

How We Win: The Path Forward in Congress on Climate Change

RISA GOLUBOFF: Welcome everyone. Good morning. And welcome to the sixth annual Lillian K. Stone distinguished lecture in environmental policy. This lecture series is made possible by a gift from Frank Kittredge, who is architecture class of 1978, and Thatcher Stone, who's a law school graduate of class of '82, and both of whom are here in the audience today, which is just wonderful to be able to thank them in person and have them see the fruits of their gift which was made in honor of Thatcher's mother, Lillian.

As a result of their gift, every year the Law School and the School of Architecture jointly host the Lillian K. Stone lecture. And it is intended to help us maintain our longstanding commitment to educating our students and exposing them to issues of environmental law and policy, especially the National Environmental Protection Act, but environmental law writ large, the realities of climate change, and the need for interdisciplinary approaches required to confront changing realities of climate and the environment.

This year continues that tradition. And I'm so glad to see so many people from around grounds and in fact from outside the university altogether from Charlottesville. And we have had a wonderful array of lecturers who have brought their passion for this issue and their thoughtful stewardship for the environment to the University of Virginia. And today continues that tradition. And I am so honored and delighted to welcome back and introduce UVA Law alumnus, also of the class of 1982, and US Senator, Sheldon Whitehouse.

[APPLAUSE]

I have more to say. Don't get up yet. Senator Whitehouse grew up in New York. And he studied architecture at Yale before moving south to Virginia and completing his JD here at the university. After graduating, Senator Whitehouse clerked for Judge Richard Neely of the Supreme Court of Appeals of West Virginia before heading to Rhode Island where he has since spent an illustrious career serving the public in a number of roles.

He began his career in Rhode Island in the attorney general's office and then transitioned to the office of the governor where he served as both legal counsel and policy director and earned high marks from Rhode Island Governor Bruce Sundlun who appointed him to his cabinet as director of the Department of Business Regulation. Senator Whitehouse was then nominated by President Clinton to serve as Rhode Island's US attorney in 1994.

And even in those early years of his career, even as US attorney, he deployed the power of his office in the service of environmental justice. Not only did he handle the traditional kinds of US attorney cases, like convictions of extortionists and mobsters, but he also won a state record level of compensation after the Narragansett Bay oil spill, directing the funds toward affected citizens and bay conservation efforts. Environmentalism in fact was a consistent thread throughout his work and has been a consistent thread throughout his career.

After he concluded his tenure at the Department of Justice, he was elected attorney general of Rhode Island in 1998. And in this capacity, he took to task paint manufacturers and the Lead Industries Association trade group in a lawsuit to try to recover payment to treat affected children suffering from lead poisoning. A short time later, he created Rhode Island Quality Institute, a center aimed at increasing health care efficiency and waste reduction, all of this demonstrating his end-to-end awareness of how inextricably linked environmental well-being is to population health as well as his commitment to promoting and safeguarding both.

In 2006, Senator Whitehouse was elected to the US Senate with environmental protection as a centerpiece of his platform. Hailing from Rhode Island, the Ocean State, Senator Whitehouse co-founded the Senate Oceans Caucus to respond to the challenges facing the coasts and the oceans and on the part of the interests of countless industries which depend upon them. He also, of course, serves on many other committees-- environment and public works, budget, judiciary, and finance, as well as on the Caucus on International Narcotics Control and the Commission on Security and Cooperation in Europe.

He has authored legislation to reauthorize the National Estuary Program and championed bills like Safeguarding America's Future and Environment, the SAFE Act, and the Mercury Pollution Reduction Act. Should any doubt remain about Senator Whitehouse's environmental bona fides and his passion, you can look no further than his weekly-- yes, weekly-- Time to Wake Up floor speeches on climate change. And thus far, he has logged over 200 such speeches, and we are still counting.

Curt Spaulding, former EPA regional administrator said of Senator Whitehouse about his impassioned climate advocacy, quote, "He brings real data to these conversations. When he stands up and does climate speech after climate speech, he's really trying to get people to realize this isn't about some abstract idea of a warmer ocean. This is about a real place with real people. I think that's what motivates him. By advocating on climate, he speaks for the future of our children, and he has a mindset about the future."

The Senator's latest book published in 2017, *Captured, the Corporate Infiltration of American Democracy*, further follows the influence of corporate power and fossil fuel industries in controlling the climate change narrative and national policy response. So as you can see, in big ways and small from the beginning of his career until now, with both individual approaches and systemic ones, Senator Whitehouse has used his posture, his position, and his authority to serve as a clarion voice expressing the urgent need to acknowledge and address the threat of climate change.

We are so humbled and honored to have an esteemed and august speaker for our Lillian Stone lecture today. And we are doubly proud that we can consider him one of our own. Please join me in welcoming Senator Sheldon Whitehouse.

[APPLAUSE]

SHELDON WHITEHOUSE: Well, I don't know about all that humbled august and esteemed bit. But I appreciate that wonderful introduction, Dean. Thank you so much. And it is a lot of fun for me to be back here.

I assume you're all keeping up the UVA Law School tradition of having a really good time.

[LAUGHTER]

Safe assumption? Good. Wouldn't want to lose that.

I'm keenly aware of the public service of the woman for whom this lecture is named, Lillian Stone. I live in a world right now in which people like her tend to be condemned as bureaucrats, as the swamp, and as part of the administrative state. But all of that is completely bogus. In fact, people like her are principled folks who dedicate their lives to doing their best for a public to whom they are accountable through their official office and whose duties are set for them by the public and who have public service as the reason for going and doing what they do. So for Lillian Stone's 25 years of service at the Department of Interior leading environmental projects, thank you.

And to Thatcher, my buddy, we lived together here in law school. It is really terrific. He's turned into one of the great aviation lawyers of the world, very successful in aviation finance also and is now one of the most generous benefactors of the law school. So it's a real privilege for me to be here with my old buddy and to see him so successful and generous.

I'm also very aware that I am the first person of the male gender to give this lecture. So thank you for slumming. And I'm particularly aware of Kate Orff and Jane Lubchenco, because I know them outside of all of this. They have each come up and given presentations at the annual Environment, Energy and Oceans day that I host in Rhode Island. So I'll try to do my best to keep up with the Orff-Lubchenco standard.

But my habitat is a little bit different than theirs. My habitat is the political world. And as a denizen of that habitat, I'm here to describe a little bit what I see around me as the forces that come to bear on climate change. I will start by setting aside two non-questions that are sometimes manufactured as questions.

The first is the whole science of climate change. This is incredibly well-established stuff. The notion of greenhouse gases was first being written about by scientists when Abraham Lincoln was wearing his top hat around Washington, DC. There is nothing new. And there is really no legitimate challenge to the science anywhere.

What there is is a very robust science and climate denial operation that I'll talk a little bit more about that puts up fake and phony science, avoids peer review, goes straight to the talk shows, has a very different methodology-- it's a public relations methodology-- than science and a very different purpose. It's a public relations purpose rather than science.

So I think we can put that behind us. But since I am here at UVA, I do want to say a particular thank you to a former professor in the undergrad part of UVA, Michael Mann. Michael Mann is the guy who developed the hockey stick graph that Al Gore made famous in *An Inconvenient Truth*. And because he had the temerity to do that, the fossil fuel industry decided that they needed to try to destroy his life.

And one of the ways they did that was through the Virginia attorney general, a guy named Cuccinelli, who went after Michael Mann through his UVA emails trying to dig through and get all the information he could so that they could try to find something to discredit him personally with. To UVA's great credit, it told the attorney general to go pound sand and fought the case all the way through to the Virginia Supreme Court, which also told the attorney general to go pound sand.

Now, Michael is still doing this stuff. He is up now at Penn State. And he's turned from just a scientist into a real fighter and somebody who now actually analyzes the whole science denial apparatus. It is now part of his scientific brief to study that.

And there are probably another 40 or 50 scientists who are working on that. Naomi Oreskes is a very famous one. Robert Brulle, another who just came to Brown. So I set aside questions about the science. They are done.

I also would argue that we have a solution that everybody ought to be able to agree to in mind. The International Monetary Fund has concluded that the benefit to fossil fuel, the effective subsidy to fossil fuel every year in the United States alone, is \$700 billion. That's a stunningly big number. And it is very much worth fighting over. It is very much worth maintaining that whole apparatus of denial to protect because it is such a big number.

But when you have that kind of an unfair advantage for one particular competitor in the energy market, one very easy way to fix that is to fill the gap, to take back the inappropriate subsidy. And the best way to do that is by putting a price on carbon that correlates to the cost of carbon pollution in the atmosphere. That's economics 101, that the cost of a product should be baked into the price of a product. But it is the very thing that the fossil fuel industry fights most, desperately against.

However, when you're out of the immediate sway of the fossil fuel industry and you're in Republican circles, everybody comes to the same conclusion. You need to put a price on carbon. It needs to be revenue neutral, because why pick a fight over the size of government? This is a big enough fight all by itself. And it needs to be border adjustable so the cement plant in Texas doesn't get cleaned out by the cement plant in Mexico with no net gain and probably even net environmental harm.

So those are the three principles Baker and Schultz and the other folks who are doing climate Leadership Council have all come to them. Bob Inglis, the congressman who got run out of Congress by the fossil fuel industry for being a non-climate denial Republican, agrees with them. It really is basically where everybody on the Republican side who has thought this problem

through to a solution has landed. And my answer to that is, OK. So I have a piece of legislation that is a price on carbon that is revenue neutral and border adjustable.

So we really don't have dispute over the science. We really have very clear agreement over what will work as a solution. So what is the problem?

What is the problem is that talking to Republicans in Congress about climate change until very recently has been a little bit like talking to prisoners about escape. The getaway car's waiting. We all agree on the carbon price. We all agree there's a problem when we'd like to get out. But for them, between where they are and that getaway car, is the fence, the wall, the barricade, the guard towers, the search lights, the barbed wire, the whole apparatus that the fossil fuel industry has set up to police and make sure that they stay faithful to the fossil fuel industry's desires.

So that takes me to a related point. One of the myths about my habitat and about climate change is that this is a partisan issue. Not really. Not at its heart. And I know that because I was elected in 2006, and I was sworn in 2007. So for 2007, 2008, and 2009, my first three years in the Senate, all around me was bipartisan work on climate change.

There were five different Republican senators working on different climate change solutions. We had bipartisan hearings. There were bipartisan conversations. We had groups coming in to try to help us work through cap and trade, or carbon pricing, or what the different opportunities were. And those groups were often bipartisan.

So what happened? What suddenly went wrong? Let's go back a step in time. Hold right there, OK? It's the end of 2009. Everything is looking pretty bipartisan. It's a big, hairy issue. But we're working through it the way you'd expect Congress to work through a big, hairy issue.

Now go back to my early days as a lawyer when we were going after the tobacco industry. That ended with a Department of Justice lawsuit under the civil RICO statute to require the tobacco industry to stop lying about its product, to stop lying about the safety of its product. The Department of Justice won that case in the United States District Court for the District of Columbia. They won it on appeal in the DC Circuit. And the Supreme Court denied cert. So case settled. And the instruction that came out of that was you got to stop with all the lying. And by the way, you got to cough up all your records and put them in a common file where we can reach through them and all of that.

So there is this big apparatus that had been designed to lie about the health effects of tobacco that suddenly has no client any longer. And conveniently along comes the fossil fuel industry. And they move in, some of the same agencies, some of the same scientists.

Think how rare it is to be a scientist who is a specialist in how tobacco doesn't help you and how climate change isn't real. Where is the scientific overlap in those fields? So you know that there's something else moving in the water when you see those results. And they took it over. And that became the propaganda side and the fake grass roots side of the anti-climate change movement, modeled almost perfectly on what they had done for big tobacco before.

But it wasn't enough, because that was all up and running in '07, '08, and '09 while we were doing all this bipartisan stuff. So they needed one more thing. And they got it in January of 2010 when they convinced five judges on the United States Supreme Court to render the Citizens United decision. That too came from the tail end of a series of decisions that began again in Virginia. I'll keep coming back to various Virginia themes.

Lewis Powell, a legendary Virginia lawyer, wrote a prescription, if you will, for the then US Chamber of Commerce saying, we need to get after the courts if we're going to have corporate America have some real clout here. Then he got put onto the Supreme Court. And he was the author of the Bellotti decision, which was the first one that said corporations have political rights.

And from that original Bellotti wedge, case after case opened the wedge more and more, always 5 to 4 decisions with the Republicans driving it, and the coup de gras, if you will, with Citizens United. And you could see the change in Congress like that. The steady heartbeat of bipartisan activity through '07, '08, and '09 flatlined exactly with the date of that decision. The fossil fuel industry asked for it. They saw it coming. They were ready to go. And they deployed massively in with the permission of that decision.

There are three things that you got to know about Citizens United. The first is what it actually says, which is that unlimited money can be spent in politics by ginormous special interests. That alone has its problem if you believe, as is my experience and history's lesson, that one of the fundamental contests in politics is between a small group of very powerful people who want influence and who want a government that is amenable to their influence and a much larger group of people who just want to be left the hell alone and have a government that will be able to defend itself from those people who want all the influence.

And whether it's Marie Antoinette, or whether it's-- you can go all the way back through history. Read-- what's his name? Having a brain freeze. The veto message for the Bank of the United States by President Jackson. He describes that exact political phenomenon. Read Machiavelli. He describes that exact political phenomenon. It is the lasting political contest across all different types of government.

So when you allow unlimited spending in politics, you advantage by definition people who are capable of unlimited spending and have a big goal to pursue in politics. So that sector of all of us is probably the sector you least want to advantage. But enormous advantage was conferred on it. And the fossil fuel industry sits right smack in the middle of that at the apex of that sector.

It took these guys about 30 days to figure out how they could hide who they were when they spent the money. A premise of Citizens United was that the spending would be transparent. No way. 501(c)(4)s, Donors Trust, shell corporations. Huge amounts of the money that's spent in politics right now, most of the money that's spent in politics right now, is actually untraceable and anonymous.

So now not only have you moved that power to this very small group of people who are on the wrong side of the influencer versus public dispute, but you've also allowed them to play the

game of hiding their hands so that the public watching this tableau doesn't even understand who the real players are. And that's why you see ridiculous advertisements from groups with names like Virginians for puppies and peace and prosperity, which everybody knows is a phony baloney organization, or all of them like it are phony baloney organizations, whose entire purpose is to prevent you from knowing who really paid for the TV ad.

And then there's the third slice of Citizens United that this benighted, politically ill-attuned court failed to notice at all but is very, very real in my world, which is if you give a ginormous special interest the ability to spend unlimited political money and you further give them the ability to hide who they are when they spend that unlimited money, you have given them another corollary power, which is to threaten or promise to spend that unlimited money and maybe even do so anonymously. And at least when you're doing it anonymously, you'll see the ads. You may not know who's behind them but you see the water move, and you know there's a beast in the water.

When it's just threats and promises, you'll never see that. That is an enormous avenue for corruption. And it's an enormous avenue for improper influence. And it brought climate work to a stop like that in the Senate, because the fossil fuel industry knew that this was coming.

There's a little history on this. And again, back to Virginians. After the country was set up, Jefferson and Madison stayed in touch. And their correspondence is very, very interesting.

And about 40 years after we established our independence, corporations began to emerge in the form of banking organizations. Before then, a corporation was basically either a municipality, or a toll road funding facility, or a bridge funding facility. It was basically a public works funding mechanism.

Now along come the banks, and it gets a little hairy. And here is Jefferson and Madison corresponding to each other.

Madison-- "There is an evil which ought to be guarded against in the indefinite accumulation of property from the capacity of holding it in perpetuity by corporations. The power of all corporations ought to be limited in this respect. The growing wealth acquired by them never fails to be a source of abuses."

Jefferson back to Madison-- "We must crush in its birth--" Jefferson was a little bit more forceful in his text, as you all know. "We must crush in its birth the aristocracy of our moneyed corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country."

I would submit that the climate change fight we're in right now is that trial of strength between vast moneyed corporations often able to hide the way they maneuver and the general public and that we need to take Jefferson and Madison's warnings for the prescient warnings that they were. We see them echoed again by the Roosevelts as they had to take on a second generation of big special interest influence and abuse. And I am actually optimistic that we are now, with enough public understanding of what is going on, going to be able to do this.

I'll close with the importance of the rule of the courts, the role of the courts, because here we are in a law school. In my world, they can lie at will. In my world, they are never under oath when they come in to say things. In my world, you don't really have the chance to ask hard questions. In my world, you don't actually get to see their files.

Move to court. Suddenly there is discovery. Suddenly you can dig out their files. Look at the battles that the fossil fuel industry is fighting to stay away from discovery right now. They intervened in the Oregon children's case. And as soon as they lost the motions to dismiss, they moved to get out of the case so that they wouldn't be amenable to discovery.

They told the attorney general of Massachusetts on the way to challenge her investigation that-- told a judge, a superior court judge, in Massachusetts that they did no business in Massachusetts. Exxon Mobil did no business in Massachusetts and was not within the reach of the long-arm statute. That judge had probably driven by an Exxon station to work that day. So you know that's a Hail Mary. And you can deduce from a Hail Mary argument how intensely they're feeling about discovery.

And to track back to the tobacco story, what broke tobacco wasn't that we won the lawsuits, although we ultimately did. What broke tobacco was that we got into their files. So discovery is really the tipping point.

And then if you can take depositions and cross-examine people under oath, the mechanism of truth finding of courts can be the antidote to the corruption of politics by these big influencers. And I leave you with that thought. And I'm happy to take some questions. Thank you.

[APPLAUSE]

SPEAKER 1: So the senator has kindly agreed to take some questions. And raise your hand. And we have a microphone going around. If you can wait to get the microphone, anybody can hear.

SHELDON WHITEHOUSE: No questions from him.

SPEAKER 2: Senator Whitehouse--

SHELDON WHITEHOUSE: Thatcher had the chance to grill me for years. Yes, Jackson. How are you?

SPEAKER 2: Doing well, sir. Thanks for coming down. I noticed that you discussed, obviously, climate change in the political world. But you left out the Green New Deal resolution and what that could mean for the future. So I just want to give an open-ended prompt on what you think about the Green New Deal resolution, its actual ability to get passed, and what it means for our economics and political world. Thank you.

SHELDON WHITEHOUSE: The Green New Deal at this stage is what I would call a concept. As a legislator, I work in a world of legislative language and of bills. The Green New Deal concept has not been and cannot be as a mere concept vetted as to what effect it will have on our

carbon emissions and on our global temperatures. A carbon price has been repeatedly tested working off specific legislative proposals. And it's shown what it can do. We have very solid predictions about what that will do.

So the Green New Deal is at this point not competitive in the legislative space. But it shouldn't be, because it is at this point still a concept. And in that regard, I think it's been enormously valuable.

First of all, it has opened up the conversation and breathed a lot of energy and life into the conversation. And it was a conversation that had gotten pretty damned stale. So I think the folks who supported the Green New Deal have done us all a great service by pushing that concept forward.

And second, I think it has opened the arena for trying to address the carbon problem. And I can assure you that if we do a big tax bill of some kind, if we do a big infrastructure bill of some kind, wherever we go and do a significant piece of legislation, there will be a very sincere and persistent effort to get carbon saving and resiliency pieces in that are very consistent with the Green New Deal concept.

It plays into some mischief and trickery in my political world in that it took about 30 seconds for the Koch brothers to pay to have it cartooned. And it took about another 30 seconds for the Wall Street Journal editorial page to say, make them vote on it to have fun with our cartoon. And it took about another 30 seconds for Mitch McConnell to call that vote on the Senate floor.

We basically as a group of senators said to him, the Democrats said, this is not sincere. There's no effort here to legislate. You actually intend for this thing to fail in addition to it not being legislation. So we're not going to treat it seriously, and we're just all going to say present. And virtually all of us did that. And that took the wind out of their sails.

So the Green New Deal has an enormous conceptual power and enormous rallying power around its concepts of fairness as well as climate relief. But where I come from, I want bill language. I want things we can vote on. I want to make a difference. And I need to know that what I'm voting on is going to keep us under 1.5 degrees centigrade. So that's my target, a bill with real legislation that keeps us under 1.5 degrees centigrade.

SPEAKER 1: [INAUDIBLE]

SPEAKER 3: Sheldon, I was very impressed when you and John McCain wrote brief to try and deal with citizens--

SHELDON WHITEHOUSE: Sorry-- yep, yep, yep, yep.

SPEAKER 3: And we've been great friends--

SHELDON WHITEHOUSE: We did another one on gerrymandering too.

SPEAKER 3: --there's always been political daylight between us. But I agree with you. So what's going on now to challenge Citizens United? Are there any cases in the system anywhere that you are aware of?

SHELDON WHITEHOUSE: Not really. Our best shot was the case that John and I wrote the brief on, which was a Montana case. In the Montana case, they actually had a really strong local history of corruption. There was a senate seat that was literally bought. And everybody said, I bought it. I think it was from that incident that they said, yeah, he's an honest legislator. Once he's bought, he stays bought.

And with that long, long history behind it, they passed a very similar law to the one challenged requiring that there be campaign finance limits. And the Supreme Court without even hearing argument summarily refused to hear it led by the five Republican appointees. So it's going to be hard to get there. If you think that the Court has been politicized, this is probably the apex thing that the people who've politicized them want to protect. So not an easy task to get that changed through the courts.

I do think that we can embarrass them about the decision, because it has enormous factual, legal, and parliamentary flaws that they had to swallow in order to get to the result that they wanted. But that's a long battle. The other way to do it is to amend the Constitution. That's even longer.

So what that leaves you with is what they said they were protecting in that decision, which is transparency. And in H.R.1, the big government reform bill, is a bill of mine, the DISCLOSE Act, which requires full transparency once you hit \$10,000 in political spending. And that would change this dramatically.

My gut-- I don't have studies that show this. My gut is that you would diminish the unlimited off-the-books spending that pollutes our politics now by more than half, probably by 2/3, if you took away the ability to make it anonymous, because it takes the fun out of it for Exxon if they're on the air with a TV ad saying, White House is a bomb. He's no good. This was brought to you by Exxon Mobil. I mean, I would run that ad on me, because in Rhode Island, people would go, yay, he's fighting those bastards. Good for him.

So their ad has to come through as Rhode Islanders for peace and puppies and prosperity. And if you take away that avenue of masking who they are, then I think a lot of this dries up. And we get to a much, much healthier place in which the public is in on the story that is playing out on the political stage in front of them rather than allowing important players to hide behind masks.

SPEAKER 3: Thank you, Sheldon.

SPEAKER 4: Thank you for being here, Senator Whitehouse.

SHELDON WHITEHOUSE: My pleasure.

SPEAKER 4: The science community has repeatedly had to revise upward its forecast for the severity and the pace of climate change. And I was wondering at what point does your optimism

give way to a dual purpose responsibility of not only trying to address the causes of climate change but also to mitigate the effects?

SHELDON WHITEHOUSE: That's a really good question. First of all, let me say that some of my optimism is strategic. If I'm not optimistic, then who else is going to be? And it makes it a lot easier to get up in the morning and fight if you're feeling optimistic. So I drive optimism into myself and wherever I can. And that makes me sometimes a little bit overoptimistic. But I think it's important to me to stay optimistic. And it's important to have a sense of optimism in this issue.

We are going to have to prepare for very significant changes. This is like the proverbial oil tanker or the locomotive. You can turn off the power. You can put on the brakes. And it's going to carry for quite a long time. And it's probably going to be a couple of decades before the follow-on turns even if we were to stop things right now. And of course, we're adding to our carbon emissions right now. So the outcomes still have some pretty dire prospects.

The one that I would add that we don't often think about-- I'm a Foreign Service kid. My dad was a Foreign Service officer. My grandfather was a Foreign Service officer. My uncle was a Foreign Service officer. I grew up mostly in Africa and Southeast Asia and boarding schools where there weren't schools where we were.

So I have a really deeply inculcated sense of the role of America in the world and how important it is that we are who we are and how other nations see us differently than they do other powers like Russia, or China, or whomever, that we have a, what Bill Clinton used to call a power of example, that goes back to Jonathan Winthrop and the city on a hill and that runs straight through as an enduring theme of our self-narrative about our country. And my problem now is that I consider that to be an extremely valuable asset to us from a national security perspective. And we are derogating that asset. We are dwindling and damaging that asset by the way in which we are conducting ourselves on climate change.

It is hard to assert the power of your example. It is hard to convince the rest of the world that you are a city on a hill while the method of government, the mechanism of government that you have championed, is corrupted by a big, obviously conflicted industry and won't do what is obviously necessary in order to get it done because of the extent of that influence and corruption. And I think that's a really tough message.

And the worse things get, particularly in Third World countries or in countries where people still live close to the land, the worse that anxiety and that pain and that suffering and that frustration of having your fishery gone, having the place you herded your goats no longer support them, having the farm products you grew no longer grow there, all of those changes are going to create resentments. And in our human species, resentments want targets. It's why we have a system of justice so that that resentment can be captured, disciplined, and given a fair outcome so that we can move on peacefully as a civilization.

One of my favorite quotes, as Henry Kissinger once told me, all the great revolutions of the world have occurred from a confluence of resentments. And we are now creating resentments at

a wholesale pace with our behavior while we are busily damaging our own brand. And that's a bad combination for the city on the hill. Yeah.

SPEAKER 5: [INAUDIBLE] it seems unlikely that there will be 60 votes in the Senate. I'm curious in light of that in order to pass climate change legislation we need [INAUDIBLE].

SHELDON WHITEHOUSE: The problem with those is that it takes legislative work to get them done. And a lot of the opponents of climate change are going to be opponents of those measures as well. If it came down to we have the majority and we have the ability to put through a serious climate bill and get going and it takes breaking the filibuster that one time to do it, I think we've got to put that notion in play, because this is such a vital, vital, vital issue. But I'm skeptical of it generally. To me, the path to victory is to break the back of the climate denial apparatus and to point out some of the dishonesty that's taking place out there.

You've got fossil fuel industry CEOs who say, climate change is real. I know my product is causing it. And I support a price on carbon as a remedy. And they are lying, because their entire armada of propaganda, electioneering, fake science, and lobbying is still 100% dedicated to telling every member of Congress that if you believe those ideas, we're going to squash you. So they're playing a double game, saying one thing for the public's consumption, and doing something exactly the opposite through their entire vast armada of political apparatus. So pointing that out puts them on a very difficult spot.

Among the good guys, even like the great tech companies who are very pleased with what they're doing-- Apple, Google, Microsoft, Facebook, Salesforce, all of them. Until yesterday when they came in, they had had no serious position on climate change in their congressional lobbying. If you're a Republican senator and you're looking around for a friend who's going to have your back when the fossil fuel guys come after you and you can't go to the biggest companies in the world who advertise themselves for being green and have within their tech sector actual green energy companies and expect any support, that's a tough fight.

I used to needle my friend John McCain about this, because I was hoping that he'd be my breakthrough pal to get this done. And at one point I needled him enough that he popped off, and he said, god dammit, Sheldon. You know perfectly well that I'm willing to take on dangerous missions for my country. I had to concede that point. He said, but don't ask me to go on suicide missions.

And so we need to change it so it's not a suicide mission any longer. If good guy corporate America stepped up and took an interest in climate change in Congress, if they brought to Congress the same policy that they're deploying within their corporate sector, within their, in many cases, supply chains, you could basically roll the fossil fuel industry. I mean, they're really determined. But up against all those guys, they're not that big.

The other side just isn't showing up. And the immediate point of conflict right now is the United States Chamber of Commerce. There is a lot of dissension within the Chamber about what it's doing. It's the biggest dark money spender in the country. It is running ads against people on

climate change. It is completely dedicated to stopping climate action. And the vast majority of its corporate board members disagree with that position.

So if we could force a situation by spotlighting that from Congress and from the public where they have to say, whoops, we held out for you guys as long as we could. But now we got to throw in the towel or we're going to be permanently damaged. That shift of the US Chamber suddenly becoming a non-antagonist to climate action would be like the biggest tree falling in the forest. It would be a crashing sound that every single forest denizen heard. It would rock my habitat.

SPEAKER 6: On a similar note, given the current composition of the Supreme Court is probably not changing anytime soon, do you worry the government judicial route won't work or [INAUDIBLE]?

SHELDON WHITEHOUSE: The Supreme Court is in a tough contest right now between its desire to serve these particular interests and its desire to protect its reputation. And I think they've gotten a little bit over their skis, because we have not been very good at calling them out. With the arrival of Justice Kavanaugh as a flagrant partisan from his display in the hearing, I think Roberts is very anxious that now if he keeps doing what he has been doing with that Kavanaugh flair still shining and flashing on the court, it will be much more noticeable. He won't be able to do it sub silentio. He'll be outed for what they have done.

So I think that they're going to try to backtrack a little bit on this. I would hope that in the interests of a whole variety of legal and juridical principles, they would backtrack on Shelby County and on Citizens United. There is something very wrong when an appellate court makes factual findings.

You've all learned that appellate courts aren't supposed to make factual findings. When they make wrong factual findings, false factual findings, that makes it even worse. When events after the decision prove indisputably that their factual findings were indeed false and they don't go back to correct, that's another signal about what their intentions were and of a politicized court.

So I think that the more the people tear apart Citizens United and the more it and Shelby's factual premises are pointed out as false ones, the more there's a chance that they'll-- a little bit like the Chamber guys say, OK guys, we gave it the best shot. We knocked out the Clean Power Plan. We did everything we could to help you for a decade or more. But game's up. Now we've got to go back and rebuild the credibility of the court. So I'm hoping that that's the way that turns, because I put Citizens United into Dred Scott type quality of bad, bad decision making. I think it's one of the four worst decisions the Supreme Court ever rendered.

SPEAKER 1: We can do one more question.

SPEAKER 7: So I want to thank you for coming here to talk about some of the issues that we're currently facing. You talked about some of the issues, and then you also talked about which asked this question of there's just a concept out there. You've been working on this issue for a

while. So I'm just wondering what kind of answers do you have for us, that you're pushing [INAUDIBLE]?

SHELDON WHITEHOUSE: Yeah. We're actually going to file it again. I filed it in the last two congresses. And I'm filing it again this coming week. We're probably going to have five senators on it. We've kept other senators off for a while to try to just have it be Brian Schatz and I, the two of us. Because once you get 10 Democrats on a bill, it's harder for a Republican to get on it. So we've tried to keep the numbers down.

But we've opened it up to a group of Democratic senators who've been knocking on the door saying, I want to get on your bill. I want to get on your bill. I want to get on your bill. And we're finally saying, OK, we'll let the ones who knocked get on the bill. And we'll have a small handful.

It's a carbon price. It's about \$54 per ton now. It's got a 6% accelerator. It is revenue neutral. The money all goes back. It goes back through an offset to your opening payroll, the opening amount of your payroll tax. It'll be about \$1,000 per person, with a similar benefit for people on Social Security veterans benefits who aren't earning payroll tax. So you want to reach them as well.

And then there's a hunk of it-- we're still working on the scoring, which is one of the reasons-- It's probably going to be about a 2 and 1/2 trillion dollar bill. So it's a lot of money moving. And that's why we need to make sure it all goes back out to the public as quickly and seamlessly as possible.

But I've put a chunk of it aside, which would be a couple of hundred billion to go out to states, because States Qua State have their own agency in this fight. And they're all very different. If you're West Virginia, you probably want to take care of all your miners' pension plans, take care of all their health and welfare plans, figure out what you can do to make sure that the transition is not too hard for people who worked hard and honorably in dangerous work to grow our country.

If you're Wyoming, you're looking at a third of your state revenues coming off of fossil fuel fees and licenses. So if John Barrasso, my chairman on the Public Works Committee can't go home to Wyoming and say, OK, here's a solution if we do this that will help the governor and the legislature with that, he's got a problem.

In Rhode Island, we're looking at nine feet of sea level rise. Rhode Island is not a big place. We don't have a lot to give back to the ocean. You look at the map of what Rhode Island looks like afterwards, it is an archipelago. I laugh, because-- and you laugh. But really, it's deadly serious. Those are people's homes and businesses and lives that are going to be affected.

So we have to-- every state is going to have a different thing. So we've got a state set aside. But other than that, it's money all back. And we believe we will meet world trade scrutiny. We've had it run through world trade lawyers with our border adjustment so that again, you're tariffing people who don't have a similar carbon price.

One of the good things about our carbon price, because this is a global problem, you've got to get other countries to do it. If you try to put one country's regulatory system against another country's regulatory system and figure out how you balance those two things, that's really complicated. That's really hard. You put a \$54 per ton carbon fee here and here, you know exactly that you're playing on a straight playing field. And if they're 16 and you're 54, you know how to tariff the difference with simple mathematics. So that's another reason why I think a carbon price is the right way to go in addition to the market correction that it entails.

SPEAKER 1: Thank the senator so much for coming.

SHELDON WHITEHOUSE: Thank you all for coming out. Good to be back. Good to be back.

[APPLAUSE]