Almost Didn't Happen, GREENWIRE: E&E NEWS (Aug. 29, 2012), <https://www.eenews.net/stories/1059969331> (noting that former Maryland Lt. Governor, Michael Steele, coined the phrase "Drill, baby, drill" during his speech to delegates at the 2008 Republican National Convention. Sarah Palin, the Republican nominee for Vice President, then adopted the slogan on the campaign trail throughout the fall.).

70. Glenn Kessler, *Gingrich and Cap-and-Trade: A Flip-Flop?*, WASH. POST (Dec. 5, 2011), https://www.washingtonpost.com/blogs/fact-checker/post/gingrich-and-cap-and-trade-a-flip-flop/2011/12/04/gIQANXNVVO_blog.html?utm_term=.07bfe5f14823.

71. See Ryan Lizza, *As the World Burns: How the Senate and the White House Missed their Best Chance to Deal with Climate Change*, NEW YORKER (Oct. 11, 2010).

72. Brad Plumer, *GOP Platform Highlights the Party's Abrupt Shift on Energy, Climate*, WASH. POST (Aug. 30, 2012), https://www.washingtonpost.com/news/wonk/wp/2012/08/30/gop-platform-highlights-the-partys-dramatic-shift-on-energy-climate-issues/?utm_term=.1ae180cd3ec2.

73. *Id.*

country elected a Republican President who alleged that global warming was a “total fraud.”⁷⁴

As the political dynamics intensified, climate scientists were subjected to virulent, hostile, and high-profile political attacks. In 2009, former Vice Presidential candidate Sarah Palin insinuated without evidence that academics were engaging in “fraudulent scientific practices” to help “pass the Democrats’ cap-and-tax proposal.”⁷⁵ Dr. Michael Mann, a noted climate scientist at Penn State University who was a lead author on the report that identified the “hockey stick” spike in recent global temperatures, found himself the subject of a lawsuit spearheaded by Virginia’s former Attorney General, Ken Cuccinelli, a conservative Republican noted for his climate skepticism.⁷⁶ Cuccinelli’s lawsuit accused Mann of falsifying data. It took more than two years of litigation before the Supreme Court of Virginia vindicated Mann and dismissed the case. . Still, Dr. Mann labeled the entire experience a “character assassination.”⁷⁷

What is more, these attacks on climate scientists came at a time when the data were pointing with ever greater certainty to the central role of fossil fuel combustion in recent climate change. A 2013 report from the Intergovernmental Panel on Climate Change confirmed that it was “*extremely likely*” that anthropogenic sources are the primary driver of the climate disruption that we are seeing today, placing that likelihood at greater than 95 percent.⁷⁸ The National Oceanic and Atmospheric Administration’s (“NOAA”) 2017 Arctic Report Card documented a “new normal” with “pronounced decade-long declines in the extent and volume of the sea ice cover.”⁷⁹ NOAA concluded that the “Arctic shows no sign of returning to [the] reliably frozen region of [the] recent past decades.”⁸⁰ The most recent National Climate Assessment, published jointly by thirteen federal departments and agencies (including NOAA, the Department of Defense, the

74. Matthews, *supra* note 1.

75. Sarah Palin, Opinion-Editorial, *Copenhagen’s Political Science*, WASH. POST, Dec. 9, 2009, at A27 (criticizing the United Nation’s Copenhagen Climate Change Conference).

76. Cuccinelli v. Rector, Visitors of the Univ. of Virginia, 283 Va. 420 (2012) (Mann had completed some of his earlier research while on the faculty at UVA).

77. Anita Kumar, *Va. Supreme Court Rejects Cuccinelli’s Bid for U-Va. Documents*, WASH. POST (Mar. 2, 2012), https://www.washingtonpost.com/local/dc-politics/va-supreme-court-rejects-cuccinellis-bid-for-u-va-documents/2012/03/02/gIQAmo8inR_story.html?utm_term=.d698c3bfd897.

78. See Alan Lockwood, HEAT ADVISORY: PROTECTING HEALTH ON A WARMING PLANET 22 (MIT Press 2016) (citing IPCC, 2013: Summary for Policymakers. In: Climate Change 2013: The Physical Science Basis) (emphasis in original).

79. See NOAA, ARCTIC REPORT CARD: UPDATE FOR 2017, *Executive Summary*, <http://www.arctic.noaa.gov/Report-Card/Report-Card-2017/ArtMID/7798/ArticleID/685/Executive-Summary> (last visited May 29, 2018).

80. See *id.* Extreme weather abnormalities are becoming all the more common as well. February 2018 saw the Arctic experience temperature spikes more than 45 degrees Fahrenheit above normal—during the heart of the Arctic winter with perpetual darkness from October to March. See Jason Samenow, *Arctic Temperatures Soar 45 Degrees Above Normal*, WASH. POST (Feb. 22, 2018), https://www.washingtonpost.com/news/capital-weather-gang/wp/2018/02/21/arctic-temperatures-soar-45-degrees-above-normal-flooded-by-extremely-mild-air-on-all-sides/?utm_term=.068b19828abe.

Department of Energy, the Environmental Protection Agency, the National Aeronautics and Space Administration, and the National Science Foundation) found that “[t]he global, long-term, and unambiguous warming trend has continued in recent years Sixteen of the warmest years on record for the globe occurred in the last 17 years.”⁸¹

This overwhelming body of evidence underscores the reality that today’s climate-related controversies are primarily political, not scientific. As this Article documents, today’s political controversy on climate change is relative new and in stark contrast to the bipartisan acceptance of climate science that permeated prior eras. Current political pressures were notably absent in the late 1970s, when the country’s most eminent researchers arrived at their “incontrovertible” conclusions without pressure from one political party or the other.⁸² It is inconceivable to imagine our collective political response to any other global emergency veering so significantly off-course.⁸³

As others have documented in extraordinary detail, a significant portion of the blame for this collapse must be laid at the feet of fossil-fuel industry lobbyists who spearheaded efforts, not simply to undermine climate legislation, but to attack the scientists who had been researching the issue for decades.⁸⁴ The George C. Marshall Institute, which received funding from “a number of fossil fuel interests, including the ExxonMobil Foundation,”⁸⁵ self-published a pamphlet titled, “Global Warming: What Does the Science Tell Us?”⁸⁶ The pamphlet, first released in 1989, ignored or misrepresented evidence from the peer-reviewed studies.⁸⁷ Nevertheless, it greatly influenced John Sununu, Chief of Staff in the White House of George H.W. Bush.⁸⁸ A more recent effort by the Heartland Institute, which received funding by the Charles G. Koch Charitable Foundation,⁸⁹ has focused on disseminating a report to “more than 200,000 K-12 science

81. D.J. Wuebbles et al., *United States Global Change Research Program, 2017: CLIMATE SCIENCE SPECIAL REPORT: FOURTH NATIONAL CLIMATE ASSESSMENT, VOLUME I*, at 13. The full report is available at <https://science2017.globalchange.gov>.

82. CLIMATE RESEARCH BOARD, *supra* note 25.

83. *See supra* notes 7–10 and accompanying text.

84. *See generally* ORESKES & CONWAY, *supra* note 3; JAMES LAWRENCE POWELL, *THE INQUISITION OF CLIMATE SCIENCE* (Columbia Univ. Press 2012); MICHAEL MANN & TOM TOLES, *THE MADHOUSE EFFECT: HOW CLIMATE CHANGE DENIAL IS THREATENING OUR PLANET, DESTROYING OUR POLITICS, AND DRIVING US CRAZY* (Columbia Univ. Press 2016); *see also* PBS FRONTLINE: CLIMATE OF DOUBT (Oct. 23, 2012), <http://www.pbs.org/wgbh/frontline/film/climate-of-doubt/>; James Parker-Flynn, *The Fraudulent Misrepresentation of Climate Science*, 43 ENVTL. L. REP. NEWS & ANALYSIS 11098 (Dec. 2013).

85. Gayathri Vaidyanathan, *Think Tank that Cast Doubt on Climate Change Science Morphs into Smaller One*, CLIMATEWIRE: E&E NEWS (Dec. 10, 2015), <https://www.eenews.net/stories/1060029>.

86. ORESKES & CONWAY, *supra* note 3, at 186–90.

87. *Id.*

88. *Id.* at 186.

89. *See* Justin Gillis & Leslie Kaufman, *Leak Offers Glimpse of Campaign Against Climate Science*, N.Y. TIMES (Feb. 15, 2012), <http://www.nytimes.com/2012/02/16/science/earth/in-heartland-institute-leak-a-plan-to-discredit-climate-teaching.html?scp=4&sq=heartland&st=cse> (reporting that Koch foundation contributed \$25,000 in 2011 and “was expected to contribute \$200,000” in 2012).

teachers” across the country to attack the Intergovernmental Panel on Climate Change and the peer-reviewed consensus on global warming.⁹⁰ The Competitive Enterprise Institute (“CEI”), which has received significant donations from coal mining and petrochemical companies,⁹¹ has argued that “Climate change is not a planetary emergency;” *i.e.*, “fossil fuels make the climate safer and the environment more livable.”⁹²

This latest attack on addressing global warming has been picked up by retiring Rep. Lamar Smith, a Republican from Texas who has chaired the House Science Committee. In an op-ed published online, Smith purported to claim that an increase in greenhouse gas pollution “would aid photosynthesis, which in turn contributes to increased plant growth And colder areas along the farm belt will experience longer growing seasons.”⁹³ He insisted that melting Arctic ice is a positive development that opens up “faster, more convenient, and less costly routes between ports in Asia, Europe, and eastern North Africa.”⁹⁴ At the same time, the right-wing website, Breitbart.com, is presenting misleading data to incorrectly argue that Arctic sea ice might actually be increasing.⁹⁵

90. Katie Worth, *Climate Change Skeptic Group Seeks to Influence 200,000 Teachers*, PBS FRONTLINE (Mar. 28, 2017), <http://www.pbs.org/wgbh/frontline/article/climate-change-skeptic-group-seeks-to-influence-200000-teachers/>; Curt Stager, *Sowing Climate Doubt Among Schoolteachers*, N.Y. TIMES (Apr. 27, 2017), <https://www.nytimes.com/2017/04/27/opinion/sowing-climate-doubt-among-schoolteachers.html>.

91. Juliet Eilperin, *The Fix: Anatomy of a Washington Dinner: Who funds the Competitive Enterprise Institute?*, WASH. POST (June 20, 2013), https://www.washingtonpost.com/news/the-fix/wp/2013/06/20/anatomy-of-a-washington-dinner-who-funds-the-competitive-enterprise-institute/?utm_term=.58e7a373fdd3.

92. Marlo Lewis, Jr., *Time for a Sensible Sense of Congress Resolution on Climate Change*, COMPETITIVE ENTERPRISE INSTITUTE (June 17, 2015), <https://cei.org/content/time-sensible-sense-congress-resolution-climate-change>.

93. Hannah Northey, *Rep. Lamar Smith touts CO2, Benefits of Warming*, E&E NEWS PM (July 24, 2017), <https://www.eenews.net/eenewspn/2017/07/24/stories/1060057821>.

94. *Id.*

95. James Delingpole, *NOAA Caught Lying About Arctic Sea Ice*, BREITBART (Feb. 24, 2018), <http://www.breitbart.com/big-government/2018/02/24/delingpole-noaa-caught-lying-arctic-sea-ice/> (highlighting the fact that September 2017 showed an increase in sea ice coverage when compared to September 2008, but ignoring the decades-long trend that shows an unmistakable decline in sea ice despite occasional year-to-year variability). *Cf.* NOAA, ARCTIC REPORT CARD: UPDATE FOR 2017, *Executive Summary*, <http://www.arctic.noaa.gov/Report-Card/Report-Card-2017/ArtMID/7798/ArticleID/685/Executive-Summary> (“Taken alone, observations made in spring and summer 2017 might encourage a relaxation in the concerns over environmental conditions in the Arctic. However, when taken in context, there are many strong signals that continue to indicate that the Arctic environmental system has reached a ‘new normal’. While modulated by natural variability in regional and seasonal fluctuations, this ‘new normal’ is characterized by Arctic air temperatures that are warming at double the rate of the global temperature increase. Accordingly, there are pronounced decade-long declines in the extent and volume of the sea ice cover, the extent and duration of the winter snow cover, and the mass of the Greenland Ice Sheet and Arctic glaciers. Temperatures are increasing in the surface of the Arctic Ocean, contributing to later formation of the sea ice cover in the autumn. Temperatures are also increasing in the permafrost on the adjacent continents. Arctic paleo-reconstructions, which extend back millions of years, indicate that the magnitude and pace of the 21st century sea-ice decline and surface ocean warming is unprecedented in at least the last 1,500 years and likely much longer.”).

In short, an aggressive campaign by opponents of action on climate change has made it extraordinarily difficult to translate the science of global warming into policy. As one commentator observed, “In 2010, the national LCV [League of Conservation Voters] . . . spent only \$5.5 million on independent expenditure campaigns. In contrast, during the same cycle, the Koch brothers’ Super PAC American for Prosperity, the originator of the ‘No Climate Tax Pledge,’ claims to have spent \$40 million.”⁹⁶ In a country with limited campaign-finance restrictions,⁹⁷ we can expect funding from fossil-fuel industries to continue to buttress political efforts to block environmental and public health safeguards related to climate change.

There may be very little that environmental advocates can do to blunt the industries’ campaign. Very little, in any event, can be accomplished by demonizing one’s rivals. As the esteemed author of *Peter Pan* counseled, “Never ascribe to an opponent motives meaner than your own.”⁹⁸ As stated at the outset, *supra* Part I, denouncing the motives of “big polluters” has failed to deliver significant progress in reducing carbon pollution.⁹⁹ What environmental advocates need to do is disrupt the conventional wisdom around the politics of climate change by engaging the political process in new ways that fossil-fuel industries would not easily predict. As someone who has spent most of his professional career in the non-profit environmental community, I am compelled to ask what we, as environmental advocates, can do differently to revive a bipartisan willingness to address the climate of climate change.

III. THE PARTISAN PROBLEM: THE ENVIRONMENTAL COMMUNITY’S UNEASY PLACE WITHIN THE POLITICAL CULTURE

Understanding how to influence climate policy requires wrestling with the political culture that drives it. Vivian Thomson and Vicki Arroyo have taken three dynamics affecting political culture, first identified and classified for all fifty states by Daniel Elazar, and applied them to the study of climate-change policy-making at the state level. The three dynamics are:¹⁰⁰

- (1) States with “a strong moralistic component” to their political culture, meaning “policymakers believe in acting on behalf of the public good and . . . strive for public office to implement policies and programs that will

96. FREDERIC C. RICH, GETTING TO GREEN: SAVING NATURE, A BIPARTISAN SOLUTION 245 (W.W. Norton & Co. 2016).

97. See *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010).

98. J.M. BARRIE, COURAGE: THE RECTORIAL ADDRESS DELIVERED AT ST. ANDREW’S UNIVERSITY (May 3, 1922).

99. See *supra* note 16 and accompanying text.

100. See VIVIAN E. THOMSON, CLIMATE OF CAPITULATION: AN INSIDER’S ACCOUNT OF STATE POWER IN A COAL NATION 100–01, 129–33 (MIT Press 2017); see also Thomson & Arroyo, *supra* note 4, at 46–49 (citing Daniel J. Elazar, AMERICAN FEDERALISM: A VIEW FROM THE STATES (3d ed. 1984)).

- serve the public interest.”¹⁰¹ This system reflects a vision of classic republicanism, with politicians implementing policies based on their understanding of the public’s best interest even if those policies are not politically popular. (labeled by Elazar as the “moralistic” culture);
- (2) States with a “strong individualistic component,” meaning that states look to the political marketplace, and “initiate new programs” when there is public “demand for them.”¹⁰² Here, politicians endeavor to directly reflect their constituents’ interests of the moment. (Elazar’s “individualistic” culture).
- (3) States with a “strongly traditional political culture” where “new policies happen only if they serve the political elite’s interests.”¹⁰³ In this culture, relationships among lobbyists, donors, and politicians are forged over many years, and decisions are made with an eye toward protecting those relationships. (Elazar’s the “traditionalist” culture).¹⁰⁴

Thomson and Arroyo, applying Elazar’s classifications, observe that each of the nine states they study fall predominantly into one of these three categories, with some states exhibiting hybrid characteristics of two political cultures.¹⁰⁵ For example, they observe that the Commonwealth of Virginia has been dominated by the traditionalist culture, which has led to such a close relationship between environmental regulators and the regulated industries that Virginia Department of Environmental Quality staff members have reportedly feared “reprisal if they challenged the regulated community.”¹⁰⁶

Of course, the three political cultures are also at play on the national level.¹⁰⁷ This section uses examples from the Bush-Clinton campaign of 1992 and the

101. Thomson & Arroyo, *supra* note 4, at 48.

102. *Id.*

103. *Id.*

104. Elazar himself helps distinguish the three political cultures by recalling “the differences between the communitarian agrarianism of the moralistic New England town, the individualistic agrarianism of the middle states, and the plantation agrarianism of the traditionalistic South.” See DANIEL J. ELAZAR, *AMERICAN FEDERALISM: A VIEW FROM THE STATES* 119 (3d ed. 1984). Thomson has recently provided us with an especially vivid account of environmental policy inside a “traditionalist” political culture. Reflecting back on her eight years on Virginia’s State Air Pollution Control Board, Thomson noted that the state’s largest electric utility exerted immense influence over the Virginia Department of Environmental Quality. See VIVIAN THOMSON, *CLIMATE OF CAPITULATION: AN INSIDER’S ACCOUNT OF STATE POWER IN A COAL NATION* 93 (MIT Press 2017) (“I have adopted the term ‘climate of capitulation’ to describe the persistent tendency by elected politicians To yield to the regulated community’s preferences, whether those preferences were explicitly stated or merely anticipated.”).

105. See Thompson & Arroyo, *supra* note 4, at 46–49.

106. THOMSON, *supra* note 100, at 102.

107. Assuming that many Senators and Representatives rise through the ranks in their respective states before seeking federal office, they will carry with them some of what they learned in their state legislatures when they get to Washington, D.C. As a result, we might expect our Federal government to exhibit aspects of all three political cultures discussed by Thomson and Arroyo. See also ELAZAR, *supra* note 104, at 114 (“The national political culture is a synthesis of three major political subcultures that jointly inhabit the country, existing side by side or even overlapping.”).

McCain-Obama campaign of 2008 to highlight how these political cultures have interacted on the national stage. A failure or inability to leverage all three of these political cultures has made it difficult for environmental advocates to succeed in pressing for new and bold actions on global warming. The result is that, over the long term, the environmental community has inadvertently lost opportunities to build a bipartisan and sustained coalition to address climate change.

A. THE 1992 BUSH V. CLINTON PRESIDENTIAL CAMPAIGN

Heading into the 1992 presidential campaign, George H.W. Bush defended his environmental record. He rightly took credit for shepherding the 1990 Clean Air Act Amendments through Congress (“We needed the Democrats’ support, and we got it done. It is the most forward-looking piece of legislation that any country has in place.”).¹⁰⁸ Those Amendments added the Title IV Acid Rain Trading Program to the Clean Air Act—a cap-and-trade initiative that was widely praised for comprehensively and cost-effectively remediating the acidification of rivers and streams that had been linked to air pollution from coal and oil-fired power plants.¹⁰⁹ In fact, Bush’s leadership on the Clean Air Act Amendments was critical to its ultimate passage as he “brought together a coalition of business and industry leaders, environmentalists, and government officials.”¹¹⁰

Although the 1990 Clean Air Act Amendments stood out as Bush’s pre-eminent environmental victory,¹¹¹ he also boasted of other accomplishments: protecting parts of Florida and California from offshore oil drilling, and highlighted his role in phasing out chlorofluorocarbons following the Montreal Protocol.¹¹² And he received praise for appointing William Reilly, the former head of the World Wildlife Fund, to serve as his EPA Administrator.¹¹³ President Bush’s record on climate action, however, was mixed. Although Bush signed the United States on to the world’s first major climate agreement in Rio in 1992—with the President making a personal appearance at the conference—he had also worked to undermine it.¹¹⁴

At this moment in the political debate, the three, distinct political cultures (outlined above) were all in play. Efforts to weaken the accord were driven by the traditionalist culture; pressure to lead on climate came from EPA and Administrator Reilly, signaling the influence of the moralistic culture. Meanwhile, individualistic-

108. George Bush, *supra* note 44.

109. Acid Rain Trading Program, 42 U.S.C. § 7651 *et seq.* (1990); *see also* E. Donald Elliott, *Lessons from Implementing the 1990 CAA Amendments*, 40 ENVTL. L. REP. NEWS & ANALYSIS 10592 (June 2010) (providing the author’s takeaways from having worked on passage of the 1990 Clean Air Act Amendments from inside the Bush White House).

110. BYRON W. DAYNES & GLEN SUSSMAN, *WHITE HOUSE POLITICS AND THE ENVIRONMENT* 162 (Texas A&M University Press 2010).

111. *Id.* (describing the Amendments as the “highlight of Bush 41’s legislative career”).

112. George Bush, *supra* note 44.

113. RICH, *supra* note 96, at 245.

114. DAYNES & SUSSMAN, *supra* note 110, at 166–68.

political pressure, in the form of environmental non-profit organizations like the Sierra Club, remained a potential influencing force.

1. A Conflict Between Traditionalist and Moralistic Cultures

Newspaper accounts at the time document that lobbyists for regulated industries (indicative of the traditionalistic political culture) were hard at work, putting pressure on the Bush administration to block inclusion of any mandatory reductions for carbon pollution.¹¹⁵ Bush's efforts were praised by leaders with the pro-industry "Global Climate Coalition," an energy-industry trade group that focused its efforts on watering down the Rio agreement.¹¹⁶ EPA Administrator Reilly reportedly felt undermined by the fossil-fuel industries' lobbying. In a memo to some of his EPA staff, Reilly wrote, "For me personally, it was like a bungee jump . . . You are diving into space secured by a line to your leg . . . It doesn't typically occur to you that someone might cut your line!"¹¹⁷ Reilly's reaction suggests that the traditionalist, industry-lobbyist culture was countered by a moralistic culture among the EPA staff, who were seeking a leadership role for the agency on climate change, even if the worst impacts of that threat would not accrue for several more decades.

The influence of both the moralistic and traditionalist cultures percolated up into the President's speeches. On the one hand, Bush claimed, "Those who think we are powerless to do anything about the greenhouse effect forget about the 'White House effect.' . . . We will talk about global warming, . . . and we will act."¹¹⁸ But on the other hand, Bush and his political advisers were wary about the influence of coal industry dollars on the politics of swing states like West Virginia and Kentucky—both of which Bush would go on to lose in the 1992 presidential election.¹¹⁹ As a result, Bush's team was eager to find ways to water down the Rio agreement to appease coal state interests. This tension was highlighted in a *Los Angeles Times* story post-Rio:

"Reilly, a low-profile intellectual who previously had been president of the Conservation Foundation and the World Wildlife Fund, found himself increasingly undercut by two formidable opponents, Vice President Dan Quayle and Chief of Staff John H. Sununu, often suffering public embarrassment in the

115. Chicago Tribune Wires, *U.S. Dilutes UN Pact on Global Warming*, CHI. TRIB., May 6, 1992, at 3.

116. Rose Gutfeld & John Harwood, *President's Clumsy Handling of Earth Summit Results in a Public-Relations Disaster for Him*, WALL ST. J. (June 15, 1992) (quoting John Shlaes, then the executive director of the Global Climate Coalition, as saying, "I think the president has shown leadership in representing U.S. interests here and making sure we have a strong economy.").

117. Times Wire Services, *EPA Chief Says He was Sabotaged in Rio*, L.A. TIMES, Aug. 2, 1992.

118. JEFF GOODELL, *BIG COAL: THE DIRTY SECRET BEHIND AMERICA'S ENERGY FUTURE* 179 (Houghton Mifflin Co., 2006).

119. *Id.* at 179–80; THE AMERICAN PRESIDENCY PROJECT, <http://www.presidency.ucsb.edu/showelection.php?year=1992> (last visited May 29, 2018).

process.”¹²⁰ The Sierra Club’s legislative director in Washington, D.C. added, “I believe the President and his political advisers have come to the conclusion that helping their friends in the business community is more important than doing what is necessary to protect the environment.”¹²¹

In short, the policy debates within in the Bush White House were dominated by the proverbial economy versus the environment dichotomy.

2. The Individualistic Culture

In the midst of the debate on Rio, the environmental advocacy community in the United States had an opportunity to construct a far-reaching strategy for climate activism via the third political culture, individualistic politics. A representative of Switzerland at the Rio Earth Summit concluded, “We are at the beginning of a very long process . . . [and] public opinion won’t allow us to go back to business as usual.”¹²² The American environmental community’s post-Rio engagement, however, was not necessarily designed to nurture public opinion over a “very long process.” Rather, environmental advocates focused on a shorter-term goal for one political moment—the 1992 presidential election. Instead of working to build a bipartisan coalition that would last beyond the term of President Bush, environmental leaders concluded they needed to secure the opportunity to do better without him immediately. The League of Conservation Voters graded Bush a “D” in its pre-election scorecard.¹²³ The Sierra Club ran a series of TV advertisements in May and June of 1992 in order “to educate the public about the broken promises of the ‘environmental’ President [Bush];” the ads ran in swing states like Florida and Wisconsin, in Washington, D.C., and in Sacramento just a week before the California presidential primary.¹²⁴

An “individualistic” plan to move the United States toward dramatic reductions in greenhouse gas pollution could have focused on a multi-decade strategy. That is, environmentalists could have chosen to keep a laser-like focus on influencing President Bush and building public opinion across the broadest possible political spectrum. That would mean strategizing outside of the electoral calendar and highlighting (even commending) President Bush’s statement in Rio that we need “an action plan on climate change.”¹²⁵ At the same time, environmental groups would have focused on holding the President’s feet to the fire on his

120. Art Pine, *Bush’s Great Green Hope KO’d by Politics*, L.A. TIMES, June 6, 1992.

121. *Id.*

122. Dolan & Abramson, *supra* note 49 (quoting Wilhelm Schmid).

123. DAYNES & SUSSMAN, *supra* note 110, at 170.

124. Times Staff Writer, *Sierra Club Ads to Attack Bush on Environment*, L.A. TIMES, May 28, 1992, at A26.

125. *THE EARTH SUMMIT; Excerpts From Speech By Bush on ‘Action Plan’*, N.Y. TIMES (June 13, 1992), <http://www.nytimes.com/1992/06/13/world/the-earth-summit-excerpts-from-speech-by-bush-on-action-plan.html>.

pledge to develop a national action plan by January 1, 1993.¹²⁶ This approach, of course, would have risked losses in the 1992 presidential election. Bill Clinton, the “greener” candidate in 1992, would have been denied at least some of the environmental community’s support. But the strategy might have helped keep moderate Republicans in the game of climate activism. To be clear, the lion’s share of the blame for today’s politically polarized debate on climate change lies unquestionably at the feet of industry lobbyists who have funded a broad campaign of disinformation.¹²⁷ Yet the environmental community’s decision to cut ties with George H.W. Bush in 1992 might have been the wrong response to that campaign. It marked a retreat at a time when greater engagement with President Bush was needed.

B. THE 2008 MCCAIN V. OBAMA PRESIDENTIAL CAMPAIGN

The 1992 presidential campaign, discussed in Part III. A., highlights the unrealized opportunity for action on climate change through a grassroots, individualistic effort. This strategy would have needed to capitalize, over the long term, on the fact that the traditionalist and moralistic cultures were at odds with each other. Such a long-term approach might have been ready to bear fruit in 2008, at the McCain v. Obama campaign. This, of course, was not to be. The significant opportunity to institute a nationwide cap-and-trade regime for greenhouse gas pollution in 2008 and 2009 was lost, in part, because of the increasingly polarized debate around climate politics. As shown in this section, the climate debate did not have to play out this way.

As summarized in Part II.C., *supra*, John McCain’s bona fides on climate were well-known. Back when Barack Obama was still a state legislator in Illinois, Senator McCain had already co-sponsored the Climate Stewardship Act of 2003, and had championed similar bills in 2005 and 2007. He had endorsed nationwide cap-and-trade legislation to reduce greenhouse gas emissions, and highlighted his action plan on climate during the spring of 2008 as part of his presidential campaign. In fact, the two major-party candidates appeared to be largely *in sync* on climate. In 2007, McCain joined *with* Senator Obama, Senator Joe Lieberman, and others in co-sponsoring the Climate Stewardship and Innovation Act, a cap-and-trade bill to reduce greenhouse gas pollution.¹²⁸ Following the success of Al Gore’s documentary *An Inconvenient Truth*, which won the 2007 Oscar award for best documentary feature, polling on global warming showed a meaningful uptick.¹²⁹ The percentage of Republicans agreeing that the effects of global

126. *Id.*

127. See generally ORESKES & CONWAY, *supra* note 3.

128. S. 280, 110th Congress (2007), <https://www.gpo.gov/fdsys/pkg/BILLS-110s280is/pdf/BILLS-110s280is.pdf>.

129. *The 79th Academy Awards*, ACADEMY OF MOTION PICTURE ARTS AND SCIENCES (2007), <https://www.oscars.org/oscars/ceremonies/2007>.

warming had begun rose from 40% in 2005 to 45% in 2007.¹³⁰ In short, for those viewing the political landscape through the lens of the individualistic culture, it looked as if action to address climate change at the federal level was nearly a *fait accompli*.¹³¹

The challenge for environmental advocates in 2008 was to sustain the momentum. Anecdotally, environmental advocates were unsure on which candidate—McCain or Obama—would be more likely to help them sustain that momentum and carry climate change legislation across the finish line. McCain made early efforts to court environmental support, sitting down for an interview with *Outside Magazine* and the environmental advocacy publication, *Grist*, back in 2007.¹³² Riley Dunlap, a sociology professor and Gallup Scholar for the Environment, raised the question of whether McCain’s presidential candidacy would help soften the polarization on climate change. Given McCain’s leadership on the issue, would “rank-and-file Republicans who question the seriousness of global warming move toward their candidate’s position on the issue, or maintain their generally skeptical views?”¹³³ The potential benefit for environmentalists in supporting McCain’s campaign was captured in a January 2008 essay on *Desmog*, an online forum dedicated to climate advocacy:

“Anyone who cares about global warming should want McCain to vanquish his Republican opponents in the primaries. If we get McCain versus one of the Democrats in the general election, we’ll have two candidates who want strong action (even if their precise stances may differ). Whoever wins in that scenario, we’ll be better off in the climate arena than ever before—and we can count on action finally happening.”

“The other fundamental point is this. While McCain’s support of nuclear power and his more cautious approach to greenhouse gas regulation each can be criticized, neither rates, in my view, as an irredeemable flaw. Politics is too messy for purism on these matters—and the climate problem too urgent.”

“A McCain presidency would certainly be a great step forward on climate, and given our nation’s past history on this issue, well . . . that’s more than a start.”¹³⁴

130. Dunlap, *supra* note 52.

131. Michael B. Gerrard, *McCain vs. Obama on Environment, Energy, and Resources*, 23 NATURAL RESOURCES & ENVIRONMENT 2 (Fall 2008).

132. Amanda Little, *An Interview with John McCain About His Presidential Platform on Energy and the Environment*, GRIST (Oct. 2, 2007), <http://grist.org/article/mccain1/> (part of a series of interviews with presidential candidates produced jointly by GRIST and OUTSIDE).

133. Dunlap, *supra* note 52.

134. Chris Mooney, *Should We Still Trust John McCain on Global Warming?*, DESMOG (Jan. 28, 2008), <https://www.desmogblog.com/should-we-still-trust-john-mccain-on-global-warming> (emphasis added).

Despite McCain's demonstrated leadership on climate over many years, however, the Sierra Club and the League of Conservation Voters both endorsed a relatively untested Senator Obama just two weeks after the effective end of the Democratic primary.¹³⁵ Carl Pope, then the executive director of the Sierra Club, warned that McCain would be a worse environmental President than George W. Bush, whose EPA had refused to regulate greenhouse gas pollution and who continued to resist action to address climate change even after the Supreme Court's decision in *Massachusetts v. EPA*.¹³⁶ Pope went on to explain that McCain "has had a 'love-hate relationship with his own party, and right now, he's decided that he loves it.'"¹³⁷ The implication of this observation is astounding; John McCain could be a Republican or an environmentalist, but he could not be both.

The environmental community was embracing a worldview that saw policy in terms of a clash between moralistic and traditionalist political cultures, making it difficult to sustain broad, popular support for climate action across party lines. The environmental community came by this perspective honestly. From Henry David Thoreau, to Aldo Leopold, to David Brower, to Bill McKibben, environmentalists had long embraced an "ecocentric" worldview that recognized the inextricable interconnectedness of all living things, and valued preservation of these natural systems as inherently good.¹³⁸ This sentiment is reflected by John Muir (founding father of the Sierra Club), who wrote, "When we try to pick out anything by itself, we find it hitched to everything else in the universe."¹³⁹ A deep-seated commitment to this ecocentric worldview makes political compromise with a candidate like Senator McCain hard to achieve. After all, McCain's nuanced acceptance of a limited role for offshore drilling (discussed above) is not a position that can be set aside in deference to his leadership on climate change. For the membership of the mainstream environmental organizations—the foot soldiers of the environmental movement—all of these issues are interwoven. A commitment to ecological ideals, therefore, best explains Pope's statement that McCain had a "love-hate" relationship with the Republican Party. McCain's support for cap-and-trade legislation could not be squared with his opposition to the environmental community on other issues. Although he was the Republican

135. Press Release, *Sierra Club Endorses Obama for President*, SIERRA CLUB (June 20, 2008), <http://sierraclub.org/press-releases-2008-2012>; Press Release, *New Hope. New Energy. LCV Endorses Barack Obama*, LEAGUE OF CONSERVATION VOTERS (June 21, 2008), <http://p2008.org/interestg08/lcv072108pr.html>. I define the effective end of the 2008 Democratic Presidential Primary as the moment when Hillary Clinton gave her concession speech. See *Hillary Clinton Endorses Obama*, N.Y. TIMES (June 7, 2008), <http://www.nytimes.com/2008/06/07/us/politics/07text-clinton.html> (transcript of concession speech).

136. See Carl Pope, *Years of the Locust: After eight years of George W. Bush, the Worst May be to Come*, SIERRA 6 (Nov./Dec. 2008).

137. Michael Falcone, *Sierra Club to Endorse Obama*, N.Y. TIMES (June 19, 2008), <https://thecaucus.blogs.nytimes.com/2008/06/19/sierra-club-to-endorse-obama/>.

138. JONATHAN Z. CANNON, *ENVIRONMENT IN THE BALANCE: THE GREEN MOVEMENT AND THE SUPREME COURT* 14–21 (Harvard University Press 2015).

139. *Id.* at 11.

Senator who held out the greatest hope for passage of a comprehensive legislative scheme to reduce carbon pollution, McCain never received better than a 67% score from the League of Conservation Voters throughout the first decade of the 21st century. In 2007 and 2008 heading into the presidential campaign, McCain was saddled with a 0% score.¹⁴⁰

McCain seized the moment of the Sierra Club's and the League of Conservation Voters' endorsements for Obama to change his position on offshore drilling. On June 16, 2008, McCain called "for an end to the federal ban on offshore oil drilling . . . McCain's announcement is a reversal of the position he took in his 2000 presidential campaign and a break with environmental activists . . ." ¹⁴¹ In delivered remarks to oil industry leaders in Houston, Texas, McCain outlined a new and far-reaching plan for domestic oil exploration:

"We have proven oil reserves of at least 21 billion barrels in the United States. But a broad federal moratorium stands in the way of energy exploration and production. And I believe it is time for the federal government to lift these restrictions and to put our own reserves to use."¹⁴²

Senator McCain cemented his move away from past environmental allies by selecting Sarah Palin as his running mate.¹⁴³ Palin, as Governor of Alaska, questioned the existence of a peer-reviewed consensus on global warming and advocated for exploitation of oil resources in the Alaska National Wildlife Refuge, something McCain had long opposed.¹⁴⁴ From the perspective of environmental

140. See *National Environmental Scorecard: Senator John McCain (R)*, LEAGUE OF CONSERVATION VOTERS, <http://scorecard.lcv.org/moc/john-mccain> (last visited March 4, 2018).

141. Michael D. Shear & Juliet Eilperin, *McCain Seeks to End Offshore Drilling Ban*, WASH. POST (June 17, 2008).

142. See John McCain, *Remarks in Houston, Texas*, THE AMERICAN PRESIDENCY PROJECT (June 17, 2008), <http://www.presidency.ucsb.edu/ws/index.php?pid=77553>.

143. Michael Cooper & Elisabeth Bumiller, *McCain chooses Palin as Running Mate*, N.Y. TIMES (Aug. 29, 2008), <http://www.nytimes.com/2008/08/30/us/politics/30veep.html>.

144. See Juliet Eilperin, *Palin, McCain Disagree on Causes of Global Warming*, WASH. POST, Sept. 23, 2008 ("McCain has regularly said that humans are driving global warming and declared that his efforts to cap greenhouse gas emissions demonstrate his ability to work with Democrats. But in selecting Palin and deciding to place her in charge of energy affairs should they win the White House, he has a running mate who has resisted this key tenet of his candidacy."). McCain further explained his pivot away from environmentalists during an interview with CNN broadcaster Larry King:

"MCCAIN: I mean, they are clearly differences. Senator Obama is against storing spent nuclear fuel or reprocessing it. I favor it. He is against offshore drilling. I favor it. Those are strong differences.

KING: You opposed offshore ...

MCCAIN: And Americans care a great deal.

KING: You opposed offshore drilling ...

MCCAIN: Yes, when oil was a buck. When oil was \$1.80 a gallon or \$1.20 or whatever it is. Now it is right around \$4.00 and so of course. But I also believe states should be making those decisions as well but I'd love to give them some more incentives to do so." See John McCain, *Interview with Larry King of CNN*, THE AMERICAN PRESIDENCY PROJECT (July 28, 2008), <http://www.presidency.ucsb.edu/ws/index.php?pid=77726>.

groups, Palin's place on the ticket was a significant blow to their advocacy efforts.

To better understand the opportunity that was lost when the environmental community's relationship with John McCain fractured, it is worth contrasting the environmental community's approach to lobbying with that of the National Rifle Association ("NRA"). The NRA explains its endorsement policy as follows:

"The only issues on which we evaluate candidates seeking elected office are gun-related issues With four million NRA members and 80 million gun owners in the country, our constituency is diverse in its views on multiple issues of our day For us to divide that otherwise united base of support on non-firearm-related issues would be strategically foolish NRA has an incumbent-friendly policy that dictates our support for pro-gun incumbents seeking reelection [S]hould a pro-gun challenger win his election, and stay true to support for our gun rights, then he will be the beneficiary of this policy when seeking re-election."¹⁴⁵

The NRA successfully defeated numerous efforts to impose gun safety measures, even when Democrats were in power in Washington and even when those measures (like increased background checks) were broadly popular with the electorate.¹⁴⁶ The NRA did so, at least for several years, by forestalling the impact of an increasingly polarized political system on NRA issues.¹⁴⁷ To give one example, the NRA in 2010 endorsed Democratic Congressman Tom Perriello, who voted for Obamacare, the Waxman-Markey climate bill, and supported allowing LGBTQ soldiers to serve openly in the military. Perriello received the endorsement over Republican challenger Robert Hurt, who arguably had an even stronger, pro-gun position.¹⁴⁸ The impact of the NRA's endorsement policy was that Perriello (who garnered the support of Bernie Sanders and Elizabeth Warren in a later challenge to centrist Democrat Ralph Northam in the 2017 gubernatorial

145. *NRA-PVF Endorsement Policy*, NRA-ILA, <https://www.nra.org/articles/20100511/nra-pvf-endorsement-policy> (last visited May 10, 2018).

146. See W. Gardner Selby, *Lee Leffingwell Says Polls Show 90 percent of Americans and 74 percent of NRA Members Support Criminal Background Checks Before All Gun Buys*, POLITIFACT, <http://www.politifact.com/texas/statements/2013/apr/04/lee-leffingwell/lee-leffingwell-says-polls-show-90-percent-america/> (last visited March 4, 2018).

147. The NRA's decision in recent years to move toward a far more aggressive, confrontational, and intentionally divisive campaign strategy, featuring right-wing talk show host Dana Loesch as the lead spokesperson, suggests that polarization has caught up with the NRA and that the organization has wholly abandoned its past efforts at bipartisan outreach. See Peter Holley, *The NRA Recruitment Video that is Even Upsetting Gun Owners*, WASH. POST, June 29, 2017. Anecdotal evidence suggests that the NRA's "wedge-politics" approach is backfiring. See Jacey Fortin, *A List of Companies Cutting Ties with the N.R.A.*, N.Y. TIMES (Feb. 24, 2018), <https://www.nytimes.com/2018/02/24/business/nra-companies-boycott.html>.

148. Ray Reed, *NRA Expected to Endorse Perriello*, LYNCHBURG, VA. NEWS & ADVANCE (Sept. 24, 2010), http://www.newsadvance.com/archives/nra-expected-to-endorse-perriello/article_04f0397a-b44f-5dd2-8e8e-e5369a584c05.html.

primary)¹⁴⁹ stood with the NRA in opposing the Obama administration's failed effort to re-impose a ban on assault weapons.¹⁵⁰

Had environmental organizations adopted the pro-incumbent strategy of the NRA—and zeroed in on climate change as the preeminent environmental issue meriting the greatest weight in the endorsement process—then both the Sierra Club and LCV might have supported the Republican nominee. Those endorsements would not have swayed the outcome of the 2008 election (which was described by political journalists as a “wave” election for Obama),¹⁵¹ but they could have changed the post-election calculus of Republicans working on President Obama's signature climate bill, the American Clean Energy and Security Act (“ACES”), better known as Waxman-Markey.¹⁵² Although Waxman-Markey shared the same basic cap-and-trade scaffolding as legislation McCain had championed in past years, he now derided the approach as “cap and tax,” a “government slush fund,” and a “horrendous” bill that was “going nowhere.”¹⁵³ Instead of seizing a role as a key player in shepherding ACES through Congress, McCain took a decisive hand in sabotaging it.¹⁵⁴ Hyper-partisanship trumped policy. An unnamed Obama administration official, frustrated after Waxman-Markey's demise, cast blame for the polarization on environmental advocates: “They [the environmental non-profit organizations] didn't deliver a single Republican They spent like \$100 million, and they weren't able to get a single Republican convert to the bill.”¹⁵⁵

149. Fenit Nirappil, *Was Defeat of Sanders-Backed Candidate in Va. a Loss for Progressives? Not Quite.*, WASH. POST (June 17, 2017), https://www.washingtonpost.com/local/virginia-politics/was-defeat-of-sanders-backed-candidate-in-va-a-loss-for-progressives-not-quite/2017/06/16/5f9ea30c-4f97-11e7-b064-828ba60fbb98_story.html?utm_term=.0c9589cc315b.

150. Reed, *supra* note 148.

151. Susan Page, *In Congress, a Democratic Wave*, U.S.A. TODAY, Nov. 5, 2008; Adam Nagourney, *Obama Elected President as Racial Barrier Falls*, N.Y. TIMES, Nov. 4, 2008 (“To the very end, Mr. McCain's campaign was eclipsed by an opponent who was nothing short of a phenomenon . . .”); Robert Barnes & Michael Shear, *Obama Makes History*, WASH. POST (Nov. 5, 2008) (“The historic Election Day . . . ushered in a new era of Democratic dominance in Congress . . .”).

152. Bradford Plumer, *What If McCain Had Been President? And Other Climate Counterfactuals*, THE NEW REPUBLIC (July 23, 2010), <https://newrepublic.com/article/76532/what-if-mccain-had-been-president-and-other-climate-what-ifs>.

153. See Lisa Lerer, *McCain Slams 'Horrendous' Climate Bill*, POLITICO (Nov. 11, 2009), <http://www.politico.com/story/2009/11/mccain-slams-horrendous-climate-bill-029747>.

154. Lizza, *supra* note 71 (“By the end of February, McCain was starting to back away from his commitment to Lieberman. At first, he insisted that he and Lieberman announce a set of climate-change ‘principles’ instead of a bill. Then, three days before a scheduled press conference to announce those principles, the two senators had a heated conversation on the Senate floor. Lieberman turned and walked away. ‘That’s it,’ he told an aide. ‘He can’t do it this year.’”).

155. Darren Samuelsohn, *Greens Defend Climate Tactics*, POLITICO (Aug. 5, 2010), <http://www.politico.com/story/2010/08/greens-defend-climate-tactics-040680?jumpEdition=>.

C. ACES ARE LOW: LESSONS WE NEED TO TAKE FROM A DIFFICULT LOSS

Coming out of the brutally tough loss on ACES, many leaders within the environmental community recognized the need to build a broader and stronger political coalition. The debate was on *how* to build that coalition. Some climate activists recommend strengthening support across the progressive-liberal end of the political spectrum,¹⁵⁶ although this approach runs the risk of exacerbating the problem of political polarization.¹⁵⁷ As should be evident by now, this paper endorses a pragmatic and strategic bipartisan outreach that leverages aspects of traditionalist, moralistic, and individualistic cultures.

The progressive-liberal response, made famous by Shellenberger and Nordhaus, is driven by an understanding of intersectionality—*i.e.*, that issues of environmentalism, social and economic justice, age and gender discrimination, racism, and religious intolerance are inextricably intertwined and that a solution to one of these problems requires a comprehensive effort to join forces and tackle them all. It requires an appreciation of the fact that people of color, communities in poverty, and victims of international refugee crises all “suffer the effects of climate change disproportionately.”¹⁵⁸ Intersectionality is also seen as a necessary device for building political allies: “Redefining climate change as an overarching social justice issue that transcends its traditional status as an esoteric environmental theory is absolutely essential to any effort to build an effective and unified agenda to address climate emissions.”¹⁵⁹

Some environmental organizations have unquestionably embraced this philosophy. The Sierra Club, for example, has released statements across a swath of issues that do not directly relate to the organization’s environmental mission. These statements, instead, build upon a theory of intersectionality. The Sierra Club has condemned racist and anti-Semitic violence in Charlottesville, Virginia,¹⁶⁰ endorsed gun control legislation sponsored by Senators Dianne

156. See Michael Shellenberger & Ted Nordhaus, *The Death of Environmentalism: Global Warming Politics in a Post-Environmental World*, 7 (2004), https://www.thebreakthrough.org/images/Death_of_Environmentalism.pdf (“mak[ing] the case for what could happen if progressives created new institutions and proposals around a big vision and a core set of values.”).

157. See Michael Gerson, *American Politics are Radicalizing. The Damage Will Last Generations.*, WASH. POST (Apr. 9, 2018), https://www.washingtonpost.com/opinions/american-politics-are-radicalizing-the-damage-will-last-generations/2018/04/09/b360f920-3c24-11e8-8d53-eba0ed2371cc_story.html?utm_term=.416705329f4b; see also RICH, *supra* note, at 206–07 (W.W. Norton & Co. 2016) (strongly opposing efforts to link “the environmental mission” with “the rest of the progressive agenda”).

158. Jonathan Lovvorn, *Climate Change Beyond Environmentalism Part I: Intersectional Threats and the Case for Collective Action*, 29 GEO. ENVTL L. REV. 1, 24 (2016).

159. *Id.* at 17.

160. *Sierra Club Statement on White Supremacist Terrorism in Charlottesville, Virginia*, SIERRA CLUB (August 12, 2017), <http://content.sierraclub.org/press-releases/2017/08/sierra-club-statement-white-supremacist-terrorism-charlottesville-virginia>.

Feinstein and Chris Murphy,¹⁶¹ supported the platform of the Movement for Black Lives,¹⁶² and celebrated the Supreme Court of the United States' decision on marriage equality in *Obergefell v. Hodges*.¹⁶³ The strategic appeal of the intersectional approach is plain to see; it can dramatically increase the number of grassroots activists on your side. The Women's March on Washington on January 21, 2017, for example, embraced intersectionality (with contributions from the Natural Resources Defense Council, Planned Parenthood, the AFL-CIO, the NAACP, among others) and "was likely the largest single-day demonstration in recorded U.S. history."¹⁶⁴

The irrevocable problem with an intersectional approach to climate change, however, is that it builds a base of support only on one side of the political aisle. It strengthens support from Democratic allies who might not have identified climate change as their primary issue of concern, but it also heightens the polarization between Democrats and Republicans. As I have stated throughout this article, environmental advocates need to disrupt the conventional wisdom on climate change politics. An intersectional strategy, however, reinforces the conventional wisdom. It defines climate change as a wedge issue.¹⁶⁵

Returning to the Elazar's moralistic-traditionalist-individualistic distinctions, discussed by Thomson and Arroyo, an intersectional approach promotes the long-held view by environmental advocates that politics is a competition between moralistic ("do the right thing") versus traditionalist ("agency capture") cultures. A recent press release from the Sierra Club underscores the point. "Senator Gardner sides with Corporate Polluters [traditionalist] over Coloradoans [moralistic]," the Club wrote, after the Republican Senator voted for a bill aimed at repealing a methane rule affecting natural gas operations.¹⁶⁶ In the same vein, the League of Conservation Voters has criticized the Trump Administration for "policies that would benefit corporate polluters [traditionalist], while putting our

161. *Sierra Club Response to Senate Gun Control Votes*, SIERRA CLUB (June 20, 2016), <http://content.sierraclub.org/press-releases/2016/06/sierra-club-response-senate-gun-control-votes>.

162. *Sierra Club Statement on Movement for Black Lives Platform*, SIERRA CLUB (Aug. 2, 2016), <http://content.sierraclub.org/press-releases/2016/08/sierra-club-statement-movement-black-lives-platform>.

163. *Sierra Club Statement on Marriage Equality Ruling in Supreme Court*, SIERRA CLUB (June 26, 2015), <http://content.sierraclub.org/press-releases/2015/06/sierra-club-statement-marriage-equality-ruling-supreme-court>.

164. See Erica Chenoweth & Jeremy Pressman, *This is What We Learned By Counting the Women's Marches*, WASH. POST (Feb. 7, 2017), https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/07/this-is-what-we-learned-by-counting-the-womens-marches/?utm_term=.11e03856f269.

165. See Jessica Bulman-Pozen, *Partisan Federalism*, 127 HARV. L. REV. 1077, 1086–87 (2014) ("The rise of allied interest groups has made the parties more ideologically distinct, as these groups have pushed the parties to take positions on divisive issues, such as abortion, global warming, and gay rights, that have shaped both national and state elections. And the ideological distinctiveness of the parties has, in turn, fostered interest group alliances with them.").

166. *Senator Gardner Sides with Corporate Polluters Over Coloradoans*, SIERRA CLUB (May 10, 2017), <http://content.sierraclub.org/press-releases/2017/05/senator-gardner-sides-corporate-polluters-over-coloradans>.

natural heritage, our families' health and our economic well-being at risk [moralistic]."¹⁶⁷ The Natural Resources Defense Council responded to a court victory in July 2017 by celebrating a legal decision that "slams the brakes on [the] Trump Administration's brazen efforts to put the interests of corporate polluters [traditionalist] ahead of protecting the public and the environment [moralistic]."¹⁶⁸

No doubt, environmental groups have reiterated this tension because it remains very much at play. The influence of corporate money (especially post-*Citizens United*) is a problem with which grassroots organizations (and not just those in the environmental field) continually wrestle.¹⁶⁹ But this framing also risks undermining efforts to build broad, bipartisan momentum with respect to climate change policy. This is because the framing inadvertently reinforces the perception that environmentalism is a movement that has been wholly subsumed within the Democratic Party. Evidence of the polarization problem is apparent in recent political endorsements from environmental advocates. The 2015 scorecard from the League of Conservation Voters finds that in the 114th Congress, the House Democratic leadership averaged a 92 percent score, while their Republican counterparts averaged zero percent.¹⁷⁰ The League's 2016 endorsements charted a similar course; 104 endorsements were made for general election races, and none of those endorsements went to Republicans. Similarly, none of the Sierra Club's general election endorsements in 2016, which included more than 220 races for the House, Senate and the presidency, went to a Republican.¹⁷¹

Not surprisingly, the Pew Research Center reports a whopping 43 percent chasm between "liberal Democrats" and "conservative Republicans" on whether they even agree that "climate scientists understand very well the causes of climate

167. *League of Conservation Voters Statement in Response to Donald Trump's Dirty Energy Week Speech*, LEAGUE OF CONSERVATION VOTERS (June 29, 2107), <https://www.lcv.org/article/lcv-statement-response-donald-trumps-dirty-energy-week-speech/>.

168. Press Release, NATURAL RESOURCES DEFENSE COUNCIL, *Court Invalidates EPA Rollback of Methane Pollution Protections* (July 3, 2017), <https://www.nrdc.org/media/2017/170703> (statement of David Doniger, director of NRDC's Climate and Clean Air program).

169. See Gabrielle Levy, *How Citizens United Has Changed Politics in 5 Years*, U.S. NEWS & WORLD REPORT (Jan. 21, 2015), <https://www.usnews.com/news/articles/2015/01/21/5-years-later-citizens-united-has-remade-us-politics>.

170. *2015 National Environmental Scorecard: First Session of the 114th Congress*, LEAGUE OF CONSERVATION VOTERS, http://scorecard.lcv.org/sites/scorecard.lcv.org/files/2015_LCV_Scorecard.pdf (last visited May 29, 2018).

171. See *League of Conservation Voters, 2016 Endorsements*, <https://www.lcv.org/endorsements/2016-endorsements/> (cached web file on file with author); *Sierra Club, 2016 Endorsements*, <http://content.sierraclub.org/voterguide/endorsements> (cached web file on file with author). In 2016, both the Sierra Club and the League of Conservation Voters endorsed just one Republican, Jason Walser, who ran in a crowded field in the Republican primary in North Carolina's 13th Congressional District. Out of seventeen candidates, Walser finished seventh, with 7.31% of the vote. See NORTH CAROLINA STATE BOARD OF ELECTIONS, *Official Local Election Results* (June 7, 2016), http://er.ncsbe.gov/?election_dt=06/07/2016&county_id=0&office=FED&contest=1037.

change.”¹⁷² The polling data from Gallup highlights an even more extreme cleft: 66% of Democrats are worried “a great deal” about global warming, compared to just 18% of Republicans.¹⁷³ The Republican leadership has surmised that there is no political advantage to be gained by embracing pro-environmental policies. It is impossible for environmentalists to build an enduring coalition if that remains conventional wisdom.

These data should send alarm bells throughout the environmental community. The numbers suggest that national GOP leaders perceive environmental values as exclusively the Democratic Party’s agenda. That perception is one of the greatest impediments to action on climate change. Reversing it must be a top priority as environmental advocates.

Tackling an unprecedented, overwhelming, global-scale problem like climate change will require sustaining pollution-reduction efforts over many decades. “We are talking about fundamentally transforming the way the world produces, distributes and uses energy,” as a DuPont Company executive summarized the scope of the issue.¹⁷⁴ As we work to execute this transformation, the political pendulum will continue to swing. Democratic majorities in Congress will be followed by Republican control, and vice versa. Environmentalists must embrace the goal of cultivating a working coalition regardless of who is in power. Wedge politics run counter to that goal.

IV. SOLUTION: LEVERAGING COMPETING POLITICAL CULTURES TO BUILD A CLIMATE-ACTION MAJORITY

The idea that environmental advocates need to disrupt the conventional wisdom around climate change politics, and that they need to carry out this disruption over many years to build a lasting and enduring coalition, is not altogether new. Gus Speth, co-founder of the Natural Resources Defense Council¹⁷⁵ and a Dean of the Yale School of Forestry and Environmental Studies from 1999 to 2009,¹⁷⁶ has written and spoken eloquently about new ways of thinking of

172. See Brian Kennedy & Cary Funk, *Many Americans are Skeptical About Scientific Research on Climate and GM Foods*, PEW RESEARCH CENTER (Dec. 5, 2016), <http://www.pewresearch.org/fact-tank/2016/12/05/many-americans-are-skeptical-about-scientific-research-on-climate-and-gm-foods/>.

173. See Jim Norman, *Democrats Drive Rise in Concern About Global Warming*, GALLUP (March 17, 2017), <http://www.gallup.com/poll/206513/democrats-drive-rise-concern-global-warming.aspx>.

174. *The Forum: Climate Change: Can Regional, State, and Voluntary Approaches Do the Job?*, THE ENVIRONMENTAL FORUM 47 (Jan./Feb. 2007) (quoting Michael Parr, who was then the Senior Manager for Government Affairs at DuPont). It is important to remember that as a nation, we have tackled similar challenges before. For many white Americans in the 19th century, a future without a slave-based economy was unfathomable. Today, we are tasked with seeing beyond a carbon-based economy.

175. *Biography*, VERMONT LAW SCHOOL, <https://www.vermontlaw.edu/directory/person/speth-gus> (last visited May, 10, 2018) (biograph of Gus Speth).

176. *History*, YALE SCHOOL OF FORESTRY AND ENVL. STUDIES, <https://environment.yale.edu/about/history/> (last visited May 10, 2018) (noting Speth’s tenure as Dean).

economic growth that are populist, human-centered, and environmentally progressive:

“shorter workweeks and longer vacations; greater labor protections, including a ‘living minimum wage, protection of labor’s right to organize, and generous parental levels; guarantees to part-time workers; a new design for the twenty-first century corporation, one that embraces rechartering, new ownership patterns, and stakeholder primacy rather than shareholder primacy; . . . strong social and environmental provisions in trade agreements; rigorous environmental health, and consumer protection (including fees or caps on polluting emissions and virgin materials extractions, leading in turn to full incorporation of environmental costs in prices); . . . greater income support for the poor; increased spending on neglected public services Taken together, these policies would undoubtedly slow GDP growth, *but quality of life would improve, and that’s what matters.*”¹⁷⁷

Speth acknowledges that many of his proposals are “‘impractical’ and ‘politically unrealistic’ . . . by today’s standards,” as he is seeking a “reinvented capitalism,”¹⁷⁸ which has led commentators like Frederic Rich to criticize Speth’s approach as “indifferent to human needs.”¹⁷⁹ Speth nevertheless defends the core values of ecocentric environmentalism, noting that zealous pursuit of an ever-increasing Gross Domestic Product “is now consuming the planet’s available resources on a scale that rivals their supply while releasing its waste products back into the environment on a scale that greatly affects the major biogeophysical cycles of the planet.”¹⁸⁰ Rather than rallying to the side of deep ecologists and “Earth First!” advocates,¹⁸¹ however, Speth identifies a uniquely populist solution to this crisis: “It is possible to identify a long list of public policies that would slow GDP growth, thus sparing the environment, while simultaneously improving social and individual well-being.”¹⁸² In other words, Speth suggests a path that might help bridge the polarized divide on climate change politics.

A. LEVERAGING THE TRUMP MOMENT

Writing before the rise of Donald Trump, Frederic Rich wishfully surmised that “when the Tea Party influence abates, the GOP as a whole will swing

177. JAMES GUSTAVE SPETH, *AMERICA THE POSSIBLE: MANIFESTO FOR A NEW ECONOMY* 96 (Yale University Press 2012).

178. *Id.* at 89.

179. RICH, *supra* note 96, at 164–165.

180. SPETH, *supra* note 177, at 92.

181. Cannon, *supra* note 138, at 20–21.

182. SPETH, *supra* note 177, at 95–96.

dramatically back toward support for pragmatic action in relation to climate.”¹⁸³ But the Tea Party’s influence has not abated; it has metastasized. The old Republican Party does not appear to be coming back.

The death of the old Republican Party, however, does create a different and unique opportunity for climate activists. The reality is that Donald Trump’s election has not just shaken Republicans; it has triggered a seismic shift in the ground underneath all political actors in the United States. The “Trump moment” therefore gives environmental advocates the chance to challenge political conventions and break through the intense polarization and partisanship that has blocked progress on global warming in recent years.

In fact, we are already seeing progress along this front. The Climate Leadership Council, led by former Secretary of State George Shultz, former Secretary of State James Baker, and former Treasury Secretary Hank Paulson, has endorsed a “carbon dividends” plan to put a price on greenhouse gas pollution.¹⁸⁴ They have specifically couched their approach as a “conservative climate solution.”¹⁸⁵ Ted Halstead, the Council’s founder, believes that conservative solutions are essential to ending the polarization of climate change politics: “The only way for this solution to come about is if it gets started on the right.”¹⁸⁶ That perspective, in part, explains the recent growth in membership with the Climate Solutions Caucus, which now includes fifty-two members of Congress, evenly split between Republicans and Democrats.¹⁸⁷

This approach has also been championed by former Congressman Bob Inglis (R-SC), who represented “the reddest district in the reddest state in the nation” until he lost a primary challenge because of his acceptance of the science on climate change.¹⁸⁸ Inglis is spearheading an initiative to “fight climate change with free enterprise instead of ineffective subsidies and regulations,” through the Energy and Enterprise Initiative at George Mason University.¹⁸⁹

Former EPA Administrator Christine Todd Whitman has also called on Republicans to reclaim the mantle of environmental leadership, writing, “The

183. RICH, *supra* note 96, at 266.

184. CLIMATE LEADERSHIP COUNCIL, <https://www.clcouncil.org/> (last visited Aug. 10, 2017); see also George P. Shultz & Lawrence H. Summers, *This is the One Solution that’s Best for the Environment—and for Business*, WASH. POST, June 19, 2017.

185. John Schwartz, ‘A Conservative Climate Solution’: Republican Group Calls for Carbon Tax, N.Y. TIMES, Feb. 7, 2017.

186. *Id.*

187. See *Climate Solutions Caucus*, CITIZENS’ CLIMATE LOBBY, <https://citizensclimatelobby.org/climate-solutions-caucus/> (last visited May 10, 2018).

188. Andrea Cooper, *Bob Inglis Takes a Stand on Climate Change: The Former Republican Congressman Has Seen the Light on Global Warming. He Wants his Fellow Conservatives to See it, Too.*, UTNE READER (Jan. 10, 2017), <http://www.utne.com/environment/bob-inglis-climate-change-zbtz1701zsau>.

189. See ENERGY & ENTERPRISE INITIATIVE, *About Us*, http://www.republicen.org/about_us (last visited May 10, 2018).

only way to return the GOP to its roots and, in turn, make headway on climate change is by ensuring that Republicans—and all Americans—recognize the very real economic costs of not protecting our environment.”¹⁹⁰ Whitman has since insisted that there “are a great number of Republicans and there’s some very active Republican organizations that recognize the importance of climate change and the necessity of dealing with it.”¹⁹¹ The challenge is for environmental groups to find a way to tap into this sentiment within the GOP and mobilize it.

One way to tap into the sentiment is for environmental advocates to concede that free-market competition can be one of the fastest ways to mobilize a response to urgent climate risks. Scientific accounts now warn us that the Earth may already be past the “tipping point” where significant, climate-destabilizing warming could have been prevented.¹⁹² Given the many years it takes to develop a comprehensive and new federal regulatory program,¹⁹³ it is no longer possible to act quickly enough via legislation and regulation alone to prevent catastrophic damage and loss of life due to climate change. We are now in the midst of an urgent crisis to quickly decarbonize the electricity grid as fast as possible to simply stem the bleeding. Responding to this emergency requires that all zero-carbon options be placed on the table and be encouraged to compete against each other on a level playing field. What is more, embracing a free-market competition in clean energy development is precisely the kind of experiment that could draw new allies into the environmental fold.

Another opportunity involves recognizing the overlap between foreign affairs and international relations with global environmental concerns. Conservative leaders are wary of the President’s Russian entanglements and his hostility towards free trade, and they have been left out in the cold by Trump’s fiercely isolationist and nationalist rhetoric. Environmentalists must now seize the opportunity to collaborate with these “Never Trump” Republicans. They are undoubtedly

190. Christine Todd Whitman, *Republicans Need to Open their Eyes to Climate Change Before It’s Too Late*, POLITICO (May 14, 2014), <http://www.politico.com/magazine/story/2014/05/my-party-needs-to-recognize-the-costs-of-climate-change-106686>.

191. Transcript, *Former N.J. Gov., EPA Chief Whitman Says ‘Great Number’ in GOP Recognize Importance of Climate Change*, ONPOINT E&E NEWS (June 19, 2016), www.eenews.net/tv/videos/2151/transcript.

192. See generally James W.C. White et al., *Board on Atmospheric Sciences and Climate, National Research Council, ABRUPT IMPACTS OF CLIMATE CHANGE: ANTICIPATING SURPRISES* (National Academies Press 2013) (discussing the status of “tipping points” in various contexts within the science of climate change).

193. See, e.g., *New York v. EPA*, 413 F.3d. 3, 13–18 (D.C. Cir. 2005) (describing the history of EPA’s development of a regulation for New Source Review (“NSR”) following the 1977 Clean Air Act Amendments. The EPA developed its first NSR rule in 1978, which was challenged in court and amended by a 1980 rule, which was followed by more litigation and a 1992 NSR rule, which was challenged again, leading to a 2002 rule, which was finally considered by the D.C. Circuit in its 2005 decision).

uncomfortable in the party as it stands today,¹⁹⁴ and should be looking for new alliances. Environmentalists should aggressively court these Republican leaders, even as it risks unsettling traditional Democratic allies.

Defense spending provides a promising forum where sound climate advocates and conservatives could find common ground. A Department of Defense analysis from 2015 identified climate change as a “present security threat” that posed a “significant risk . . . to U.S. interests globally.”¹⁹⁵ It highlighted that climate change will “aggravate existing problems—such as poverty, social tensions, environmental degradation . . .” while also “threaten[ing] domestic stability in a number of countries” where U.S. military interests might be at risk. For this reason, the Department of Defense labeled climate change as a “threat multiplier.” Studies from the National Academy of Sciences and the Union of Concerned Scientists have further highlighted the national security risks associated with climate change.¹⁹⁶

The private insurance market provides another conservative entry point into climate change policy. “Climate change will increase the insured risks from weather-related catastrophes, and associated uncertainties,”¹⁹⁷ putting significant pressure on the nation’s largest insurance companies to develop innovative models to manage the risk. Those new insurance models could very well promote investment in zero-carbon energy development. The auto insurance industry, for example, reduces risk by providing lower rates to drivers who invest their own time and money in taking defensive driving courses.¹⁹⁸ By the same token, real property insurers can “incentivize technologies and practices that increase resilience to interruptions in energy and water supplies”¹⁹⁹ in a manner that could be attractive to conservative budget hawks.

The context of corporate social responsibility provides yet another opportunity. The European Union and the United States both require reporting by publicly

194. See John Danforth, *The Real Reason Trump is Not a Republican*, WASH. POST (Aug. 24, 2017), https://www.washingtonpost.com/opinions/trump-is-exactly-what-republicans-are-not/2017/08/24/9909a320-8832-11e7-a50f-e0d4e6ec070a_story.html?utm_term=.e55f804d77ff.

195. UNITED STATES DEPARTMENT OF DEFENSE, *National Security Implications of Climate-Related Risks and a Changing Climate*, (July 23, 2015).

196. Frank L. Bowman & Antonio J. Busalacchi et al., Committee on National Security Implications of Climate Change for U.S. Naval Forces, Naval Studies Board, *National Security Implications of Climate Change for U.S. Naval Forces, Union of Concerned Scientists*, NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMIES (2011), <https://www.nap.edu/catalog/12914/national-security-implications-of-climate-change-for-us-naval-forces>; *The US Military on the Front Lines of Rising Seas: Growing Exposure to Coastal Flooding at East and Gulf Coast Military Bases*, UCSUSA (July 2016), http://www.ucsusa.org/sites/default/files/attach/2016/07/us-military-on-front-lines-of-rising-seas_all-materials.pdf.

197. Sean B. Hecht & Jesse Lueders, *Insurance*, in CLIMATE CHANGE LAW 664 (Edward Elgar Publishing 2016) (Daniel A. Farber & Marjan Peeters, eds.).

198. See, e.g., *5 Ways to Help Lower Auto Insurance Rates*, USAA (Dec. 6, 2017), <https://www.usaa.com/inet/wc/advice-auto-lowerautoinsurance?akredirect=true> (noting that many insurers provide “additional discounts for . . . some defensive-driving courses”).

199. Hecht & Lueders, *supra* note 197, at 666.

traded companies on climate change-related vulnerabilities.²⁰⁰ Already, socially responsible investors are monitoring corporate practices and rewarding companies that reduce carbon pollution (and costs) at various points throughout the supply chain.²⁰¹

These examples highlight the obvious reality that global warming is an immensely complex and far-reaching problem. As a result, many of the responses to it will overlap with policy proposals in other arenas—from defense, to insurance, to corporate governance. Each area of overlap provides an opportunity for environmentalists to promote policies that build bipartisan alliances.

Environmentalists have been able to capitalize on similar overlaps in other contexts. In Virginia, for example, a coalition of environmental groups collaborated with local business leaders to oppose conventional uranium mining in the Roanoke River watershed in a deeply conservative pocket of the state.²⁰² As an attorney with an environmental non-profit organization at the time, I worked as a member of that coalition. A diverse group of allies argued not just that uranium mining posed a threat to water quality, but that uranium mining posed a threat to business development in the area: “Business leaders and professionals have plenty of options. Every community wants them. Why would these people move their families or employees to an area known for potential adverse health risks of nearby uranium mining?”²⁰³ In other words, environmentalists resisted framing the issue as one of economic development versus environmental protection. Rather, they embraced an “alternative vision for economic development”²⁰⁴ that could resonate with the region’s Republicans.

B. BIPARTISANSHIP’S LIMITATIONS

Positive signs of Republican engagement on climate change, however, must be taken with a grain of salt. After all, climate activists thought they had arrived at this moment of bipartisanship eight years ago. In January 2009, nationally prominent environmental organizations (the Natural Resources Defense Council, the Nature Conservancy, Environmental Defense Fund) joined with oil and gas companies (ConocoPhillips, BP, Shell), automobile manufacturers (Ford, General Motors) and other Fortune 500 companies to endorse a “blueprint for legislation

200. Steven Ferrey, *Corporate Social Responsibility and Climate Change*, in CLIMATE CHANGE LAW 69 (Edward Elgar Publishing 2016) (Daniel A. Farber & Marjan Peeters, eds.).

201. *Id.* at 70–75.

202. See Cameron McWhirter, *Virginia Keeps Ban on Uranium Mining*, WALL ST. J., Jan. 31, 2013; Jeff Schapiro, *Uranium Battle is the Super Bowl of Lobbying*, RICHMOND TIMES-DISPATCH, Jan. 11, 2012 (noting that anti-mine lobbyists included the Sierra Club, the CEO of a regional hospital, and “stock-car champ Ward Burton”).

203. Chris A. Lumsden (Opinion-Editorial), *Uranium Mining in Virginia: First, Do No Harm*, RICHMOND TIMES-DISPATCH, July 22, 2012.

204. Rex Springston, *Sunday Q&A with Cale Jaffe*, RICHMOND TIMES-DISPATCH, Dec. 9, 2012.

action” on global warming: the United States Climate Action Partnership.²⁰⁵ That 2009 partnership formed to influence debate on the Waxman-Markey bill, which (as discussed in Part III.B, *supra*) collapsed in dramatic fashion once Republican support evaporated.

Similarly, today’s Climate Solutions Caucus has been criticized for failing to defend the Paris Agreement to the Framework Convention on Climate Change. According to *The New Republic*, nearly all of the Republican members of the Climate Solutions Caucus declined to criticize President Trump for withdrawing from Paris: two members supported Trump’s decision, three issued no public statement in response, and the remainder “generally opposed Trump’s decision, [but with] . . . some kind of caveat. Peter King [(R-NY)], for instance, said the agreement would have ‘cost American jobs.’”²⁰⁶

In response, environmentalists should recall the three political cultures—moralistic, traditionalist, individualistic—and consider how they might be leveraged. Why should we expect conservative, free-market approaches to melt the political polarization on climate change this time, when they have failed to produce bipartisan legislative solutions in the past? One reason for optimism is that at some level politics is brazenly transactional. Politicians remember and value organizations that donate to their campaigns at the primary stage, endorse them in the general election, and knock on doors to get out the vote for them in the final weeks of the race. Elected officials will carry water for advocacy groups that return the favor. In the parlance of the political cultures first identified by Elazar, early engagement with campaign donors might fit within the “traditionalist” approach.

Door-knocking and “get out the vote” (“GOTV”) efforts will connect with legislators who respond to an “individualistic” political message, especially in tightly competitive districts. In the Virginia House of Delegates, for example, both the Virginia Chapter of the Sierra Club and the Virginia League of Conservation Voters endorsed Democrat Shelly Simonds over Republican David Yancey in the tightly competitive 94th House District.²⁰⁷ These endorsements came despite the fact that Delegate Yancey, the incumbent, had received a strong 69% score on the League of Conservation Voters 2017 scorecard, and received “patron credit” for carrying legislation favored by the League to improve water

205. USCAP (United States Climate Action Partnership), *A Blueprint for Legislative Action: Consensus Recommendations for U.S. Climate Protection Legislation*, (January 2009) (on file with author).

206. Emily Atkin, *Congress’ Bipartisan Climate Club Doesn’t Agree on Much*, THE NEW REPUBLIC (June 7, 2017), <https://newrepublic.com/article/143099/congress-bipartisan-climate-club-doesnt-agree-much>.

207. Virginia League of Conservation Voters Political Action Committee, *Virginia LCV PAC 2017 Electoral Recap*, <http://valcvpac.org/virginia-lcv-pac-2017-electoral-recap/> (last visited May 10, 2018); Virginia League of Conservation Voters Political Action Committee, *Endorsements*, <http://valcvpac.org/endorsements/> (last visited May 10, 2018); Virginia Chapter of the Sierra Club PAC, *Vote Green Virginia: House of Delegate Endorsements 2017*, <http://www.votegreenva.com/endorsements/hod2017/> (last visited May 10, 2018).

quality.²⁰⁸ The race ended in an absolute tie—11,608 votes for each candidate—and had to be decided by drawing random lots out of a bowl.²⁰⁹ The next legislative session, Delegate Yancey sponsored House Bill 1082, which would have prohibited Virginia regulators from adopting any environmental safeguard more stringent than the federal minimum regulation.²¹⁰ The bill was vigorously opposed by the conservation community, which had been advocating for state-level carbon regulations in light of the Trump Administration’s efforts to repeal the EPA’s Clean Power Plan. As one active Sierra Club volunteer understood it, “Delegate Yancey, whose lucky win following a tied election barely returned him to office, is affirming his Tea Party credentials with HB 1082”²¹¹

Environmental groups also need to continue to work in the arena where they have traditionally had the most success—within the “moralistic” culture. Rep. Inglis from South Carolina credits influential trips to Antarctica and the Great Barrier Reef in Australia to explain his seismic shift from seeing climate change as “hooy” to recognizing it as an urgent threat.²¹² At the Great Barrier Reef, he met with climate scientist Scott Heron, who shared Inglis’ commitment to Christian faith: “Inglis realized that as a religious scientist who recognized the threat of climate change, Heron had built a bridge that Inglis and fellow conservatives might one day be able to cross. Inglis came home fired up.”²¹³

Considering all three of these political cultures helps illuminate where environmental grassroots organizations have struggled to succeed. Michael Brune, executive director of the Sierra Club, telegraphed his moralistic impulses in comments on the 2009 Waxman-Markey debates. In praising Senator Lindsey Graham (R-SC), Brune commented that “Graham was the most inspirational part of that triumvirate [of Graham, John Kerry, and Joe Lieberman] He was advocating for strong action on climate change *from an ethical and a moral*

208. Virginia League of Conservation Voters, *2017 Virginia General Assembly Conservation Scorecard*, 20, 23, <http://valcv.org/wp-content/uploads/2017/07/2017-Conservation-Scorecard.pdf>.

209. Paul Schwartzman & Laura Vozzella, *Democrat Who Lost Random Drawing for Va. House Seat Concedes to Republican*, WASH. POST (Jan. 10, 2018), https://www.washingtonpost.com/local/virginia-politics/democrat-who-lost-random-drawing-for-va-house-seat-opts-against-recount/2018/01/10/92a4776a-f60c-11e7-beb6-c8d48830c54d_story.html?utm_term=.ff437369e142.

210. See Virginia HB1082, *Environmental regulations; no stricter than federal law*, <https://lis.virginia.gov/cgi-bin/legp604.exe?181+sum+HB1082> (last visited May 10, 2018).

211. Ivy Main, *The Remaining Virginia Energy Bills: Energy Choice, Carbon Trading, The SCC, and Coal. Plus, Will Dominion Be Forced to Give Up its Ill-Gotten Gains?*, THE ENERGY COLLECTIVE (Jan. 19, 2018), <http://www.theenergycollective.com/ivy-main/2419829/remaining-virginia-energy-bills-energy-choice-carbon-trading-scc-coal-plus-will-dominion-forced-give-ill-gotten-gains> (“Delegate Yancey, whose lucky win following a tied election barely returned him to office, is affirming his Tea Party credentials with HB 1082, prohibiting state agencies from adopting any rules more stringent than what is required by federal law.”).

212. Andrea Cooper, *Bob Inglis Takes a Stand on Climate Change*, SIERRA: THE NATIONAL MAGAZINE OF THE SIERRA CLUB (Oct. 13, 2016), <https://www.sierraclub.org/sierra/2016-6-november-december/feature/bob-inglis-takes-stand-climate-change>.

213. *Id.*

perspective.”²¹⁴ That, however, is not necessarily how Graham saw himself. The *New Yorker’s* Ryan Lizza observed, “Graham came to the issue strictly as a deal-maker. He saw the Democrats’ interest in capping carbon emissions as an opportunity to boost the nuclear industry and to expand oil drilling.”²¹⁵ Thus, when Graham saw the deal collapsing, he bolted. In explaining his decision to withdraw his support for the Waxman-Markey climate bill, Graham remarked that environmentalists “don’t have much infrastructure on the Republican side. So when you hear the environmental community is mad at you, everyone says, ‘Tell me something new.’ It’s not like a support group you’ve lost.”²¹⁶

Environmental advocates have sought to counter traditionalist political forces with grassroots muscle; *i.e.*, with an appeal to individualistic politics. A Sierra Club official commenting on environmental politics during the Obama years stated, “They’ve [coal and oil companies] got more money. We’ve got more public opinion. We’re pretty confident we’re going to wrestle them to neutrality on the issues that are really important to us.”²¹⁷ The problem however, is that the public opinion leveraged by environmental groups is almost exclusively on the Democratic side of the aisle. During the 2010 election cycle, environmental groups with political arms gave overwhelming to Democrats (91% to 9%). For individualistic/grassroots pressure to effectively counter traditionalist politics, public opinion has to be strong with both political parties. Bill McKibben, a lead environmental advocate in the 2009 fight, recognized this weakness on his own side: “We weren’t able to credibly promise political reward or punishment . . . Clearly, we must communicate that their careers might come to an end. That’s going to take a few years.”²¹⁸ Over these next few years, environmental advocates need to maintain an unwavering focus on bridging the partisan divide by considering how all three political cultures—traditionalist, individualistic, and moralistic—can be leveraged.

V. CONCLUSION

Recent reports on global warming are, to put it mildly, sobering. Climate and atmospheric scientists have pointed to events like Hurricane Harvey in Houston, Texas²¹⁹ and the monsoon-flooded streets of Mumbai, India²²⁰ as examples of the

214. Lizza, *supra* note 71 (emphasis added).

215. *See id.*

216. Samuelsohn, *supra* note 155.

217. Darren Samuelsohn, *It’s Not Easy Being Green Anymore*, POLITICO (March 30, 2011), <http://www.politico.com/story/2011/03/its-not-easy-being-green-anymore-052156>.

218. Samuelsohn, *supra* note 155.

219. INITIATIVE ON EXTREME WEATHER AND CLIMATE, COLUMBIA UNIVERSITY, *Hurricane Harvey* <http://extremeweather.columbia.edu/2017/08/30/hurricane-harvey/> (last visited May 10, 2018) (compilation of analyses by Columbia University scientists and experts on Hurricane Harvey).

220. Arun Rana et al., *Impact of Climate Change on Rainfall Over Mumbai Using Distribution-Based Scaling of Global Climate Model Projections*, J. OF HYDROLOGY: REGIONAL STUDIES 107–28 (2014).

catastrophic impacts of human-induced global climate change. And there is no suggestion from the scientists that we get to hop off the proverbial train here. The impacts will grow more severe as the problem worsens. A booklet published jointly by the National Academy of Sciences (United States) and the Royal Society (United Kingdom) confirms that “recent climate change is largely caused by human activities,” making it “one of the defining issues of our time.”²²¹ That conclusion is embraced by roughly 200 scientific organizations worldwide, representing the broadest, conceivable diversity: from Sweden to South Africa, from the Islamic World Academy of Sciences to the Italian Accademia Nazionale dei Lincei.²²² The contrarian view of the leadership within the Republican Party and the White House highlights the fact that understanding the basic facets of climate change is no longer a scientific problem. Rather, we are now left with a uniquely American political dilemma.²²³

This paper attempts to outline a strategic approach to solve this dilemma. As Vivian Thomson and Vicki Arroyo have shown, climate politics at the state level are, in fact, guided by Elazar’s three, distinct political cultures: moralistic, traditionalist, and individualistic.²²⁴ Some states exhibit strong tendencies towards one of these cultures, but not the other. Other states exhibit tendencies towards two of these cultures. At the federal level, evidence tends to support the conclusion that all three cultures are very much in play. What is more, environmental advocates have failed to achieve a lasting, sustained victory to address climate change precisely because of a failure to capitalize on these three cultures and how they interrelate.

That failure can be seen in moments such as the decision to oppose re-election of George H.W. Bush, even after he made clean air legislation “a high priority for his administration” and succeeded in shepherding the 1990 Clean Air Act Amendments through Congress.²²⁵ It can be seen in the decision to tag

221. *Climate Change Evidence & Causes: An overview from the Royal Society and the US National Academy of Sciences*, NATIONAL ACADEMY OF SCIENCES & THE ROYAL SOCIETY (2014), <http://nas-sites.org/americasclimatechoices/events/a-discussion-on-climate-change-evidence-and-causes/>.

222. *List of Worldwide Scientific Organizations*, CALIFORNIA GOVERNOR’S OFFICE OF PLANNING AND RESEARCH, https://www.opr.ca.gov/s_listoforganizations.php (last visited May 10, 2018) (“Scientific Organizations That Hold the Position That Climate Change Has Been Caused by Human Action”); see also NASA, *Scientific Consensus: Earth’s Climate is Warming*, <https://climate.nasa.gov/scientific-consensus/> (last visited Aug. 31, 2017) (listing eighteen scientific associations that endorse the scientific consensus on global warming, including the American Chemical Society, the American Meteorological Society, and the National Academy of Sciences).

223. The observations of then-Congressman Bob Inglis (R-SC) are particularly relevant on this point. At a hearing before a House subcommittee, Rep. Inglis explained his understanding of the scientific consensus on climate change in common-sense terms: “Your child is sick. Ninety-eight doctors say treat him this way. Two say no, this other is the way to go. I will go with the two. You are taking a big risk with those kids.” See Hearing Before the Subcommittee on Energy and Environment, Committee on Science and Technology, House of Representatives, 111th Congress, Second Session (Nov. 17, 2010).

224. See Thompson & Arroyo, *supra* note 4, at 46–49.

225. DAYNES & SUSSMAN, *supra* note 110, at 162.

Republican presidential candidate John McCain with a 0% score on the League of Conservation Voters scorecard just months after he championed the Climate Stewardship and Innovation Act of 2007.²²⁶ These turning points highlight how the environmental community has become a wing within the Democratic party, and lost much of its ability to win over Republicans on climate policy as a result.

Environmentalists now have little to lose in disrupting the *status quo* and cultivating climate-friendly Republicans, even at the expense of some Democratic support. Environmental victories with national Democrats, after all, have been modest and short-lived when it comes to climate change. The Obama administration's Clean Power Plan leveraged market-driven reductions in greenhouse gas pollution that were already occurring thanks to signals from the energy industry.²²⁷ Old, heavily polluting coal plants nearing the end of their useful lives were being retired and replaced by cheaper natural gas units, which emit roughly half as much carbon dioxide as coal generators.²²⁸

In Virginia, this replacement trend led to a 31% reduction in annual carbon emissions from 2000 to 2014—*before the Obama administration's Clean Power Plan was even published as a proposal*.²²⁹ For Virginia, the Clean Power Plan focused on riding this wave, requiring only a 16% further reduction by 2030. President Obama, rather than aggressively dictating cuts in pollution, sought a middle ground that some of the nation's largest electricity providers (Dominion Resources, National Grid, Pacific Gas and Electric) were willing to publicly support and did support.²³⁰ As a marker of how far we have fallen since 2008, one commenter noted that Obama's Clean Power Plan was “far less ambitious than the proposal McCain offered in Oregon in 2008.”²³¹ And in the end, even this modest regulation is now set to be scrapped by the Trump administration.²³²

To be clear, there is immense value in the core idea behind the Clean Power Plan, which is that if the federal government begins accounting for carbon pollution through regulation, that regulation will send a market signal to drive more protective controls over time. These incremental steps, however, must be

226. See League of Conservation Voters, *National Environmental Scorecard: Senator John McCain (R)*, <http://scorecard.lcv.org/moc/john-mccain> (last visited March 4, 2018).

227. See EPA, Final Rule, *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units*, 80 Fed. Reg. 64662 (Oct. 23, 2015).

228. U.S. Energy Information Administration, Department of Energy, *How Much Carbon Dioxide is Produced When Different Fuels are Burned?*, <https://www.eia.gov/tools/faqs/faq.php?id=73&t=11> (last visited Aug. 31, 2017).

229. *Presentation to the Governor's Executive Order 57 Workgroup: Virginia's Carbon Reduction Efforts*, VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (Aug. 31, 2016), <https://naturalresources.virginia.gov/media/6808/deq-eo-57-presentation.pdf>.

230. See Brief of *Amicus Curiae* Dominion Resources, Inc. in Support of Respondent, *West Virginia v. U.S. Environmental Protection Agency*, U.S. Court of Appeals for the District of Columbia Circuit, Case No. 15-1363 (filed Apr. 1, 2016).

231. See Klein, *supra* note 67.

232. EPA, Announcement of Review, *Review of the Clean Power Plan*, 82 Fed. Reg. 16329 (Apr. 4, 2017).

sustained and built up over many decades. For that to happen, environmental organizations—not Democratic politicians—need to be the ones driving negotiations with Republicans. That, in turn, requires that environmentalists master the three political cultures discussed above.

Environmental organizations helped elect Bill Clinton in 1992 and Barack Obama in 2008, and both the Clinton and Obama White Houses did deliver short-term victories for environmental advocates. But those short-term victories may have unwittingly impeded longer-term progress. Republicans have surmised that climate change is exclusively the Democratic party's agenda. Reversing that supposition must be the No. 1 mission of the environmental community.

Of course, it is easy to say that environmentalists need to be able to build political capital with Republicans on global warming. Achieving that goal is another matter altogether. One Republican operative has concluded, "In terms of GOP outreach, it's a nonstarter They've [environmentalists] burned so many bridges."²³³ It will take several years to rebuild those bridges, and in the meantime, a quickly worsening climate crisis will grow significantly worse. We cannot afford to be Pollyannaish about that fact. But as environmentalists, we must now play a longer game.

233. Samuelsohn, *supra* note 217.