

Government for Rent

How Special Interests Finance
Governors to Pursue Their
Climate Policy Agenda

BY CHRISTOPHER C. HORNER

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Author's Note

This paper is based on documents obtained by CEI and other public policy groups over the course of more than a year, beginning in June 2017, from open records requests. Due to the volume of records, not all cited records are included in the body of this paper. Key documents are provided in the paper's appendix, which can be accessed at CEI.org/GovernorsClimateScheme. The complete collection of documents cited in this paper is available at ClimateLitigationWatch.org, a project of the nonprofit public interest law firm Government Accountability & Oversight.

Executive Summary

FROM SEPTEMBER 12 TO 14, 2018, California Governor Jerry Brown (D) will host a “Global Climate Action Summit,” an official state event using public positions and taxpayer resources to make climate change an issue of greater political concern before the 2018 elections.¹ This three-day event is budgeted at \$10 million, provided by “strong support from individuals, foundations, governments and businesses. Supporters will be able to engage Summit leaders”—e.g., elected office holders—“and shape an event that will catalyze [government] climate action worldwide.” Open record productions reveal that this summit is part of a enormous climate industry that funnels donor money through nonprofit organizations to staff up politicians’ offices. This is done off

the books, and the nonprofits take a handsome percentage for serving as middlemen. The September event is just one component of a sprawling enterprise that underwrites “support functions” for politicians to advocate the parties’ aligned policy agenda.

The \$10 million is to underwrite e.g., “Communications, including traditional and digital media, marketing, and branding, Partnership engagement and coalition-building, Fundraising and supporter outreach”² (See Figure 1) and a handful of senior, full-time, and off-the-books staff members to Governor Brown. This is on top of an existing network of off-books “staff” and consultants, plus transfers to outside groups to generously support the governors, with \$50 million budgeted for 2020.³

1. “Gov. Jerry Brown of California on Thursday reinforced his reputation as America’s de facto leader on climate change, announcing to cheering crowds in Hamburg, Germany, that his state would gather leaders from around the world for a global warming summit next year.” It continued, “According to [Governor] Brown’s office, the summit meeting will be the first time an American state has hosted an international climate change conference with the direct goal of supporting the Paris Agreement.” Lisa Friedman, “Jerry Brown Announces a Climate Summit Meeting in California,” *New York Times*, July 6, 2017, <https://www.nytimes.com/2017/07/06/climate/jerry-brown-california-climate-summit.html>.

2. Governor Brown’s three-day production has a \$10 million budget, “from individuals, foundations, governments and businesses,” according to a “Concept Note” approved by Gov. Brown’s office and “share[d] with potential funders.” “Concept note,” attachment to October 5, 2017, email from CalEPA’s Alexa Kleysteuber to CalEPA Secretary Matthew Rodriguez, copying Ashley Conrad-Saydah; Subject: 2018 Concept Note.” “We anticipate a budget of \$10 million, to include: • Venue reservations and event production, • Operations and project management, • Development of content and products, • Communications, including traditional and digital media, marketing, and branding, • Partnership engagement and coalition-building, • Fundraising and supporter outreach.”

3. Governors Brown, Cuomo, and Inslee staff budgeted “\$15 million [which] ramps up work (\$10 million passed through to consortium partners)” in 2018, to “\$30 million as we engage new governors, share deployment learnings, and drive a new national priorities debate (\$25 passed through to consortium partners)” for 2019, then “\$50 million to drive state leadership activity in a critical year and develop new federalism funding models to leverage investments in mid-term targets and carbon pricing moving forward,” in 2020–2021. See “USCA Funding slides 10-3-17” and

The Summit spectacle is made for the media and is timed to serve as a warm-up act for “Climate Week,” another donor-financed week of activism designed to advance the same agenda. That is centered in New York City to coincide with the opening of the United Nations General Assembly.

Records obtained through state freedom of information laws suggest that Brown’s Summit is also intended to act as a privately underwritten complement to the two-week official Conference of the Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC). COPs are held every year in late November or early December to negotiate a series of ever-tightening climate treaties and other pacts. U.S. politics demanded an event nearer to major U.S. media than Poland and before the U.S. election.⁴

A particular theme slated for the San Francisco event is that President Trump’s promise to withdraw from the Paris climate treaty is isolating the United States from what is otherwise and elsewhere a doable, successful, and economically beneficial adoption of this agenda. Trump vowed to withdraw from the Paris Agreement because it

is in reality a costly and ineffectual solution to the alleged climate crisis, it mostly directs resources to politically favored industries, and it harms disfavored ones.⁵ For similar reasons, the climate industry is dedicated to reversing Trump’s not yet consummated decision. A major component of its campaign is claiming momentum toward Paris’s goals and rebutting the history of economic and social costs involved in implementing the policies that Paris demands.

Implementation of the Paris agenda requires domestic policies, and implementing those policies is the principal objective of the campaign detailed in this paper. The Competitive Enterprise Institute (CEI) recently revealed a similar model in the report, “Law Enforcement for Rent,” that is used to provide off-books staff members for state attorneys general to investigate opponents of the climate agenda.⁶ This approach raises serious questions about transparency of and restrictions on gifts to elected officials under various state laws:⁷ Is this provision of outside consultants on a donor’s tab a gift? Does it violate gift limits? Are the gifts properly reported? Is this private

“USCA Initial Budget Worksheet,” attached to October 3, 2017, email from Dan Carol; Subject: draft agenda, presentation slides, and budget worksheet. See also, PowerPoint presentation “Session 3_ 2018 Global Action Summit.pptx” provided by Mission 2020 to “the Seachange Foundation (our main funder) who had invited Erin [Rogers of Hewlett Foundation] to join (or she was already at Seachange for some other meeting).” Attached to September 25, 2017, email from Mission 2020 CEO Andrew Higham to CalEPA’s Alexa Kleysteuber; Subject: Re: INVITATION: Funder Meeting on Sub-National Coordination, Oct. 13, 9am–1:30pm ET, New York.

4. COP24 website, <http://cop24.gov.pl>. Meanwhile, one funding proposal put together by governors’ staff affirms the equivalence placed on the “Summit.” It advocates governors’ “high-level engagement at major climate events, such as COP, UN Climate Week, and the 2018 Climate Summit.” Draft Funding Proposal for the United States Climate Alliance, attached to September 26, 2017, email from Reed Schuler (Gov. Inslee) to Aimee Barnes (Gov. Brown) and Chris Davis (Gov. Inslee); Subject: RE: Alliance—Updated Narrative and Spreadsheet.

5. Paris is also plainly a treaty, despite President Obama’s attempt to implement it without the Senate’s advice and consent. Failure to withdraw from the agreement would entrench a constitutionally damaging precedent, set President Trump’s domestic and foreign policies in conflict, and ensure decades of diplomatic blowback while harming both America’s economic future and capacity for self-government. See Christopher Horner and Marlo Lewis Jr., “The Legal and Economic Case against the Paris Climate Treaty: Canceling U.S. Participation Protects Competitiveness and the Constitution,” Competitive Enterprise Institute, May 2017, <https://cei.org/content/legal-and-economic-case-against-paris-climate-treaty>.

6. Christopher C. Horner, *Law Enforcement for Rent: How Special Interests Fund Climate Policy through State Attorneys General*, Competitive Enterprise Institute, August 29, 2018, <https://cei.org/AGclimatescheme>.

7. See, e.g., Trey Kovacs, “Union Time on the People’s Dime: A Closer Look at Official Time.” Testimony before Subcommittee on Government Operations Committee on Oversight and Government Reform United States House of Representatives, May 24, 2018, https://cei.org/sites/default/files/20180524%20-Kovacs%20-%20Official%20time%20testimony%20-%20House%20OGR%20-%20Subcommittee_on_Government_Operations.pdf, discussion at 5–6.

provision of government services unlawful in that jurisdiction? It would be at the federal level under the Antideficiency Act, which was enacted to prevent a variety of abuses, including bestowing private benefits and having officials avoid incurring obligation to private parties.⁸

The bigger-picture questions remain: Are the donors going to such lengths to avoid 1) directly placing consultants in governors' offices or 2) giving the money to do so directly to those offices, because they are barred from such placement? If so, why is *this* permissible? Or is the effort creating middlemen all merely due

to appearances? Why do we find participants misleading or telling outright falsehoods when questioned about what we have found?

And the biggest issue of all is, does this represent government for hire?

This paper details how this activist donor network provides off-the-books staff members and consultants for governors, both ad hoc for this Summit and as a going concern, while using middlemen nonprofit organizations to administer the funding—to work for and promote politicians who in turn support the donors' climate agenda.

Figure 1

Broader Reach

Summit organizers will build support by partnering with other groups that are enlisting non-state actors in the fight against climate change, such as the Under 2 Coalition, We Are Still In, C40, the Global Covenant of Mayors for Climate and Energy, We Mean Business and Climate Action Network International. The team will make special efforts to engage diverse constituencies to build the most robust and inclusive coalition for climate action.

Budget

We anticipate a budget of \$10 million, to include:

- Venue reservations and event production
- Operations and project management
- Development of content and products
- Communications, including traditional and digital media, marketing, and branding
- Partnership engagement and coalition-building
- Fundraising and supporter outreach

Financial Support

The success of the Summit will depend on strong support from individuals, foundations, governments and businesses. Supporters will be able to engage Summit leaders and shape an event that will catalyze climate action worldwide.

We hope you will consider supporting the Summit. To explore opportunities to do so, please contact Allison Wong at awong@unfoundation.org or at (202) 887-9040.

8. Federal Antideficiency Act (ADA), Pub.L. 97–258, 96 Stat. 923, codified at 31 U.S.C. § 1341.

Overview of the Off-Books Climate Industry

IN THIS RELATIONSHIP, OF WHICH the Brown Summit offers a case study, politicians use their offices to support the donors' agenda, and the donors use their resources to provide off-the-books staff members, report writers, public relations operations, and consultants—all at the disposal of the elected officials. Donors also privately arrange to pay for and place in-house advisors—not actually staff—in governors' and mayors' offices.

We do not know the full extent of this model's use. However, emails from government officials, obtained by CEI and other free-market public policy organizations through state freedom of information law requests, boldly illustrate this scheme's modus operandi. Those public records describe in detail and propose the exploitation of an apparently eager “plethora of funder interest” in public office holders using their offices to take a more aggressive role in climate politics and policy (discussed below).

The email thread in which the aforementioned governors' offices first developed their off-the-books funding plan for additional “necessary support functions” is particularly illustrative. There are no opening discussions about *whether* to use outside groups this way or the propriety of doing so. Instead, the discussion delves straight into suggesting which groups to use.⁹ (See Figure 2.) Emails show governors' staff members flatly, if curiously, asserting that this is because “it can't always be us staff” performing the work of government.¹⁰

One consideration did give them pause: “[H]ow we pay for it is issue [sic].”¹¹

As to *how much* donor money would pay for it, California Governor Brown's aide Dan Carol justifies the ask, and the amount, by pointing to the fact that their allies are spending so much on climate—“Before you gasp, please note that foundations are currently spending over \$1 billion a year on climate work.”¹² The point seems to be that it is only right that the

9. May 5–9, 2017, email thread among Gov. Brown's aide Aimee Barnes and Gov. Inslee's aides Sam Ricketts and Chris Davis; Subject: Follow-up email on Paris letter. Discussed in detail, below.

10. May 5, 2017, email from Gov. Brown's aide Aimee Barnes to Gov. Inslee's aides Sam Ricketts and Chris Davis; Subject: Follow-up email on Paris letter.

11. June 7, 2017, email from Inslee's aide Chris Davis to Cuomo's Special Counsel Alexander Cochran; Subject: principles. “4. Administrative & Technical Support (Aimee?)—Intent to start thinking about a secretariat to assist in herd cats, no time period as I'm not sure we are there yet. We need to get everyone good on broad nature. Aimee asked that I meet with a person. And how we pay for it is issue [sic].”

12. October 3, 2017, email from Dan Carol to aides of Govs. Jerry Brown, Andrew Cuomo, and Jay Inslee; Subject: draft agenda, presentation, slides, and budget worksheet.

Figure 2

From: Aimee Barnes [<mailto:Aimee.Barnes@GOV.CA.GOV>]
Sent: Friday, May 05, 2017 1:00 PM
To: Davis, Chris (GOV) <chris.davis@gov.wa.gov>; Ricketts, Sam (GOV) <Sam.Ricketts@gov.wa.gov>
Subject: Follow up email on Paris letter

Hi guys,

Thanks so much for all your leadership and hustle on getting the Paris letter out earlier this week. It definitely would not have happened without you both.

I have been thinking about the Governor's Climate Alliance thing, and talking with Rick and Hewlett. My sense (I think you guys have already been here for a while... what can I say, I'm slow) is that it doesn't work as configured in their proposal, but that we do have a need for more capacity than we have at present—it can't always be us staff running around trying to corral each other for sign on, and that we could also use some help both with horizon-scanning for potential challenges and thinking more strategically about how to broadcast our collective voices internationally.

governors' offices share in the tens of millions, every year, for their service to that same cause.

Carol is a senior aide, and his email was to colleagues in the offices of Governor Brown, New York's Governor Andrew Cuomo (D), and Washington's Governor Jay Inslee (D). Carol was making the case that \$50 million per year was a reasonable ask of donors to privately underwrite the "necessary support functions." In further support of this position, Carol attached a "draft agenda, presentation slides, and budget worksheet."¹³

Those records and others revealed herein show that one program, which was to provide off-the-books staff members and consultants

just for governors, solely for "Climate & Energy Outcomes," (See Figure 3) is budgeted at \$10 million for 2018 and then \$25 million for 2019, for "pass-throughs"—the governors' staffs' own term¹⁴—out of total budgets of \$15 million and \$30 million, respectively (ramping up to \$50 million by 2020).¹⁵ (See Figure 4.)

Staff members provided a list of example groups to receive the money and spend it toward the campaign. Many of the groups mentioned are unsurprising—some are those "founded and fund[ed]" by environmentalist mega-donor Tom Steyer¹⁶—but they include stalwarts like the American Lung Association.

13. "\$15 million ramps up work (\$10 million passed through to consortium partners)" and "\$30 million as we engage new governors, share deployment learnings, and drive a new national priorities debate (\$25 passed through to consortium partners)." Also see a list of proposed groups for plus-ups and pass-throughs in "USCA Funding slides 10-3-17" and "USCA Initial Budget Worksheet," respectively, attached to October 3, 2017, email from Dan Carol; Subject: draft agenda, presentation slides, and budget worksheet.

14. See list of proposed groups for plus-ups and pass-throughs in "USCA Funding slides 10-3-17" and "USCA Initial Budget Worksheet," respectively, attached to October 3, 2017, email from Dan Carol; Subject: draft agenda, presentation slides, and budget worksheet.

15. "\$15 million ramps up work (\$10 million passed through to consortium partners)" and "\$30 million as we engage new governors, share deployment learnings, and drive a new national priorities debate (\$25 passed through to consortium partners)." Also see a list of proposed groups for plus-ups and pass-throughs in "USCA Funding slides 10-3-17" and "USCA Initial Budget Worksheet," respectively, attached to October 3, 2017, email from Dan Carol; Subject: draft agenda, presentation slides, and budget worksheet.

16. January 7, 2014, email from Fahr LLC's Ted White to then-Oregon Gov. Kitzhaber's Chief of Staff, the very same Dan Carol now working for Gov. Jerry Brown. White wrote, "Tom's office (Fahr LLC) is currently determining which of the affiliated groups that we founded and fund (such as Next Gen Climate Action, or Next Generation, or AEE) will be taking the lead for us on this (or it could be a combination)." AEE is a 501(c)3 targeted in Carol's budget to serve as a

Figure 3

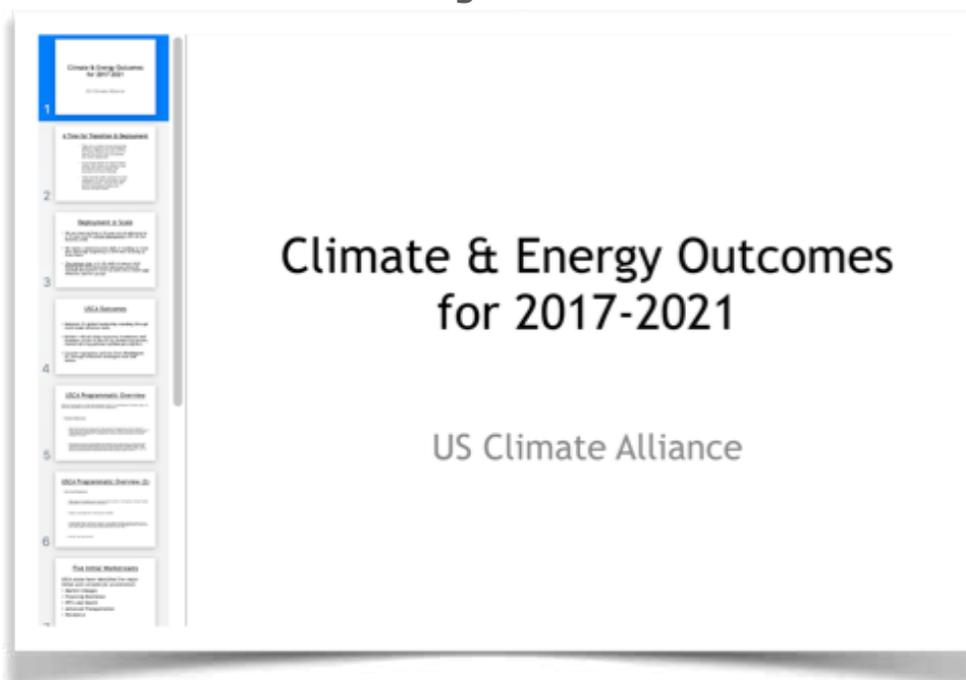
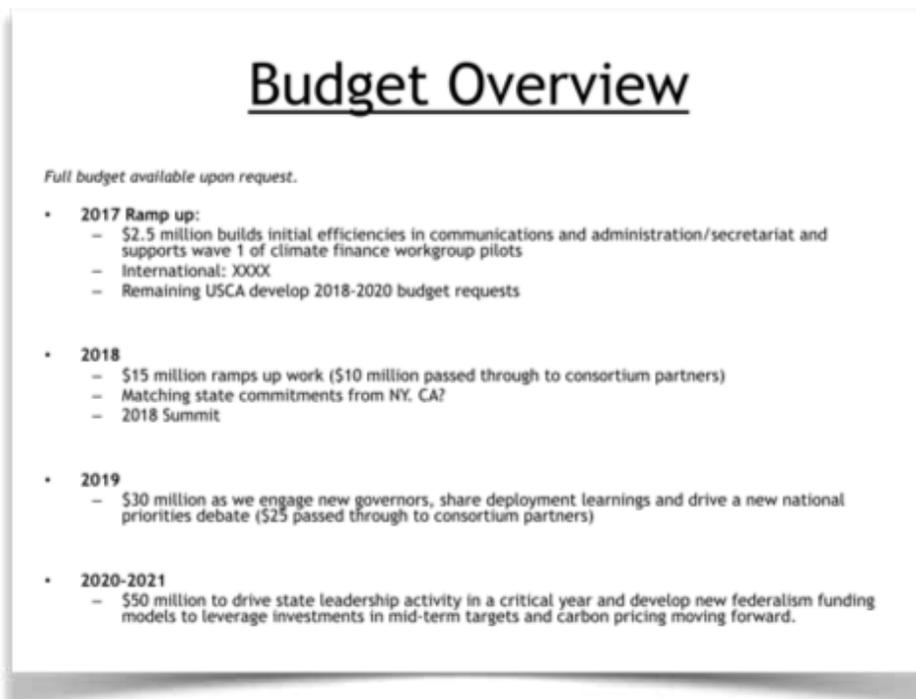


Figure 4



The objective of all this effort is to advance a narrative through supportive media coverage of campaigns such as a governors' U.S. Climate Alliance (USCA) and events such as Governor Brown's San Francisco Summit, which is

supposedly the product of public officials' work, if courtesy of consultants and public relations agents provided by donors and through activist groups underwritten by donors using a nonprofit as the pass-through.

pass-through for the governors' campaign money. See also Christopher Horner, "Private Interests & Public Office: Coordination between Governors, the Obama White House, and the Tom Steyer"- 'Founded and Funded' Network of Advocacy Groups to Advance the 'Climate' Agenda as Revealed by Public Records Requests," Energy & Environment Legal Institute, August 2015, <https://celegal.org/wp-content/uploads/2015/08/EE-Legal-111d-etc-Steayer-et-al-Report-8-24-15-Final2.pdf>.

Privately Funded Government

THE MODUS OPERANDI REVEALED in the documents excerpted in this report entails seeding local and statewide elected offices with privately funded in-house staff members (governors' staffs called them "refugees" from the Obama administration).¹⁷ The objective is to house former National Security Council and State Department appointees to, as one email put it, "resume shaping the U.S. position on" the energy and climate change agenda.¹⁸

Those emails lay out the inducements of an outside network of privately funded consultants and public relations assistance for elected officials who agree to lend their offices to a donor-funded advocacy campaign for the donors' climate agenda.

Documents suggest politicians are now using nonprofits and consultants as pass-throughs for donors to support politicians with resources that the relevant legislatures will not provide and that donors cannot legally provide directly.

Emails such as Dan Carol's pitch and others obtained under state open records laws reveal a campaign initiated immediately after the

2016 elections. The campaign assembled "some collection of former Obama staffers" teaming with nonprofit, 501(c)3 policy, and grant-making groups to put some portion of that annual billion dollars to work directly at the disposal of elected officials.¹⁹

Those officials' staff members took the lead in designing, proposing, obtaining off-the-books funding for the plan, and initially executing it. Their rationale was "[I]t can't always be us staff" performing the work of government.²⁰ Any public or legal expectations to the contrary took a back seat to their bosses' and donors' expectations.

The program involves not just running the money through "pass-through" charities. Given the pass-throughs' often exorbitant fees for performing this service (up to 24 percent, depending on what function they are serving), donors also directly pay for still more consultants, including media promoters. Among the work that the PR firm promotes are reports produced for the officials by outside consultants. The donor's cost for those can be \$100,000 per report, a report plainly given to

17. August 28, 2017, email from Brown's aide Aimee Barnes to California, Washington, and New York governors' aides referencing "potential secondees/DC refugees"; Subject: State capacity/Hewlett.

18. October 3, 2017, email from Inslee's aide Reed Schuler to Jesse Young (OxFam) and Elan Strait (WWF); Subject: Reporters.

19. January 30, 2017, email from Inslee aide Chris Davis to Bill Ross of Ross Strategic; Subject: Spoke to CA and Jamie ...

20. May 5, 2017, email from Gov. Jerry Brown's aide Aimee Barnes to Gov. Inslee's aides Sam Ricketts and Chris Davis; Subject: Follow-up email on Paris letter.

elected officeholders to tout their leadership and to advance an aligned policy agenda.

I. MODEL A—DONOR-FUNDED IN-HOUSE STAFF

The overall scheme functions through two mutually reinforcing funding models. First, Funding Model A—at least as put in play by governors—appears to have begun with the Hewlett Foundation’s hiring a senior former Obama administration official, Jonathan Pershing, who had served as State Department Special Envoy for Climate Change and as lead negotiator to the United Nations Framework Convention on Climate Change (UNFCCC).²¹ Pershing was given a budget to place climate and energy policy staff members in governors’ offices, where they would be running the money and at least in one instance the hiring process through the World Resources Institute (WRI). Emails suggest that this was Pershing’s idea.²²

Admissions of this structure are abundant and include the following from an August 2017 email discussion thread. It includes governors’ staff members from California, New York, and Washington, plus California Air Resources Board staff members with the telling subject line of “State capacity/Hewlett.” Specifically, it discusses Hewlett’s underwriting of the in-house staff to supplement Funding Model B, the USCA, and is further detailed here:

- “Re: on what issues the candidates would work, there’s certainly an option in which we just help them hire whoever they want to do

whatever they want on climate. There’s also the possibility of us helping to facilitate a capacity-building project focused on some particular area of climate policy—in which states interested in that specific area apply to the program after we have set it up with Hewlett. See, e.g., Rockefeller Chief Resilience Officers, in which cities apply to Rockefeller to hire someone to develop resilience strategies. We wouldn’t be strong-arming anyone into hiring someone—just helping to make available resources to support USCA-relevant work.”

- “In our next conversation with Hewlett, let’s definitely talk with them specifically about their capacity for this—will be good to know if we have to wait until the next funding cycle.”
- “I absolutely agree we shouldn’t tell states who they can hire (though some might appreciate help with a pipeline of qualified candidates, per your note).”
- [In response]: “I agree with you; let’s put some guard rails around this. It would empower the USCA and probably also function as a better use of Hewlett resources.”
- “I don’t see how we can tell states who they should hire or on what issues. I agree we can and should have a clearer arrangement on (1) receiving interest from potential secondees/DC refugees; (2) gauging interest from states on their desire for support; and (3) Hewlett’s actual capacity/ability to continue funding state secondees (we might actually do this part first since I heard from Erin [Rogers of Hewlett] last week that their budget is nearly tapped).”
- “Jonathan is potentially still interested in funding additional people directly to work for governors.”

21. Hewlett Foundation, “Who We Are,” Jonathan Pershing bio, accessed August 2, 2018, <https://hewlett.org/people/jonathan-pershing/>.

22. May 5–9, 2017, email thread among Gov. Jerry Brown’s aide Aimee Barnes and Gov. Inslee’s aides Sam Ricketts and Chris Davis; Subject: Follow up email on Paris letter. See also, “I have been thinking about the Governor’s Climate Alliance thing, and talking with Rick and Hewlett. My sense (I think you guys have already been here for a while ... what can I say, I’m slow) is that it doesn’t work as configured in their proposal, but that we do have a need for more capacity than we have at present—it can’t always be us staff running around trying to corral each other for sign on—and that we could also use some help both with horizon-scanning for potential challenges and thinking more strategically about how to broadcast our collective voices internationally.” May 5, 2017, email from Barnes to Davis, Ricketts; Subject: Follow-up email on Paris letter.

- [Staff sought a means of] “doing it in a more deliberative and structured way ... than doing it in an ad hoc way where we put individuals in touch with states and go back and forth to Hewlett with individual candidates.”²³

Other email threads affirm the arrangement. For example, on the subject of hires for USCA, we get the following exchange:

- “Of course we have to talk to JP on funding”²⁴
- “Lastly, I talked to Erin from Hewlett yesterday and gave her a quick update on the Alliance. I think we are going to need to avoid a situation where they parse out \$ for each individual hire/ piece of work for the Alliance. We could either develop a funding proposal on our own before we hire the ED or ask them to do that as task #1.”²⁵
- “Also if want to go for a package deal and Pershing would be cool with it (since he wants to give states money to hire), I’m sure he would listen to a few people at the start.”²⁶

Referencing former State Department official Reed Schuler, who went to work at Inslee’s office, but actually under a contract for the green group WRI, Davis says, “[H]e’s our refugee from Kerry’s office at State. Pershing at Hewlett is paying him to work in our shop for 12 months.”²⁷

On September 7, 2017, Davis wrote to Pershing: “Your support for the personnel and the report resources has been crucial.”²⁸

As reported by *The Wall Street Journal* editorial page,²⁹ citing these records obtained by CEI and other records the *Journal* obtained in its own reporting, Model A placed Schuler in Inslee’s office as “Senior Policy Advisor, Climate & Sustainability.”³⁰ When contacted by the *Journal*, Inslee’s office implied ignorance of the fact that Hewlett was behind the hire (“spokeswoman Tara Lee copied the executive director of policy, Keith Phillips, and answered: ‘I have confirmed that Hewlett Foundation made a grant to WRI. No direct relationship to WA.’”³¹).

However, several emails obtained by CEI show the deal was well understood. For example, on July 18, 2017, Phillips flatly stated, “Reed’s position is being supported by the Hewlett Foundation and the World Resources Institute.”³²

Schuler wrote to Chris Davis, senior advisor to Governor Inslee for Energy and Carbon Markets:

So Sam Adams, WRI’s U.S. Climate Program Director (and you guys may know him from his time as mayor of Portland, [OR]) is working with Hewlett to finalize this arrangement. As a next step, he needs to talk

23. August 2017 email thread among Aimee Barnes and Jamie Callahan (Gov. Brown); Reed Schuler, Chris Davis, and Sam Ricketts (Gov. Inslee); Alexander Cochran (Gov. Cuomo), and Alexa Kleysteuber (California EPA); Subject: State capacity/Hewlett.

24. August 18, 2018, email from Gov. Cuomo’s aide Cochran to aides for Govs. Brown and Inslee; Subject: Follow-up. Next steps.

25. August 22, 2017, email from Gov. Brown’s aide Barnes to aides for Govs. Brown, Cuomo, and Inslee; Subject: Can we move Tuesday standing call to Wednesday?

26. August 22, 2017, email from Schuler to aides for Govs. Brown and Cuomo; Subject: Can we move Tuesday’s standing call to Wednesday?

27. August 22, 2017, email from Davis to Louis Blumberg of The Nature Conservancy; Subject: Reed Schuler.

28. September 7, 2017, email from Davis to Pershing; Subject: Marrakesh contact.

29. Editorial, *The Wall Street Journal*, “Climate of Unaccountability,” January 11, 2018, <https://www.wsj.com/articles/climate-of-unaccountability-1515717585>.

30. Office of Gov. Jay Inslee, “Policy Advisors,” <https://www.governor.wa.gov/office-governor/office-policy-advisors>. Viewed July 26, 2018.

31. *The Wall Street Journal*, “Climate of Unaccountability,” January 11, 2018.

32. The July 18, 2017, Phillips’ email to staff; Subject: Welcome Reed Schuler.

to someone in your office to get a sense of the process of seconding external employees to the [governor's office] and to hear directly that you're signing off on it.³³

The *Journal* closed its editorial:

The implications of all this extend beyond Washington. Mr. Inslee is working with New York's Andrew Cuomo and California's Jerry Brown on the U.S. Climate Alliance, a multistate effort. Where else are such special interest groups paying to influence policy?³⁴

Governor Cuomo is already under FBI investigation for staffing up his executive suite with political appointees using money poached from "other state entities" to pay for them.³⁵ It is not a big leap from there to staffing up a little more, thanks to well-intentioned donors.

II. MODEL B—PRIVATELY FUNDED OUTSIDE "SUPPORT FUNCTIONS"

Public records reveal another component of private funding of elected officials who are pursuing an activist agenda. That is the "Secretariat" function, as named in the USCA contract. Secretariats in this context are typically nonprofit groups paid by donors to run a politician's climate-policy campaign.

The Secretariat function can, e.g., afford public employees electronic "platforms" outside of public email servers. Still, turning to private sources to fund government functions does not free those

officials from oversight of their use of taxpayer resources. Judging from the emails we obtained, in the case of hiring one Secretariat, for the USCA, governors' staff members spent hundreds of hours of taxpayer time interviewing and negotiating with representatives of 501(c)3 nonprofits that could serve as pass-through entities for placing "staff" in the governors' offices, recruiting and liaising with donors, and developing the proposals to present to donors to fund the scheme. After that, governors' staff members interviewed the candidates for the pass-through NGO to hire, who would be at their disposal.

The winning applicant for that Secretariat contract was Ted Turner's United Nations Foundation (UNF). Other climate-activist Secretariats include the Georgetown University Law School's Georgetown Climate Center (GCC), and The Climate Group, which is a licensee of the UK-based nonprofit The Climate Organization, according to one of its tax filings.³⁶ The Climate Group co-runs the Under2 Coalition, which is actually run out of Governor Jerry Brown's office, specifically by an aide/state employee named Taryn Akiyama.³⁷

The USCA does not actually exist in any corporate sense. Governor Andrew Cuomo's legal counsel Alexander Cochran suggested incorporating this new entity for reasons relating to keeping correspondence from the public.

For example, on July 7, 2017, Cochran wrote to aides to Governors Brown and Inslee: "Some of our internal team think a MOU [memorandum of understanding] might be good; others thought a legal entity would be helpful because of FOIL [New York's Freedom of Information Law] or

33. April 14, 2017, email from Reed Schuler to Phillips; Subject: Next steps for process.

34. *The Wall Street Journal*, "Climate of Unaccountability."

35. Cameron Cawthorne, "FBI Investigating Cuomo's Office for Hiring, Pay Practices," Washington Free Beacon, December 8, 2017, <https://freebeacon.com/politics/fbi-investigating-cuomos-office-hiring-pay-practices/>.

36. Supplemental Information, Schedule O, 2013 Form 990, The Climate Group Inc. WRI also sought to run the organization. See, e.g., June 7, 2017, email from WRI president Sam Adams to aides to California, New York, and Washington; Subject: Congrats on launch of U.S. Climate Alliance: How Can We Help?

37. Akiyama's email tag stated (at least until *The Wall Street Journal* raised questions) only that she serves as Project Coordinator of the Under2 Coalition and that she works out of the Governor's Office of Planning and Research.

other internal communication reasons.”³⁸ Also, “Draft USCA Roles ... USA Climate Alliance Inc.: (may be helpful to have entity in keeping internal [sic] communications internal).”³⁹ California’s Aimee Barnes chimed in, “I’d be interested to know more about what you are envisioning for ... the establishment of a ‘USCA Inc.’ Maybe we can tee these up for discussion on our call next week before we get together in person.”⁴⁰ Those concerns were ignored, and USCA was not incorporated or created in any sense as an actual entity, which is why we were able to obtain these records.

A comparable organizational model would be the governors’ Regional Greenhouse Gas Initiative (RGGI). In the end, USCA decided against pursuing that organizational structure, possibly given the requirement of attesting, as RGGI does, that while the group would provide technical and scientific advisory services to the states, “No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation.”⁴¹ Yet, “promoting leadership” aside, that is the entire point of the USCA enterprise. So in this instance, they went the Secretariat route instead. USCA was merely *declared* into existence.

USCA, in fact, consists of a website, although it claims an “Executive Director” and is served by PR and consulting firms, all of which “necessary support functions” are

placed at the governors’ direct disposal paid for with donor money, run through a 501(c)3, Turner’s UN Foundation (discussed in further detail below).

As noted, the governors’ offices budgeted \$10 million in donor money for 2018 to be routed to nonprofit groups as pass-throughs to support the governors’ campaign, then \$25 million for 2019, out of total budgets of \$15 million and \$30 million, respectively.⁴² At the time, staff members were already imagining a haul of \$50 million by 2020.⁴³

Brown’s aide Dan Carol helpfully provided a photo of his whiteboard vision for the organization, highlights of which include Governors Cuomo, Brown, and Inslee as the Executive Committee; beneath them was the Secretariat (for which role the UN Foundation was engaged) and Deployment Work Groups with “Leadership Roles [f]or Governors (+ Businesses?).”⁴⁴ (See Figure 5.)

The focus of this paper is the whiteboard’s right column, “Shared Services” (“Tap Existing NGO + Other Expertise”), discussed among staff as what the pass-throughs would provide. The relationship with their obviously close—if nonprofit—pass-through allies or preferred activist groups is particularly concerning. For example, Carol’s “USCA Initial Budget Worksheet” lists the American Lung Association among its intended plus-ups and pass-throughs (see Figure 6). Also listed are the World Resources Institute, Rocky

38. July 7, 2017, email from Cuomo’s aide Alexander Cochran to Govs. Brown and Inslee’s aides; Subject: USCA outline for yall [sic] to look at. Outline is based on the past few weeks of co-chair discussions.

39. July 7, 2017, email from Cuomo’s aide Alexander Cochran to Gov. Brown, Dan Carol, and other Brown and Inslee aides; Subject: USCA outline for yall to look at. Outline is based on the past few weeks of co-chair discussions.” United States Climate Alliance, July 7, 2017.

40. July 7, 2017, email from Brown’s Aide Barnes to Gov. Cuomo and Inslee’s aides; Subject: USCA outline for yall to look at. Outline is based on the past few weeks of co-chair discussions.

41. No longer available at https://www.rggi.org/docs/RGGIinc/Docs/Legal/cert_of_inc.pdf, where it was until at least January 21, 2018; this page is still archived on the Wayback Machine at http://web.archive.org/web/20170514083340/https://www.rggi.org/docs/RGGIinc/Docs/Legal/cert_of_inc.pdf.

42. “USCA Funding slides 10-3-17” and “USCA Initial Budget Worksheet,” respectively, attached to the October 3, 2017, email from Dan Carol; Subject: draft agenda, presentation slides, and budget worksheet.

43. Ibid.

44. “Strawdog Structure,” attachment to the June 6, 2017, email from Carol to Govs. Cuomo, Brown, and Inslee’s aides Gareth Lacy, Davis, Chris (GOV), James Allen, Aimee Barnes, Kate Dineen, Alexander Cochran, Noah Rayman, Sam Ricketts, Victoria Harmon, Katie Wheeler Mathews, and Jaime Smith; Subject: RE: Climate Alliance next steps.

Figure 5

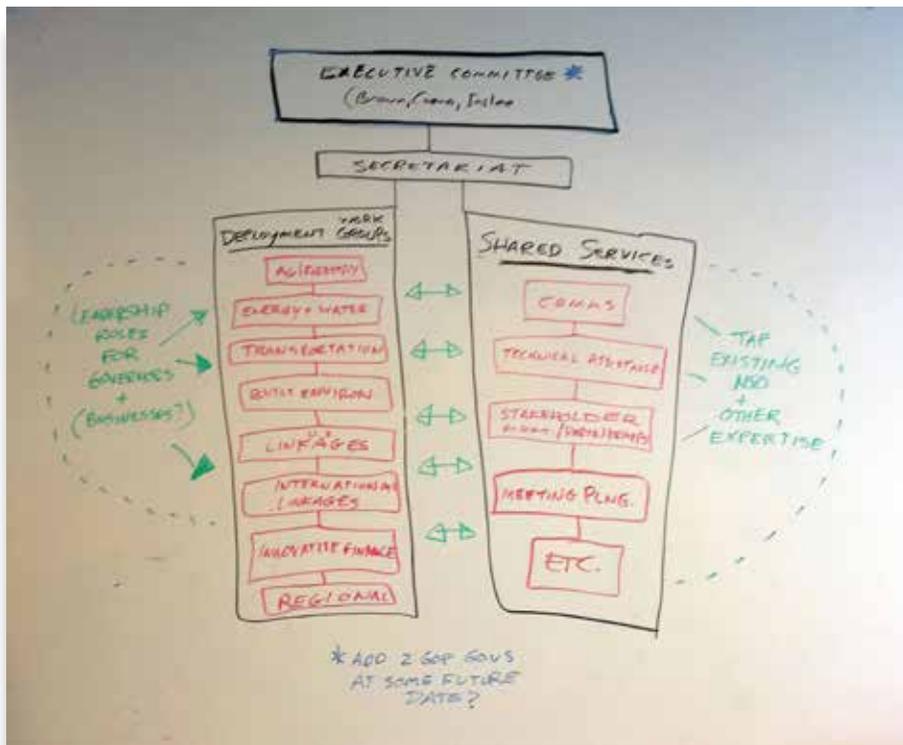


Figure 6

B: Technical Assistance-Deployment Consortium							
Need to discuss, partial list	Plus ups and pass throughs						
NASED (State Energy officials)*	\$2.5 million	1	1.5	3	3	8.5	Efficiency in red states
National Council on Science and Environment*		1	1	3	3	8	
WRI							
AEE							
BPC							
ECOS							
EnerNoc							
Governors Wind Energy Coalition*							
RMI							
Georgetown Climate Center							
Center for New Energy Economy (Ritter)							
ZEV Alliance							
Center for Clean Economy (Perciapepe)							
CERES							
Business Council for Sustainable Energy							
TNC							
American Lung Association							

Mountain Institute, Georgetown Climate Center, and groups representing professional regulators, such as the Environmental Council of the States. The only specific figure provided in this version is \$2.5 million for the National Association of State Energy Officials.

Carol's PowerPoint presentation, which is titled "Climate & Energy Outcomes for 2017–2021: U.S. Climate Alliance," cites "2018: \$15 million ramps up work (\$10 million passed through to consortium partners)" and "2019: \$30 million as we engage new governors, share deployment learnings, and drive a new national priorities debate (\$25 passed through to consortium partners)."⁴⁵

In this document, the governors' aides articulate their request for a ramp-up of their donors' funding for outside "support functions" to \$50 million per year ("2020–2021: \$50 million to drive state leadership activity in a critical year and develop new federalism funding models to leverage investments in mid-term targets and carbon pricing moving forward."). Carol's assertion that this figure to supplement governors' staff members is reasonable is based on his estimate of how much of the \$1 billion per year of foundation "climate" money is going to "groups in the deployment business."⁴⁶

It appears that the authors of this campaign both wrote and transmitted the proposal to donors to fund a 501(c)3 for the governors' policy advocacy use while using public offices

and resources in their roles as public employees.⁴⁷ Transmission was apparently performed by Governor Brown's aide, Aimee Barnes, who was seemingly the lead on the project.⁴⁸

Correspondence regarding one unsuccessful finalist in the Secretariat competition for USCA, the Georgetown Climate Center, is illustrative of the Secretariat function.

GCC offered to perform the USCA's "back room" support functions for a 15 percent cut of expenditures. Georgetown made clear it could house the new "staff" right next to the governors' real staff at its own suites in the Hall of States on Capitol Hill in Washington, DC, where governors' offices are located. GCC director Vicki Arroyo wrote the following to Inslee's Washington office director, Sam Ricketts:

Now that the initial flurry of announcements is over, I want to run an idea by you of a couple of folks we could bring in (who have very senior state experience and trusted relationships) to help with next steps on the Alliance and more. We can use our Hall of States office for this work.⁴⁹

Ricketts followed with a suggested meeting time and within minutes forwarded the email to Dan Carol, asking him, "Join me in talking with Vicki at 4 [pm]?"⁵⁰

However, after months of interviewing, GCC lost out in the bidding to Turner's UN Foundation. This despite Georgetown's

45. USCA funding slides of October 3, 2017, attachment to October 3, 2017 email from Dan Carol to Govs. Brown, Cuomo, and Inslee's aides; Subject: draft agenda, presentation slides, and budget worksheet.

46. October 3, 2017, email from Dan Carol to Govs. Brown, Cuomo, and Inslee's aides; Subject: draft agenda, presentation slides, and budget worksheet.

47. "I'd like to get it to Erin [apparently Rogers, of Hewlett Foundation] tonight if I can." The September 26, 2017, email from Gov. Brown's aide Barnes to Inslee's aides Schuler and Davis; Subject: Alliance—Updated Narrative and Spreadsheet. The thread shows USCA's first hire as Executive Director, Obama NSC "refugee" Kevin Welsh, transmitting his input on the proposal to Barnes and UNF on September 14, 2017, also laying out the "top line—two year budget—1.48, 738k in the first year and slightly more in the second. In kind support is approximately 275k per year."

48. September 21, 2017, email from Schuler to USCA executive director hire Kevin Welsh, Barnes, and Davis. "Hey there—probably simplest for Aimee to keep managing the process for now, so no need to schedule around us. She can talk you through next steps for bringing you on board ASAP and [can] talk you through where we are in terms of getting the group together in person." Subject: Connect early next week?

49. June 7, 2017, email from Arroyo to Ricketts; Subject: Whew—and time to touch base today please?

50. June 7, 2017, email from Ricketts to Carol; Subject: Whew—and time to touch base today please?

already being of great help to governors, such as asking “the Georgetown IT department to develop a platform that can assist this group [of governors’ aides] with communications and

shared resources.”⁵¹ Of course, staff members are required to conduct such correspondence on public email systems, which are accessible to freedom of information officers.

51. May 16, 2017, email from Georgetown’s Kathryn Zyla to numerous governors’ and state environmental agency aides, copying GCC colleagues; Subject: Virginia executive directives new and misc. updates.

The “Secretariat”—Good “Parking” if You Can Get It

THE SECRETARIAT RUNS THESE nominal groups “created” by politicians.⁵² More precisely, in the view of donors and politicians’ staff members, the Secretariat provides a nonprofit to “park” the effort of adding staff and consultants for the politicians. For a healthy fee, as discussed in detail below.

“Parking it” is, in fact, how the staff described the USCA. For example, “[E]rin [Rogers] of Hewlett preferred GTown and was really nervous about parking this at UNF.”⁵³ (See Figure 7.)

To get the job, groups make proposals to the politicians’ offices while offering to run the issue-advocacy campaign, to leave decisions to the elected officials, and to assign execution to the officials’ staff members,⁵⁴ who were supplemented by the non-profit as “a back office/support role.”⁵⁵

For example, the Memorandum of Understanding (MOU) sent by Governor

Brown’s aide Aimee Barnes explained that the nonprofit that wins the contract was to act purely as a vendor of “back-office host support functions” to the officeholders, and it outlined the group’s responsibilities and the vendor/client hierarchy. It also included the astounding statement: “The U.S. Climate Alliance will be an independent project of XXX.”

U.S. Climate Alliance Secretariat Support
Memorandum of Understanding
August XX, 2017

This Memorandum of Understanding (“Memorandum”) represents a statement of intent by the States of California, New York, and Washington, in their capacities as Co-Chairs of the U.S. Climate Alliance (“Co-Chairs”), and XXXXXXXX (each a “Party” and together, the “Parties”) to collaborate

52. “[T]he USCA will be supported by a secretariat out of [the Georgetown Climate Center/UN Foundation], and will be directed by [Executive Director XY].” August 10, 2017, email from Cochran to Barnes, Davis, and Schuler; Subject: Take a look at this synopsis to keep us focused” [goes on much longer].

53. July 24, 2017, email from Cuomo’s aide Cochran to Inslee’s aides Davis and Schuler; Subject “Interviews.” Schuler had already acknowledged to Davis, “I am concerned about the branding issue for UNF.” Subject: USCA Secretariat. “[T]he UN piece” presumably refers to the group’s title and mission of “build[ing] partnerships, grow[ing] constituencies, mobiliz[ing] resources and advocat[ing] policy changes to support the UN’s work for individual and global progress.” <http://www.unfoundation.org/what-we-do/campaigns-and-initiatives/>, accessed August 8, 2018.

54. Draft Memorandum of Understanding sent by Aimee Barnes to Georgetown University and UN Foundation, “U.S. Climate Alliance Secretariat Support Memorandum of Understanding August XX, 2017.”

55. “I think we agreed that we’d draft and then share this with UNF and Georgetown to make sure that they both understand the extent to which we see this as a back office/support role.” August 1, 2017, email from Aimee Barnes to numerous Govs. Brown, Cuomo, and Inslee’s staff members, Subject: Secretariat Doc.

Figure 7



in the achievement of common objectives as described and on the basis outlined below. ...

Secretariat Support Designation

- The Co-Chairs designate XXXX as the organization responsible for providing Secretariat support (“Secretariat Support”) for the Alliance.

Support Functions

- In its role as the Secretariat Support, XXXXX shall provide administrative support and fiduciary services to the Co-Chairs and the Alliance in the following ways:

... Relationship between the Secretariat Support Organization and the U.S. Climate Alliance

As the Secretariat Support Organization, XXX will provide neutral, unbiased, and unbranded back-office host support functions as outlined above to the U.S. Climate Alliance. The U.S. Climate Alliance will be an independent project of XXX. The Alliance will develop its own logo and branding and will be guided by the direction of the Co-Chairs and the Alliance Staff (“Alliance Staff”), who will be interviewed and selected for hire directly by the Alliance Co-Chairs.

The Alliance Staff will be responsible for managing all policy and substantive questions related to the Alliance and will provide the

day-to-day coordination and support for the Alliance, at the direction of the Co-Chairs and Members. XXX will not provide input on policy or substantive issues unless asked to do so by the Alliance Staff with the approval of the Co-Chairs.

The Co-Chairs retain final approval for all efforts of the Alliance Staff. Secretariat Support shall NOT be responsible for any of the below tasks, which shall be the responsibility of the Alliance Staff, Co-Chairs, and Members:

- Policy and substantive questions related to the Alliance. Policy and substantive priorities and initiatives of the Alliance will be directed by the Alliance Co-Chairs and Members, with support from the Alliance staff. In some cases, the Secretariat Support may be invited by the Co-Chairs to provide support on policy questions related to the Alliance where the organization and its staff has substantive knowledge and expertise to bring to bear. In all other cases, XXX is not expected to engage on policy and substantive questions related to the Alliance. Coordinate work of state agency staff implementing policy work plan. ...

Reed Schuler wrote to Governor Inslee's staffer Chris Davis about this MOU, forwarding a copy from his Gmail account:

Edits attached. Of some confusion to me is the very strong distinction between the secretariat and "alliance staff." This document makes it sound like the people we are hiring won't be employed by the secretariat. If not, who would they work for? A newly incorporated USCA? One of the governors' offices? Maybe I'm confused, but this feels a little like excessive caution on the part of CA re: Georgetown.⁵⁶

Davis wrote to colleagues the next day:

This is a good jump forward. However I suspect it's going to trigger legal review on the part of the two organizations, which is likely to slow the decision..... Let's get it to them quickly. I'm looking into what legal review we'll have to do here. Raises some questions about who the climate alliance is for the purposes of structuring contracts.... For now, we're good to circulate. [Ellipses in original.]⁵⁷

The Georgetown Climate Center amended its proposal and returned it to the governors while maintaining these understandings:

This Memorandum of Understanding ("Memorandum") represents a statement of intent by the States of California, New York, and Washington, in their capacities as Co-Chairs of the U.S. Climate Alliance ("Co-Chairs"), and Georgetown State-Federal Climate Resource Center ("Georgetown Climate Center") of Georgetown University Law Center, each a "Party" and together, the "Parties") to collaborate in the achievement of common objectives as described and on the basis outlined below....

With offices at the Hall of States to house new Alliance staff to be hired and selected in close partnership with Co-Chairs, Georgetown offers an opportunity to serve the needs of the Alliance and co-chairs ... without branding recognition.... Georgetown will provide the Alliance with a full suite of administrative and project management capabilities and services in an efficient manner, including but not limited to [the following]: routine operations, human resources, accounting, finance, IT, auditing, other back-office and logistical support, fiduciary services, grant and sponsored programs capabilities, budget and other project administration, and the opportunity to initiate contracts with individuals and firms....

Alliance Staff will be interviewed and selected for hire by the Alliance Co-Chairs in coordination with Georgetown, and will be employed by Georgetown University";...

- As the Alliance's fiscal sponsor, Georgetown may be called upon to help solicit, and will receive and expend funds as needed to support the Alliance ...
- Budgets will include Georgetown's 15 [percent] IDC rate for nonfederal grants to support overhead costs associated with providing financial and fiduciary services to the Alliance and to serve as fiscal sponsor.
- Budgets will also include line items for Alliance staff hired through Georgetown, [as well as] additional GCC staff time required for Secretariat duties (in coordination with Co-Chairs), travel and events, consulting services, equipment and supplies, and communications materials and support as noted below as part of proposals crafted with the Co-chairs....

Alliance staff will provide substantive, logistical, communications, fundraising, and other support in partnership with states, funders, and partners supporting substantive work ...

Funding. Facilitate communications with project funders and manage the development

56. August 1, 2017, email from Schuler to Davis; Subject: Fwd: Secretariat MOU edits.

57. August 2, 2017, email from Davis to aides to Govs. Brown, Cuomo, and Inslee; Subject: RE: Secretariat Doc.

of proposals and documentation necessary to secure operating resources for the Alliance....

Nothing in this MOU shall require, or be deemed to require, Georgetown University to take any action or omit to take any action that would jeopardize Georgetown's tax-exempt status under Section 501c(3) of the Internal Revenue Code of the United States, Georgetown's federal corporate charter granted by the United States Congress,

accreditation of its Georgetown University Law Center by the American Bar Association, or participation by Georgetown or its students in federal student assistance programs. If any of the parties to this agreement are in jeopardy of the loss of any of the approvals listed above as a result of its performance of this MOU, the Parties agree to negotiate in good faith to modify this MOU accordingly.⁵⁸

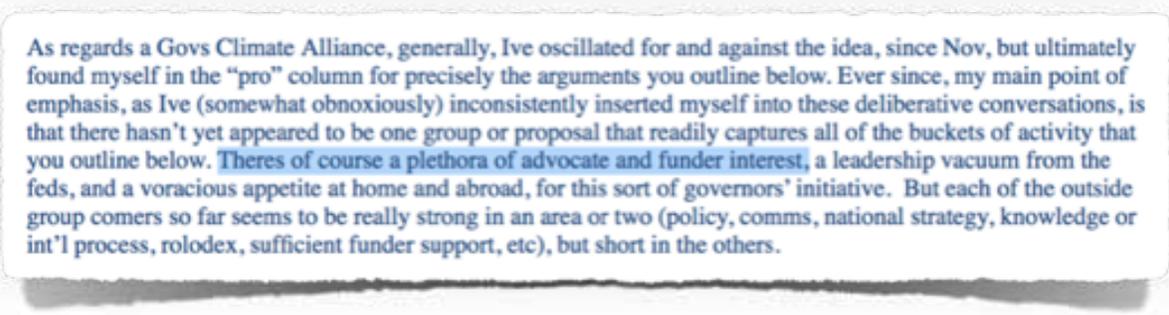
58. U.S. Climate Alliance Secretariat Support Memorandum of Understanding, August XX, 2017, attached to the August 1, 2017, email from Aimee Barnes (Brown) to Jamie Callahan and Dan Carol (Brown); Alexa Kleysteuber (CalEPA); Kate Dineen and Alexander Cochran (Cuomo); and Chris Davis, Reed Schuler, and Sam Ricketts (Inslee).

The Secretariat's Beauty Contest

CANDIDATE ORGANIZATIONS VYING for the up to 24 percent premium for staff hires (and 15 percent for other overhead) include private universities that are not subject to state open records laws, as well as more traditional advocacy groups. Draft contracts obtained by CEI explicitly state that the politicians will make hiring decisions that will be formally executed by the nonprofit—which will then hire and house the “support functions” that are to be at the politicians’ disposal and direction. This arrangement was made possible by the “plethora of advocate and funder interest.”⁵⁹ (See Figure 8.)

A key function of the Secretariat was to hire staff members for the governors. As Aimee Barnes wrote about UNF, “Lastly, you saw my other note about UNF helping with the website. They are also willing to hire Kim Carnahan, who has been a climate negotiator with state department and is a total powerhouse, to help organize us. I’d like to move on that too but want to get your thoughts before telling New York.”⁶⁰ Also, as Barnes wrote to the staff members of various other governors, “Hopefully, soon we should have an Executive Director in place and some other staff and that will help smooth some of the coordination wrinkles.”⁶¹

Figure 8



As regards a Govs Climate Alliance, generally, Ive oscillated for and against the idea, since Nov, but ultimately found myself in the “pro” column for precisely the arguments you outline below. Ever since, my main point of emphasis, as Ive (somewhat obnoxiously) inconsistently inserted myself into these deliberative conversations, is that there hasn’t yet appeared to be one group or proposal that readily captures all of the buckets of activity that you outline below. Theres of course a plethora of advocate and funder interest, a leadership vacuum from the feds, and a voracious appetite at home and abroad, for this sort of governors’ initiative. But each of the outside group comers so far seems to be really strong in an area or two (policy, comms, national strategy, knowledge or int’l process, rolodex, sufficient funder support, etc), but short in the others.

59. May 9, 2017, email from Ricketts to colleague Chris Davis and to Gov. Brown’s aide Barnes.

60. June 4, 2017, email from Barnes to Ricketts and Davis; Subject: Re: principles.

61. September 5, 2017, email from Barnes to aides to Govs. Inslee and Cuomo, Malloy (CT); Subject: Re: [B]est practice template and questionnaire [sic].

Figure 9

I believe that some of the excellent support we have from existing efforts can help to support these needs, but that additional capacity may also be needed. This additional support could be provided through existing efforts, such as Georgetown, the Under2Coalition, etc., or through a new one. We are fortunate that at the moment there are many resources keen to be at our disposal to support us further, but in order to make best use of them, we need to tell them what we need. Many of us have already begun to discuss these needs with various experts and organizations, but I do not think this is a question any one state can or should answer for the others.

Figure 10

So that leads me to think that we should pull together an initial coalition of the willing (or most eager) states, to decide for ourselves the universe of activities in which we'll engage together (and I think you begin to summarize that very well below), and the structure that will assist that. And from there we can approach the different groups (G'town, Rhodium, UNF, whomever) about which of them will play a roll. We may have to broker peace or force collaboration, but surely the collective interest can prevail. And after all, if not us - who?

This practice represents having outside parties hire staff members selected by governors for whom their legislatures have not authorized or have appropriated funds. They use their offices in service of the donors and of the advocacy groups' and politicians' aligned agenda.

Upon acknowledging this approach and that "we are fortunate that at the moment there are many resources keen to be at our disposal to support us further," (see Figure 9) the staff also wrote that the needs were to "identify the buckets of activities/necessary support functions," and then "approach the different groups (G'town, Rhodium, UNF, whomever)

about which of them will play a roll [sic]."⁶² (See Figure 10.)

Three groups made the interview phase: GCC, UNF, and The Climate Registry, which is a group that Governor Inslee's aides credit with "covering our costs for" climate conferences⁶³ (although that is not to be found in either The Climate Registry's IRS Forms 990, or Inslee's own financial reporting).⁶⁴

Staff correspondence reflected a preference for Georgetown over the United Nations Foundation, though not for reasons related to GCC's personnel.⁶⁵ The Georgetown Climate Center, according to Governor Inslee's aide Sam

62. May 5–9, 2017, email thread among Gov. Brown's aide Aimee Barnes and Gov. Inslee's aides Sam Ricketts and Chris Davis; Subject: Follow-up email on Paris letter.

63. "Ann and the Climate Registry are great partners who've covered our costs for COPs and provided extraordinary onsite services and support." June 5, 2017, email from Chris Smith to Gov. Inslee's colleagues; Subject: FW: Approval of TCR/CAR release on COP23, Paris Agreement.

64. Gov. Inslee claims GCC flew him to Paris for the 2015 Paris treaty talks. F1 Supplemental Section C: Food Travel and Seminars. "12/04/2015–12/09/2015, Georgetown University Climate Center, UN's 21st Session of the Conference of the Parties (COP21) in Paris. Airfare: \$1,674.80. Hotel \$1,232.77. Obtained via Washington PRA request. GCC's IRS Form 990 for the year, Part IX (18), "Payments of travel or entertainment expenses for any federal state, or local public officials" reports "0"; Climate Registry left that line blank.

65. "What is Vicky doing? Could we co-op that if we pick her? Had real good talk with jen Austin. She's legit!!! We are talking to a bunch today to pass on to folks. I'll be interested in what Vicky says and if can really step back. I'm for her, but last call I had with her did raise a few questions as to whether [sic] she would be too difficult and that's why someone

Ricketts in an email to Inslee, “was formed by states (including ours) years ago to enhance state collaboration, as well as advocacy to the feds, about climate.”⁶⁶ Colleague Chris Davis similarly stated, “I still lean to G mostly because I know them better and believe they were created and chartered by us to do this work.”⁶⁷

UNF did have to overcome concerns unrelated to the GCC issue of staff being “difficult”:

[I’d] also say that, not that it matters, but [Erin Rogers] of Hewlett preferred GTown and was really nervous about parking this at UNF because of the UN piece. This is same concern of mine. Jonathan [Pershing, also with the funder, Hewlett Foundation] had no opinion and saw either as good. I also think that if the Chinese wall needs to [be] built higher, it will eb [sic] easier to do it with Vicky [sic] [GCC Director Vicki Arroyo] as I didn’t have the opinion that [Pete Ogden of UNF] would just house and no want to be actively [sic] involved if we went that direction.”⁶⁸

It seems Ogden got over any such concerns, because UNF won out over Georgetown and

had portions of its staff salaries paid out of the deal in addition to the other compensation.⁶⁹

In an email after interviewing the groups, Governor Inslee’s aide Chris Davis addressed the staff sensitivity to the prospect of the vendor concluding that it was really in charge. He wrote:

I’d rule out the [Climate] Registry who are eager but [didn’t] make a strong case relative to the others. I was impressed with UN. Their broader team working on related campaigns seems to offer our staff the opportunity to bump into [and] tap broader expertise in unforeseeable ways. They went to lengths to stress their readiness to be low key and back end, but I admit I wasn’t convinced.

[Georgetown] was on top of it. Very ready, capable of housing our team and adding capacity particularly around the global work and federal response. Still a bit of a chip on the shoulder.

I asked all how quickly they could move, their internal process. [Georgetown] may require slightly longer internal decision, working through the school, etc. UN seemed more nimble.⁷⁰

like jen who is strong would be good.” August 2, 2017, email from Alexander Cochran to Govs. Brown and Inslee’s aides; Subject: Re: should we check in today at 2 PT? It’s on my calendar. Also, “I agree on Gtown. I will take it as my personal responsibility to enforce no sulking or stay in your lane wioth [sic] Vicky.” July 24, 2017, email from Gov. Cuomo’s aide Cochran to Gov. Inslee’s aides Davis and Schuler; Subject “Interviews.” Jamie Callahan responded, “Hopefully, she has less of a chip on her shoulder about this when you talk to her.” Ibid. July 24, 2017, email from Callahan to Cochran, Schuler, Barnes, and Davis; Subject: RE: Interviews.

66. May 17, 2017, email from Ricketts to Gov. Inslee; Subject: James Bradbury. “Gov.—FYI—James Bradbury is escaping USDOE and will land at the Georgetown Climate Center, wherein he’ll be working with states to advance climate progress. We put in a good word on his behalf over there. “The G’town Climate Center (GCC) was formed by states (including ours) years ago to enhance state collaboration, and advocacy to the feds about climate. It’s a small organization but a really productive and influential one. It was GCC that coordinated comments across states that ultimately had enormous influence shaping the EPA Clean Power Plan. And it was GCC that worked with Chris, me, and CA staff to organize that recent letter from governors to Trump urging the US to stay in the Paris Agreement. They’ll play a role as we continue advancing interstate partnership on climate. Anyway—just wanted to pass along this update. Team Inslee alums in good places doing important work.”

67. July 24, 2017, email from Davis to Govs. Brown, Cuomo, and Inslee’s aides; Subject: Interviews.

68. July 24, 2017, email from Gov. Cuomo’s aide Cochran to Gov. Inslee’s aides Davis and Schuler; Subject “Interviews.” Schuler had already acknowledged to Davis, “I am concerned about the branding issue for UNF.” The July 20, 2017, email; Subject: USCA Secretariat.

69. DRAFT USCA Budget 9-14, Grantee Name United Nations Foundation, Project or Program Name Global Partnership for Sustainable Development Data, 1. Personnel, listing a range of UNF employees from 2 [percent] for Deputy CEO, Executive Office Elizabeth Cousens (\$3,814.66) to 60 [percent] for Jenna Slotin, Interim GPSDD PM—Director (\$47,953.27), totaling \$142,567.42.

70. July 24, 2017, email from Chris Davis to Cochran, Schuler, Barnes, and Jamie Callahan; Subject: RE: Interviews.

Reed Schuler wrote:

I preferred Georgetown. Pete is really good, and UNF has more experience running major campaigns and doing high-level international work, but Georgetown has so much more experience coordinating with states on our specific issues—and I think in many ways that will be the more challenging side of our work. Climate Registry seemed low energy and somewhat unprepared.⁷¹

Outside allies also weighed in. Former Obama State Department aide Kristina Costa sent her thoughts, which made their way to staffers for Governors Brown, Cuomo, and Inslee:

Also if I can be permitted a thumb on the scale ... STRONGLY recommend UNF over Georgetown Climate Center as the right host for this endeavor. Much more credibility/existing relationships with UN and international system, and a stronger overall institutional structure to support the secretariat (in terms of comms, fundraising, hosting capacity, etc.). I like the GCC folks, but they have historically been more focused on the domestic legal side, which isn't at issue here. I worked with UNF a lot during my international development goals days, and they are just great folks and have good relationships on both sides of the aisle in Congress (we used to do a lot of stuff with Graham, but other Republicans too), and their whole structure is basically supporting medium-term special-purpose projects like this one ... plus the UN angle. Also they can pull together an event on shorter notice than any other organization save maybe CAP.⁷²

Those governors' staff members openly acknowledged in numerous emails that they cannot run such an operation as the USCA, or produce the reports and other products attributed to the politicians. So they instinctively turn to the already noted “plethora of advocate and funder interest” to enable the politicians' claims of forming group after group to promote their “leadership” in opposing Trump administration energy policies.

Specific additional “support functions” the politicians believe they require and deserve, but whom their legislatures do not provide, include:

1. Coordination directly amongst and between our Governors' offices, and communications support to project our Governors' voices nationally and internationally on climate change ...
2. Analytical support for our Governors' offices ...
3. Expert guidance and support for our Governors to engage in international climate processes....⁷³

As noted, the “Secretariat” entity typically exists in name only to run donor money through a nonprofit for the recipient politicians' hiring and for consultants' needs. Once the Secretariat is hired, it applies those donor assets to, first, pay a percentage of their own staff and overhead, which is billed back to the donor's new project. The September 2017 draft budget for the United Nations Foundation allocated from 2 percent to 60 percent of eight key staffers' time to run the governors' USCA, at a budgeted cost of \$142,577.42.⁷⁴

This is in addition to several outside hires for which, according to a subsequent budget version, “UNF applies a standard 24 [percent] fringe rate

71. July 24, 2017, email from Schuler to Davis, Cochran, Barnes, and Jamie Callahan; Subject: RE: Interviews.

72. August 2, 2017, email from Vivek Viswanathan to Aimee Barnes; Subject: RE: U.S. Climate Alliance Director, forwarded by Barnes to Davis and Cochran.

73. May 5, 2017, email from Barnes to Davis and Ricketts; Subject: Follow-up email on Paris letter.

74. Draft USCA Budget 9-14.

Figure 11

\$1,832,830	
\$203,257	The UN Foundation applies a standard, 15% overhead rate on all direct cost to support all overhead costs, including expenses for overall function and management of our operations, human resources, accounting, finance, IT and auditing costs.
\$2,036,086	See assumptions below related to fundraising gaps.

Figure 12

\$650,000	<p><i>Operating costs for the initiative.</i></p> <p>The expectation is that the initiative will initially be funded with a \$125K per year program budget to establish and execute one or more signature initiatives, as well as funding to maintain the website, develop and execute a robust digital media strategy, and amplify publication and other critical messaging across Climate Alliance constituents.</p> <p>The budget includes a line item for in-kind support at a level of \$200K/Year for consultant services for two reports and state support for opportunity scoping analysis/inventories. The proposal is for the funder to directly contract with the consultant to provide these services to the Alliance.</p>
\$1,832,830	

for budgeting purposes. This same rate is assumed for seconded staff for the sake of simplicity.”⁷⁵

In addition:

The UN Foundation applies a standard, 15% overhead rate on all direct cost to support all overhead costs, including expenses for overall function and management of our operations, human resources, accounting, finance, IT, and auditing costs.... [See Figure 11]

The budget includes a line item for in-kind support at a level of \$200K/Year for consultant services for two reports and state support for opportunity scoping analysis/inventories. The proposal is for the funder to directly contract with the consultant to provide these services to the Alliance. [See Figure 12]

An associated document also attached to the email states about the UNF, “A funder will directly contract with a third-party organization to provide additional technical support for modelling [sic], analyses, and reports at

\$200,000 per year.” This statement refers to the Rhodium Group, discussed in detail herein.

Additionally, those documents list travel, catering, and other expenses for the donors to pick up with the funds again running through the nonprofit, because giving the money or services directly to the politicians would raise tax, gift reporting, and possibly other anti-deficiency issues.

USCA did not announce this Secretariat method of operation when it declared its existence. Staff members seemed to have been prescient about an indifferent press, which—if the parties were politicians less sympathetic to the climate industry—surely would have asked the obvious questions, at least when USCA governors began announcing major reports bearing their group’s name: How did governors’ offices produce this document? Did they? Does USCA actually exist; if not, how does it manage to pay for such expensive-looking reports?

When the USCA did begin slipping in references to this model in later hiring notices, there were no indications that the group

75. DRAFT USCA Budget Summary 10-4, transmitted from then-Executive Director Kevin Welsh to Inslee aide Chris Davis, UNF’s Pete Ogden; Subject: Fwd: Climate Alliance docs, October 11, 2017.

was asked how governors legally staff, fund, and operate a vehicle providing resources to supplement their offices with resources their legislatures would not provide them.⁷⁶

DONOR-FUNDED OUTSIDE CONSULTANTS FOR GOVERNORS

Regarding the outside consultants for whom the Secretariat exists, in part, to hire, consider another high-profile announcement by Govs. Brown, Cuomo, and Inslee, who were on a junket to New York City for another media event about climate advocacy, “Climate Week.” Climate Week is a week in mid-September every year of dining with donors, underwritten by donors, discussing the pursuit of aligned interests with donors. (It is a project of The Climate Group, Secretariat for Brown’s Under2 Coalition, which also is being run, at least in part, out of his office and by a state employee). Emails show several governors and Tom Steyer were scheduled to attend a politicians/donors dinner and at least one worked to arrange a private meeting during Climate Week 2017. (See page 37.)

Then, the governors unveiled a glossy report that was branded prominently “[U.S.] Climate Alliance, 2017 Annual Report, Alliance States Take the Lead,”⁷⁷ presented with an opening “Message from the Co-Chairs” and was written in the first person “we” (as in, e.g., “What We Are Doing”). It was actually written and delivered by high-priced consultants. Where do governors get money for such a venture? How would that be

arranged? Is the gift reportable? Did they report it? These seemingly obvious questions were not asked by any journalists covering the unveiling.

To secure positive coverage, Climate Nexus, “a sponsored project of Rockefeller Philanthropy Advisors,”⁷⁸ a 501(c)3 organization, worked with the media promoting the event. On September 1, 2017, Governor Brown’s aide Aimee Barnes wrote to colleagues working for Govs. Brown, Cuomo, and Inslee: “Climate Nexus has indicated they have resources to help us manage the comms and promote the USCA event and report in NY. I’m going to get some details on what they have to offer but think it would be great if we could rely on them, especially their international channels for press releases, social strategy, press, etc.”⁷⁹ To which, Governor Inslee’s aide Davis replied, “Erin at Hewlett made strong recommendation that we use and it made sense to me.”⁸⁰

One look at the report suggests it was privately produced. We now know donors, in fact, did arrange for expensive outside consultants to produce it. The evidence is found in an email thread among Hewlett’s Erin Rogers, the report’s authors who work for the Rhodium Group, and the governors’ staff members.⁸¹

Rhodium’s Trevor Houser wrote to aides for Governors Brown, Cuomo, and Inslee:

Before pulling the trigger on funding for the Climate Week Report, Erin at Hewlett has a couple questions about the release/comms plan. She is cc’ed and I’ll let her take it from here.⁸²

76. USCA, “Employment Opportunities,” <https://www.usclimatealliance.org/employment/>.

77. Climate Alliance Annual 2017 Report, <https://www.usclimatealliance.org/annual-report/>.

78. Climate Nexus, Mission, accessed August 1, 2018, <https://climatenexus.org/mission-role/>.

79. September 1, 2017, email from Barnes to Govs. Brown, Cuomo, and Inslee’s aides; Subject RE: Comms for NY.

80. September 1, 2017, email from Chris Davis to Govs. Brown, Cuomo, and Inslee’s aides; Subject RE: Comms for NY. See also the September 1, 2017, email thread initiated by Erin Rogers to Gov. Inslee’s Chris Davis and Rhodium’s Houser. It introduces them to Jeff Nesbit of ClimateNexus and Tom Brookes, Executive Director for Strategic Communications of none other than the European Climate Foundation (see *infra*); Subject: connecting you all.

81. August 30, 2017, email from Erin Rogers to Trevor Houser and the staffs for Govs. Cuomo, Brown, and Inslee; Subject: Report Comms Plan.

82. August 30, 2017, email from Rhodium’s Trevor Houser to Rogers, Brown, and Govs. Cuomo and Inslee’s staff; Subject: RE: Report Comms Plan.

Erin Rogers responded:

Thanks, Trevor. I know we're crunched for time here, but before we give the green light on funding for an Alliance product for release during Climate Week, I would love a chance to speak briefly with one or more of the comms folks who will be releasing the product to understand the distribution plan and target audiences and then [to] make sure the designer scope of work we received is in line with what you all want and need.

If there's any way I could jump on the phone this afternoon with the relevant person or people, please let me know. We can move quickly on our end after that.⁸³

The New York Times, in its story about the "unveiling," reported, "On Wednesday, three governors in the USCA—Jerry Brown of California, Andrew M. Cuomo of New York, and Jay Inslee of Washington—unveiled a new study by the research firm Rhodium Group."⁸⁴ This is accurate and likely set off alarms. The topic of attribution was a matter of great anxiety for Rhodium, which produced, then physically provided, the completed report to the governors' staff members for their bosses to "unveil." Before the *Times* story ran, a Rhodium staffer instructed Ben Rubin and Emma Stieglitz of Climate Nexus (who were promoting the report, also for Hewlett) and Governor Inslee's aide Chris Davis, "I just want to reiterate the important detail that the report is all USCAs and not Rhodium's. We provided data and analysis, but the report is USCAs."⁸⁵

They had nothing to fear from the coverage arranged by their partners, because there is no indication that either the reporter or his editors showed any interest in how this process of politicians "unveiling" someone else's work with the "Alliance" name on it worked. *Washington Times* reporter Valerie Richardson did have the skepticism to ask: "Who compiled and paid for the report? Not Rhodium, according to a spokeswoman." Richardson further wrote:

"U.S. Climate Alliance state staff put together the report using data that the Rhodium Group produced as part of previous projects which were funded by private philanthropy," Rhodium spokeswoman Hannah Hess said in an email to *The Washington Times*.

The Rhodium Group is headed by former Hillary Clinton campaign climate and energy adviser Trevor Houser...⁸⁶

The New York Times did at least get right the part about who produced the slick document; *The Washington Times* asked the right questions. And when asked, Rhodium's spokesperson advanced the agreed-upon line, as set forth with helpful candor in an August 23, 2017, email from Rhodium's Houser to aides for Governors Cuomo, Brown, and Inslee: "My understanding is that we are ghost-writing this, and it will be produced/branded as a USCA work product that uses/references Rhodium Group data. Correct?"⁸⁷ Ten minutes later he wrote to the same colleagues, "If you all are planning on launching a web site, [it]

83. August 30, 2017, email from Rogers to Rhodium and to Govs. Brown, Cuomo, and Inslee's staff members; Subject: Subject: RE: Report Comms Plan.

84. Brad Plumer, "How Can [U.S.] States Fight Climate Change if Trump Quits the Paris Accord?" *The New York Times*, September 20, 2017, <https://www.nytimes.com/2017/09/20/climate/paris-climate-accord-trump.html>.

85. September 18, 2017, email from Rhodium's John Larsen to Ben Rubin, Emma Stieglitz of Climate Nexus staff, and Gov. Inslee's aide Chris Davis; Subject: RE: USCA 9/18: finalizing comms materials.

86. Valerie Richardson, "Democratic Governors Outsource Climate Campaigns to Activist Groups, emails Reveal," *The Washington Times*, <https://www.washingtontimes.com/news/2017/nov/14/governors-outsource-climate-campaigns-to-advocacy/>.

87. August 23, 2017, email from Houser to Chris Davis and Reed Schuler (Inslee), Alexander Cochran (Cuomo), Aimee Barnes (Brown), and Kate Larsen and John Larsen of Rhodium; Subject: RE: CLimate [sic] Week Product. Houser

might make sense to have them listed there with highlights/links included in the report we produce....”⁸⁸

Rhodium’s claim that someone else took its data and made such an impressive product out of it is belied by dozens of emails obtained under public records laws. But why so blatantly mislead?

One reason might be the report’s apparent price tag (or at least valuation)—as much as \$100,000 to be paid by a donor—with additional costs for promotion by firms paid by the donor in support of a shared policy agenda. Specifically, an email from USCA’s then-Executive Director Kevin Welsh to Governor Inslee’s aide Chris Davis (copying UNF’s Ogden) includes an attached USCA budget. The budget includes in-kind support for Years 1 and 2:

The budget includes a line item for in-kind support at a level of \$200K/Year for consultant services for two reports and state support for opportunity scoping analysis/inventories. The proposal is for the funder to directly contract with the consultant to provide these services to the Alliance.⁸⁹

Whether Hewlett, as a donor, paid Rhodium \$100,000 for this first report is unclear. Houser did suggest that was the case and wrote to colleagues about the report in late August that “On the scope of work, Hewlett is pretty flexible on format.”⁹⁰ The reports are budgeted to be provided by Rhodium upon being contracted directly by the donor, to which largesse Welsh presumably refers in an email to Ogden and Governor Brown’s aide Barnes:

2. I included \$100,000 per year for Alliance initiatives, in addition to the \$25,000 for comms. Aimee and I felt that we need to include something in the program budget to work with *and can’t completely rely [sic] the in-kind Rhodium type arrangement.*

top line—two year budget—1.48, 738k in the first year and slightly more in the second. In kind support is approximately 275k per year.

Pete—I suspect that you think this will be a bit of a shock for Hewlett. That said, I think it is difficult to pitch something more scaled back than this. This provides some room for negotiation, but also is a pretty realistic take on a lean budget.⁹¹ [Emphasis added.]

preceded that understanding with “Ok, we can engage a design firm to do brand development as part of the report design if you include in the scope of work.”

88. August 23, 2017, email from Houser to Chris Davis and Reed Schuler (Inslee), Alexander Cochran (Cuomo), Aimee Barnes (Brown), and Kate Larsen and John Larsen of Rhodium; Subject: RE: CLimate [sic] Week Product.

89. Draft USCA Budget Summary 10-4.

90. August 23, 2017, email from Houser to Chris Davis and Reed Schuler (Inslee), Alexander Cochran (Cuomo), Aimee Barnes (Brown), and Kate Larsen and John Larsen of Rhodium, Subject: RE: CLimate [sic] Week Product.

91. September 14, 2017, email from Kevin Welsh to Gov. Brown’s aide Barnes and to UNF’s Pete Ogden; Subject: Alliance—Updated Narrative and Spreadsheet.

Staffing Up the Summit

THE ADDITIONAL FULL-TIME STAFF members that UNF also hired for Brown to help pull off his September Global Climate Summit were to “be employed by the United Nations Foundation and seconded to the office of the Governor of California.”⁹² A November 27, 2017, email on one of the listservs used by public employees to coordinate with other activists (these are both Google Groups and private services financed by donors) and from which several emails were obtained by CEI under open records laws shows that UNF advertised for at least four senior staff members to run it.⁹³

This email announcing the openings stated that they were for “The Global Climate Action Summit, which is being hosted by California [Governor] Jerry Brown in September in San

Francisco, and which UNF is helping support.” The Summit is plainly an official function of the office, was announced as such in July 2017,⁹⁴ and occupied approximately one-quarter of the space on the governor’s official website in August 2018.⁹⁵ The job posting stated that the Summit “is recruiting for a handful of senior positions” and had links to job descriptions for Chief Operating Officer, Director of Operations, Director of Partnerships, Policy Director, and Director of Strategic Communications. (See Figure 13.)

Consider the following statements, affirming that this activist donor-financed event is an official use of Brown’s office: “Summit Leadership—The Summit is hosted by Governor Brown and the State of California” and “The

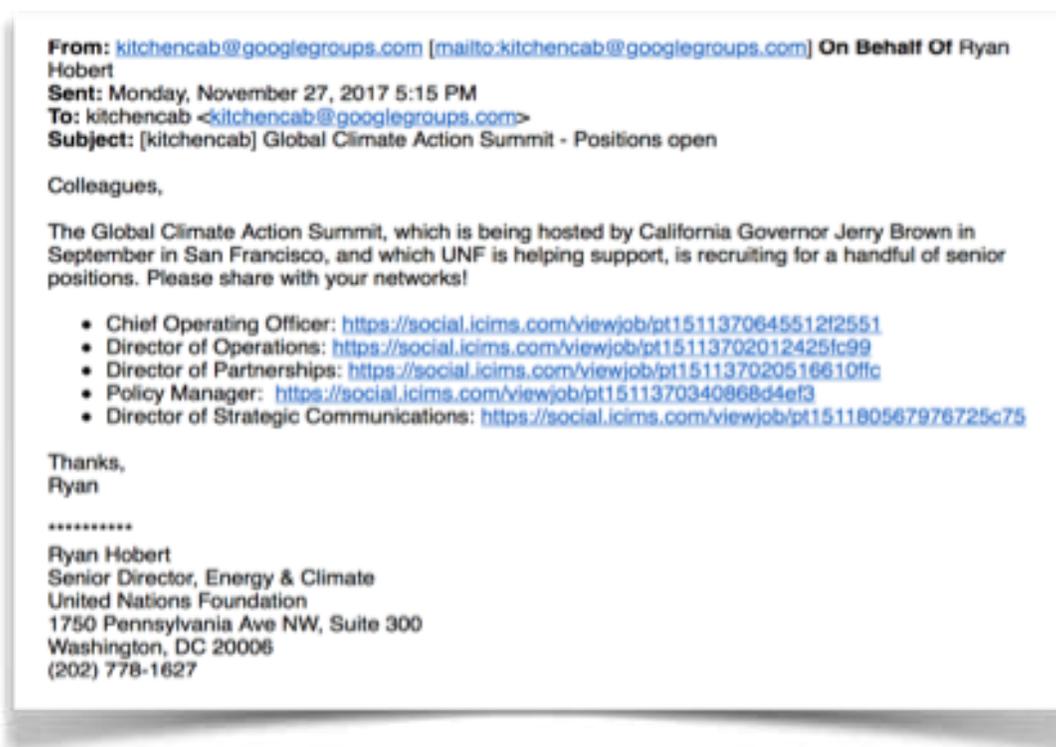
92. The emailed links are no longer active but the links provided here—from National Nonprofits—remain active though they cite the jobs as “no longer available” (viewed March 14, 2018). Respectively, those positions can be viewed at (a) <https://nationalnonprofits.org/nonprofit-jobs/job/washington-dc-united-states/chief-operating-officer-coo-global-climate-action>, (b) <https://nationalnonprofits.org/nonprofit-jobs/job/washington-dc-united-states/director-operations-global-climate-action-summit>, (c) <https://nationalnonprofits.org/nonprofit-jobs/job/washington-dc-united-states/director-partnerships-global-climate-action-summit>, (d) <https://nationalnonprofits.org/nonprofit-jobs/job/united-states/policy-manager-global-climate-action-summit/united-nations>, and (e) <https://nationalnonprofits.org/nonprofit-jobs/job/dc-united-states/director-strategic-communications-global-climate-action-summit> (viewed August 9, 2018).

93. November 27, 2017, email from Ryan Hobert, Senior Director, Energy & Climate, United Nations Foundation, to kitchencab@googlegroups.com; Subject: [kitchencab] Global Climate Action Summit—Positions open.

94. “Gov. Jerry Brown of California on Thursday reinforced his reputation as America’s de facto leader on climate change, announcing to cheering crowds in Hamburg, Germany, that his state would gather leaders from around the world for a global warming summit next year.” It continued, “According to [Gov.] Brown’s office, the summit meeting will be the first time an American state has hosted an international climate change conference with the direct goal of supporting the Paris Agreement.” Lisa Friedman, “Jerry Brown Announces a Climate Summit Meeting in California,” *New York Times*, July 6, 2017.

95. Office of Gov. Edmund G. Brown, Jr., <https://www.gov.ca.gov>, viewed August 9, 2018.

Figure 13



planning, organization, and execution of the Summit will be led by the Office of Governor Brown.”⁹⁶

Specifics on the Summit—The Summit will be the first time a U.S. state convenes people from around the globe to support the Paris Agreement.⁹⁷

Advisor Alexa Kleysteuber, who works out of the California Environmental Protection Agency (see Figure 14) but appears as a Brown delegate to funding and strategy sessions with outside activists and donors, made this clear when writing one donor-funded group:

I know we still have some work to do to get the Gov’s Office as comfortable as possible

with the working arrangements, but I am trying to be the best advocate I can, and I think things will get smoother over the next few weeks.

Per the chain below, can you please send me the power point that has been shared with the Hewlett Foundation? Also, as per Jamie’s request, we need to hold off on circulating any documents that haven’t been approved from the Governor’s Office—I will send you sometime today the new concept note that was approved last week for circulation.⁹⁸

The Paris climate treaty is a pact between nation-state governments, and the annual meeting will be held this year in Katowice, Poland, in early December. The Brown-led Summit is a major effort by elected officials

96. “Concept note,” attachment to the October 5, 2017, email from CalEPA’s Alexa Kleysteuber to CalEPA Secretary Matthew Rodriguez, copying Ashley Conrad-Saydah; Subject: 2018 Concept Note.

97. Ibid.

98. September 25, 2017, email from Kleysteuber to Andrew Higham of Mission 2020; Subject: Re: INVITATION: Funder Meeting on Sub-National Coordination, Oct. 13, 9am–1:30pm ET, New York.

Figure 14

From: [Kleysteuber, Alexa@EPA](mailto:Kleysteuber.Alexa@EPA)
To: Rodriguez, Matthew@EPA
Cc: Conrad-Saydah, Ashley@EPA
Subject: 2018 Concept Note
Date: Thursday, October 5, 2017 6:39:00 PM
Attachments: [Concept Note_FINAL.PDF](#)

Hi,

Just making sure you have the final, Nancy-approved version of the 2018 Summit Concept Note. It was finalized in time for Climate Week, with the general goal of sharing it with potential funders. Matt, feel free to share it with Secretary Laird as it could help address some of his questions.

Best,
Alexa

Alexa Kleysteuber
Deputy Secretary for Border and Intergovernmental Relations
California Environmental Protection Agency

Figure 15

Steering Committee

The Summit will harness and aggregate the collective impact of climate action from states and regions, cities, businesses, investors, and civil society. The steering committee is, therefore, comprised of the major representative coalitions across these constituencies. The role of the steering committee is to support the inclusive participation of their respective constituencies and to help shape the structure, content and successful outcomes of the Summit. The steering committee will also provide structure and guidance for the Working Groups and will report on progress made. Mission 2020 has been asked by California to convene and facilitate the Steering Committee meetings, help coordinate inputs and outputs for the summit, and guide the performance of the Working Groups in service of the Summit and its outcomes.

Operating Rules

The Steering Committee will meet monthly for the remainder of 2017, thereafter intensifying its schedule towards September 2018. Steering Committee members will be expected to commit their organizations to leading one of the working groups and/or otherwise making a significant contribution to the Summit, as well as to coordinating with the Logistics, Communications & Funding Team. There will likely be 2 in person meetings of the Steering Committee in 2017, the first to take place on the margins of NY Climate Week in September and the second on the margins of COP23 in Bonn.

Steering committee members will strive to support the vision of Governor Brown, as the host of the Summit, and will make recommendations to the Summit host, as needed. The Steering Committee should come to its recommendations by consensus, and when this is not possible, all points of views will be elevated to the Summit Host, for consultation with the co-Chairs.

to effectively move the politicking and media spectacle up in the calendar and to run an expensive PR/political campaign (using state offices) to make climate an issue for the 2018 mid-term U.S. elections, by hosting what is—by all appearances—a governmental conference. A political strategy memo discussed herein circulated on one of the privately funded listservs affirms that 2018 and 2020 U.S. elections are of paramount interest and importance to the global climate industry. They are, of course, of tremendous importance to the U.S. climate industry (which funds most of the global enterprise) and to the politicians who both push and ride the issue.

Brown’s Summit boasts a Who’s Who of environmental funders as its Steering Committee, including representatives from Bloomberg

Philanthropies, the Bloomberg group Global Covenant of Mayors, Rockefeller Brothers Foundation (Michael Northrop), Turner’s UN Foundation, Steyer’s NextGen America and NextGen Policy, The Climate Group, Climate Network (the vehicle for former UNFCCC Chair Christiana Figures “Mission 2020”), the consultancy Converge Strategies, the business lobby BSR, and the pressure groups Ceres and World Wildlife Fund.⁹⁹ (See Figure 15.)

What is, in fact, a private donor-financed production will be preceded by a major public affairs blitz, which the public should view in the context of the knowledge obtained by public records requests and set forth in this paper: this is what activist government for hire looks like, and how it is brought about.

99. September 21, 2017, email from CalEPA’s Alexa Kleysteuber to Steering Committee; Subject: Re: 2018 Global Climate Action Summit—Steering Committee #3. Steering Committee description comes from 2018 Summit Planning Document_July11.pdf, attached to the August 21, 2017, email from Kleysteuber to Gov. Brown’s aides Awinash Bawle and Aimee Barnes; Subject: Cap-and-Trade.

Money, Ego, and Influence: Too Much Donor Cash?

USCA IS JUST ONE OF MANY vehicles created in response to President Trump’s stated intention to withdraw from the Paris climate treaty. Others include Michael Bloomberg’s America’s Pledge (this “[f]under of many initiatives” is also funding the “Global Covenant of Mayors for Climate & Energy”¹⁰⁰) and We Are Still In (WASI).¹⁰¹ Other largely dormant groups began making noise again, such as the Mayors National Climate

Action Agenda.¹⁰² Other groups already in existence include Governor Inslee’s Pacific Coast Collaborative, the Governors Climate Alliance,¹⁰³ and the Under2 Coalition.

The proliferation of advocacy outlets to spend the “plethora of funder interest” has vexed even the political aides whose work the consultants are—according to emails—expressly hired to supplement. With new entrants, mayors’ staff complained of “commitment fatigue,”¹⁰⁴ while

100. “Bloomberg: Funder of Many Initiatives—Global Covenant of Mayors, America’s Pledge.” “Notes from Non-state and Subnational Action meeting in NYC. Informal meeting to coordinate analysis/aggregation of climate action pre-2018 Summit/COP, September 20, 2017, UN Foundation, NYC,” Attachment to October 26, 2017, email from CalEPA’s Alexa Kleysteuber to colleague Heather Hickerson; Subject: Fw: Meeting to coordinate analysis/aggregation of climate action pre 2018 Summit/COP etc., “NSA_Meeting_Notes_Sep202017.docx.”

101. We Are Still In website, <https://www.wearestillin.com>. WASI is an exercise in claiming that governmental subdivisions will meet Paris emission reduction promises, if without paying the hundreds of millions of dollars that actual U.S. members would pay and without any threat of courts concluding they really are still in, as faced by the [United States] (see, e.g., UN Environment, *The State of Climate Litigation: A Global Review*, <http://columbiaclimatelaw.com/files/2017/05/Burger-Gundlach-2017-05-UN-Envt-CC-Litigation.pdf>).

102. Mayors National Climate Action Agenda (MNCAA) has a Clinton Foundation angle, so you just knew someone somewhere in this drama would, although its website has been purged of the previous and fairly ostentatious promotion of the connection with the Clintons (those images are still available on the internet archive the Wayback Machine). MNCAA is being administered, by arrangement of someone, by the noted philanthropic endeavor, with the consulting firm PWC (formerly known as PricewaterhouseCoopers) out of San Francisco. See November 18, 2016, email from Los Angeles mayoral aide Matt Petersen to aides in the Houston and Los Angeles mayors’ offices and Shaun Fernando of PWC.

103. Christopher Horner, “Private Interests & Public Office: Coordination between Governors, the Obama White House and the Tom Steyer–“Founded and Funded” Network of Advocacy Groups to Advance the “Climate” Agenda [as] Revealed by Public Records Requests,” cited, *supra*.

104. December 8, 2017, email from Orlando mayoral aide Christopher Castro to numerous Urban Sustainability Directors Network correspondents; Subject: RE: WASI Steering Committee Agenda and Read-ahead for Monday, 12.11. “I’m beginning to see a bit of ‘commitment fatigue’ from our leadership,” in response to a Salt Lake City aide’s comment, “I’m sure you won’t be surprised by my reaction—we don’t want or need yet another set of commitments.”

governors' staff members bemoaned "signing fatigue"¹⁰⁵ and "being caught off guard."¹⁰⁶ Additional groups similar to Bloomberg's appeared amid "all this other shit [that] distracts from what we thought we were trying to build."¹⁰⁷ As Knoxville mayoral aide Erin Gill wrote in response to exasperation among peers about We Are Still In's appearance, "Totally agree ... avoid asking cities to make new commitments—it's exhausting and the marginal value is negligible at this point."¹⁰⁸

Billionaire mega-donor Tom Steyer has his groups operate under different "NextGen" monikers and seem to keep a relatively low profile. Nonetheless, emails show close political coordination with Steyer's people, particularly Governor Inslee's office.

For example, "Tom Steyer's NextGen America"¹⁰⁹ included Governor Inslee's then-Washington, DC, office director Sam Ricketts in its readout of WASI and USCA calls, which were led by Elan Strait, the World Wildlife Fund's coordinator for the donors' groups.¹¹⁰ Ricketts, in turn, would provide his own readouts of dealings with NextGen to colleagues. For example:

Call was me, Next Gen ([NextGen Policy CEO Dan] Lashof, [NextGen Policy Analyst] Aaron Burgess, Franz H[ochstrasser, both then with NextGen]) and Elan. They're interested in a bipartisan governors event at NGA in [Rhode Island] highlighting state climate leadership and commitment to Paris. Next Gen is "alliance agnostic" as to whether Alliance, WASI, etc.... Told them there was continued uncertainty about whether we'd have a public event related to alliance at the NGA (a bit of a fib), but that [I'd] circle up with are [sic] team. And besides we are planning to assemble staff."¹¹¹

Relevant to the concern about publicly associating with Steyer and his extensions, Dan Carol responded the next day, "What does Next Gen bring to the table ... and do they drive away Rs in the future?" Davis responded, "That's a really good question.... we need to be careful bringing these NGOs in too close...." [The ellipses are in the original]

Ricketts also forwarded his correspondence with the WASI/USCA consultants. For example, "FYI—my follow-up correspondence with Next Gen and WASI. Attached is a concept

105. June 5, 2017, email from Gov. Brown's aide Aimee Barnes to numerous Govs. Brown, Inslee, and Cuomo aides; Subject: Climate Alliance/"We Are Still In" Letter. "I also know many Governors are having signing fatigue and may not be inclined to sign on to yet another initiative."

106. July 13, 2017, email from Chris Davis to Gov. Cuomo's aide Alexander Cochran; Subject: U.S. Climate Alliance In-Person Meeting. Cochran is commenting unfavorably on Bloomberg's entrance with "AP":

"I think I calmed my people down but I'm gonna try and pull Jamie for a beer tonight to discuss this America's pledge thing. We are putting a lot of effort into this and not playing on any other climate area intentionally to give this nys [sic] focus. All this other shit distracts from what we thought we were trying to build. We keep bending over backward: announcement without substance, which we didn't like; the [We Are Still In] that we hated; the figi [sic] thing that was sprung on us; the brown Un [sic] special envoy that was a surprise; us [sic] saying to them sure have the Hewett [sic] foundation listen in and have the outside speakers to our internal staff mtg.; and I'm sure there are other things. I've got my folks playing well in the sandbox, which isn't our rep, and the [California] folks keep taking advantage of our generosity, and it's about to have to change."

107. July 13, 2017, email from Davis to Cochran; Subject: U.S. Climate Alliance In-Person Meeting. Who the "them" are is not clear from the email thread.

108. December 8, 2017, email from Gill to numerous Urban Sustainability Directors Network correspondents, Subject: RE: WASI Steering Committee Agenda and Read-ahead for Monday, 12.11. Gill wrote the same sentiment in another email that day, "it's exhausting and the marginal value seems increasingly negligible at this point."

109. October 3, 2017, email from Aaron Burgess to Oregon Gov. Kate Brown's Campaign Finance Director Bailey Sasse, Subject: Dinner with Tom Steyer in Bonn during COP23, copying staff for Fahr LLC and NextGenPolicy.

110. July 1, 2017, email from Ricketts to several California state employees, Subject: FW: Follow Up to Today's Call.

111. June 30, 2017, email from Ricketts to Govs. Inslee and Brown's aides; Subject: Re: NGA.

note NG put together for a potential event in [Rhode Island].”¹¹² This note referenced a NextGen idea for a side event “Real [U.S.] Leadership on Climate Change—the United States Climate Alliance National Governors Association (NGA) Side-Event.”¹¹³ USCA did hold a July 14, 2017, event in Rhode Island, at which presenters included Jonathan Pershing of Hewlett Foundation.

Ricketts asked of Burgess, “If you could push [North Carolina] and [Colorado] to join Alliance and to do an event in Providence that could only help. Thanks.” Burgess replied, “Will do. We have spoken with both of their offices in the past, so I will reach out again today.”¹¹⁴ Governor Inslee has since moved Ricketts over to promote these issues after Inslee took over the Democratic Governors Association.

Public distancing notwithstanding, the governors then meet with Steyer privately; Governor Inslee’s staff confer with political consultant Aisling Kerins on this relationship:

We can certainly offer a meeting. But [I] et me check with Aisling. Gov. and Tom know each other well, talk fairly frequently, mostly on the unofficial side. She’ll have some perspective on whether it’s particularly timely if there are any outstanding issues.

Agree with your instincts on his involvement publicly with alliance happenings.¹¹⁵

The latter remark responded to Schuler’s rather candid request for views on the wisdom of such a meeting:

Views? I know they’ve met in the past—would a meeting between the two of them make sense? We’re only putting together one USCA event, and I don’t think it makes sense to have Steyer involved (either for public perceptions or to keep our bipartisan coalition happy), though it could be nice to have his support.¹¹⁶

Schuler then followed up the next day with “Chatting with Aaron tomorrow. Have you put this forward to Aisling?”

This exchange followed Aaron Burgess of “Tom Steyer’s NextGen America” asking Governor Inslee’s aides Schuler and Ricketts:

Reed, it was a pleasure meeting you last week at the America’s Pledge meeting in SF. We are working to put together a schedule for Tom Steyer at Climate Week next month and wanted to reach out to you guys to see what U.S. Climate Alliance events you are planning for Climate Week and if there is a way for Tom or NextGen America to be involved. Happy to hop on the phone sometime soon and chat more.¹¹⁷

Other Inslee/Steyer–related emails include “I don’t know if the personal meeting with Steyer has landed.”¹¹⁸

112. June 30, 2017, email from Elan Strait of Bloomberg/WASI/AP contractor World Wildlife Foundation, to NextGen’s Franz Hochstrasser, Dan Lashof, David Weiskopf, and Aaron Burgess, and to Gov. Inslee’s aide Sam Ricketts’ gmail; Subject: Follow-Up to Today’s Call. Ricketts opened his response, “Hey, Franz! Thanks so much for the readout.”

113. June 30, 2017, email from NextGen’s Franz Hochstrasser to Elan Strait of Bloomberg/WASI/AP contractor World Wildlife Foundation and to NextGen’s Dan Lashof, David Weiskopf, and Aaron Burgess; Subject: Follow-Up to Today’s Call, with attachment, NGA Side Event for Gov Recruitment-Concept Note.

114. July 6, 2017, email exchange between Ricketts and Burgess; Subject: Follow-up to today’s call.

115. August 29, 2017, email from Chris Davis to Reed Schuler and Sam Ricketts; Subject: RE: Tom Steyer at Climate Week.

116. August 29, 2017, email from Reed Schuler to Chris Davis and Sam Ricketts; Subject: RE: Tom Steyer at Climate Week.

117. August 28, 2017, email from Aaron Burgess to August 29, 2017, email from Reed Schuler and Sam Ricketts; Subject: RE: Tom Steyer at Climate Week.

118. September 14, 2017, email from Reed Schuler to Ricketts and Davis; Subject: Monday VIP dinner.

The America's Pledge meeting Burgess references was called as an "expert dialogue in San Francisco on the America's Pledge project."¹¹⁹ Organized by Bloomberg Philanthropies and headquartered in New York City, America's Pledge was strategized in the San Francisco offices of Michael Bloomberg's business interests, Bloomberg LP.¹²⁰ The emails suggest that donors paid for Inslee's aide/WRI employee Schuler and three employees of the office of Governor Jerry Brown to attend and to advise Bloomberg's group. Attachments to several emails show that WRI's role included reimbursing participants for travel expenses.¹²¹

In addition to Hewlett's Pershing and Bloomberg Philanthropies' Daniel Firger, participants included representatives from the following:

- America's Pledge contractor Rocky Mountain Institute,
- World Wildlife Fund,
- Rhodium Group,
- Climate Nexus,
- Sierra Club,
- World Wildlife Fund,
- Natural Resources Defense Council,
- Environmental Defense Fund,
- Steyer's Advanced Energy Economy, and Energy Foundation (EF), and

- EF contractor Synapse.¹²²

Also invited was former Obama EPA chief Gina McCarthy, who was unavailable. Other participants or invitees included Governor Inslee's aide Reed Schuler, Governor Brown's aide Aimee Barnes, California EPA's Alexa Kleystauber, and California Air Resources Board's Edie Chang and Rajinder Sahota. Public employees who participated seemingly traveled and appeared at this weekday strategy conference on taxpayer time. Because California exercises one of the most expansive executive privilege claims in the country, keeping whatever it considers to be governors' office correspondence from public inspection, further details remain—at this time—unavailable.

Other governors whom Team Steyer and others worked to persuade include Pennsylvania's Governor Tom Wolf. When asked for his schedule, Governor Wolf's staff declined to provide it under the state's Right to Know Law: "Please note that the Governor's schedule may be found at www.governor.pa.gov/schedule/."¹²³ This statement is only partly true.

That meeting, as far as the publicly available schedule was concerned, was simply a "political meeting."¹²⁴ Yet, according to emails released under Pennsylvania's Right to Know Law (RTKL), it was, in fact, "Tom Steyer meeting."¹²⁵

119. September 1, 2017, email from Bloomberg Philanthropies' Daniel Firger to a blind copy list; Subject: Thank You! America's Pledge Expert Dialogue Materials and Next Steps.

120. "The meeting is on Wednesday, August 23, and Thursday, August 24, at the Bloomberg LP offices, Pier 3, Embarcadero #101, San Francisco 94109." The August 17, 2017, email from WRI President Sam Adams to Edie Chang of California's ARB, Rocky Mountain Institute's Paul Bodnar, and WRI's Tyler Clevenger; Subject: America's Pledge Expert Dialogue—Draft Agenda & Logistical Notes.

121. Ibid. "One final logistical note: If you are seeking reimbursement for your travel expenses and have not yet emailed your materials, please do so by sending the following items to Tyler Clevenger at tyler.clevenger@wri.org at your earliest convenience. ... For any specific questions related to reimbursement, please reach out to Tyler directly." Also, Reimbursement template.xlsx, which is an attachment to September 12, 2017, email from WRI's Tyler Clevenger to CalEPA's Kleystauber; Subject: RE: AP Expert Dialogue: Thank You & Next Steps.

122. August 20, 2017, email exchange between Schuler and Davis; Subject: Timing of SF consultation.

123. January 18, 2018, letter to Energy & Environment Legal Institute responding to RTK Request C-2017-092.

124. Wolf publicly available schedule, July 12, 2017, Wednesday. "8:00 AM - 9:00 AM Political meeting: POC Jeff Sheridan [REDACTED]—Governor's Resident—Mt. Wolf." This meeting also apparently was mentioned in a July 6, 2017, email among Wolf aides Samuel Robinson, Sarah Galbally, and Michael Chmielewski; Subject: Methane.

125. July 6, 2017, email from Samuel Robinson to Gov. Thomas Wolf; Subject: Accepted: TWW/Brunelle/Galbally/Robinson meeting ([REDACTED]—[REDACTED] Tom Steyer meeting."

Redactions show the meeting’s subject matter was too sensitive or personal for prying, public eyes.

According to Steyer’s aide (through NextGen) Aaron Burgess, Governor Wolf rebuffed Steyer’s overtures to publicly join the Climate Alliance or We Are Still In. Responding to Ricketts’ inquiry to Team Steyer for information, that “[I’m] hearing [Pennsylvania] needs a little time before signing on with these groups. Are you hearing differently?”, Burgess wrote:

In regards to Pennsylvania, Tom sat down the [sic] Governor Wolf this morning to make the ask, and Wolf is pretty adamant about not joining. It is his view that it will have a negative effect in his state as the bigger deal he makes about it, the more the leg will come after him. Basically, his climate plan is “the quieter the better.” We are rethinking our PA strategy today and will be on the phone with some environmental partners in the state this afternoon.¹²⁶

Governor Wolf’s reticence is likely due to the fact that “resistance” to Trump administration climate policies is popular in blue states but not so much in purple ones. As a result, purple state governors recruited to the cause of donor-funded governance and climate activism were less eager to be seen in public with their movement. For instance, staff for North Carolina Governor Roy Cooper eagerly sought “any sources of funding ... to cover my trip” to the big Manhattan announcement.¹²⁷ However, after Reed Schuler emphasized the political hook of touting this sole “Trump

state” to join,¹²⁸ ClimateNexus suggested that “[o]ne additional question on North Carolina joining — would it be possible to offer that as an exclusive for an outlet like *New York Times* as part of their 9/18 story?”¹²⁹ The disappointing news then spread that “NC’s comms team has asked that the mention of NC be downplayed in national press materials ... at the request of Governor Cooper’s team.” The team “did not frame it as a major news item.”¹³⁰ Then, the item continued, “The guy from NC—Jeremy Tarr—asked me last night at 9:30 if we wouldn’t make ‘too big a deal’ of North Carolina’s joining tomorrow. I told him it be one announcement of many, but I’d see what I could do. ... [It] was weird, but I guess he’s just nervous.”¹³¹

In contrast to those “quieter the better” governors and Steyer, Bloomberg had no designs on remaining in the background. His rather noisy America’s Pledge rollout in July 2017 involved numerous documents circulated among public employees and nongovernmental organization (NGO) allies emphasizing Team Bloomberg’s desire to “coordinate” this plethora of efforts blooming to spend the billion-plus dollars (and now rapidly growing) each year.

This new entrant particularly unsettled the governors’ offices. For example, Governor Cuomo’s Special Counsel Alexander Cochran wrote to Dan Carol, after Carol wrote with mere ambivalence about Bloomberg’s announced America’s Pledge campaign and particularly the leading role that World Resources Institute was being supported to play. Carol’s comments included, “This is good” and “Bloomberg & Co

126. July 12, 2017, email from NextGen’s Aaron Burgess to Elan Strait of Bloomberg/WASI/AP contractor World Wildlife Foundation, NextGen’s Dan Lashof and David Weiskopf, and Ricketts; Subject: Follow-Up to Today’s Call.

127. September 12, 2017, email from Tarr to Dan Carol; Subject: USCA questions re NYC attendance.

128. September 11, 2017, email from Reed Schuler to Gov. Inslee’s aides; Subject: Climate Week—Materials for Review. “Note NC is joining—We should highlight that in addition in our communications next week. (I think it’s the only USCA state Trump won.)”

129. September 11, 2017, email from Ben Rubin to Gov. Inslee’s aides; Subject: Re Climate Week—Materials for Review.

130. September 15, 2017, email from Climate Nexus’s Ben Rubin to numerous USCA governors’ aides; Subject: USCA 9/18: Finalizing comms materials.

131. September 20, 2017. email from Gov. Cuomo’s aide John O’Leary to colleagues; Subject: Request from other states.

and the NGO world can explain the difference between this new thing and ‘we are still in.’”

This is the exact reason why we didn’t want to go into the we still in group. Aimee, u were concerned about the same issues: Bloomberg trying being a super intergov spokesperson and losing control of the Climate info. Now if this is right, yall [sic] are going to announce something with bloomberg [sic] on the exact issues we all raised when we got into the We Still In ? Pls someone explain as our heads are spinning trying to look for a silver lining here and what our message is going to be Friday with this floating out there.

We need to get on the phone tomorrow and get an explanation on what’s the deal with this Gov. Brown/“we still in” announcement. And

pls next time, pls give us the common courtesy of a heads-up as opposed to reading a form email about it.¹³²

Cochran was also upset at obviously problematic matters like involving funders and other “outside” people in internal, official meetings. For example, Cochran vented to Davis about “us saying to them sure have the Hewett [sic] foundation listen in and have the outside speakers to our internal staff mtg”.¹³³

After much heated back-and-forth, Carol wrote in Bloomberg’s defense: “You don’t want to hear tonite that we actually just split the Bloomberg brand in two and took a small step towards ending the last two decades of environmental NGO and funder ego shit that too often has gotten in the way of results.”¹³⁴

132. July 11, 2017, email from Cochran to Carol and six others of Govs. Cuomo, Inslee, and Brown’s aides; Subject: Re: America’s Pledge on climate action and the Paris Agreement.

133. July 13, 2017, email from Cochran to Davis; Subject: U.S. Climate Alliance In-Person Meeting. Who the “them” are is not clear from the email thread.

134. July 11, 2017, email from Dan Carol to Cochran, copying Barnes and Davis; Subject: Re: America’s Pledge on climate action and the Paris Agreement.

Further “Support Functions”— Activist-Run Listserv “Safehouses”

THE JOB POSTINGS BY UNITED Nations Foundation (UNF) for positions with Governor Brown’s Summit, as obtained by CEI and discussed earlier, were circulated on the listserv `kitchencab@googlegroups.com`. This group is described by one activist in an email obtained from the city of Houston as a “Kitchen Cabinet” of national and global NGOs focused on “(participants pasted below)[sic].” This group is described by one activist in an email obtained from the City of Houston as having been “convened by the Union of Concerned Scientists, OxFam International, National Resources Defense Council, and WRI to coordinate around short-and medium-term strategies in advance or [sic]/reaction to Trump administration and Congressional actions on international climate policy.”¹³⁵ [Parenthetical in original.]

Several such listservs appear on occasion in public record productions.¹³⁶ This is

rare, however, because such “platforms,” as Georgetown called them, serve as a means of coordinating with activists and journalists away from the scrutiny of state open records laws. As such, staff members appear—generally though not always—to use their private email accounts for these.

Another listserv used for coordination by activists, both within and outside government, the Climate Briefing Service (CBS) bills itself as “an informal diplomatic advisory service, helping to support strategic alignment across the wider climate community. CBS shares actionable intelligence on climate politics—prompting our partners to deliver the right message to the right audience at the right time. CBS works by referral; to make a request to join, please contact someone who is already in the network.”¹³⁷

The CBS signs up parties on its “High Trust Network,” including government staff members

135. February 10, 2017, email from Brendan Shane of the group titled `c40.org` to numerous municipal officials; Subject: C40 North America Update: Crazy U.S. Edition. The names and organizations listed are these: Katherine Silverthorne, Aristotle Project; Robin Reck, Bloomberg/The Incite Agency/Global Covenant of Mayors; Laura Tierney, Business Council for Sustainable Energy; Lisa Jacobson, Business Council for Sustainable Energy; Pete Ogden, [Center for American Progress]; Ryan Martel, Ceres, Climate Action Coalition; Nigel Purvis, Climate Advisers; Jason Anderson, Climate Nexus; Stephanie Hanson Damassa, Climate Nexus; Ethan Spencer, Climate Reality; Hal Connolly, Climate Reality; Mark MacLeod, EDF; Jake Schmidt, NRDC; Heather Coleman, OxFam; Kaley Kreider, UN Foundation; Alden Meyer, Union of Concerned Scientists; Tina Johnson, USCAN, Sierra Club, We Mean Business; David Waskow, WRI; and Lou Leonard, WWF.

136. Some reflect a sense of humor (e.g., `croissant-conspiracy@googlegroups.com`).

137. Climate Briefing Service website, <https://www.cbs-climate.org>. Accessed March 13, 2018. When revisited on August 9, 2018, the site was no longer working. The last Wayback Machine snapshot of the site is dated June 17, 2018, <https://web.archive.org/web/20180617165254/https://www.cbs-climate.org> (accessed August 9, 2018 and August 30, 2018).

and—landing page admonishments aside—at least on occasion through their .gov email addresses. (Since release of the email revealing this, the site has been taken down). One email circulated a “2018–2020 International Political Strategy” memo boasting, in gratitude, “It could not have been written without the confidential input of many ... serving officials that engage on international climate politics.”¹³⁸

The Wayback Machine Internet archive (web.archive.org) reveals more detail about this listserv which is, or at least until revealed in a public record production was, also a project of the Hewlett Foundation. An advertisement, last showing up in a Wayback capture from February 13, 2015, seeks a European Relationship Manager—Climate Briefing Service for the European Climate Foundation:

The European Relationship Manager will work as part of a team to synthesize and analyze information and intelligence from national and international networks [and to provide it] to resources allies enabling tactical interventions [at the] national and international level.... The European Relationship Manager will lead strategic and political thinking to help develop tactical intervention for various clients.¹³⁹

It continued, “The ECF is funded by major multi-year commitments from donors in Europe and the United States.” Those donations include a January 2015 grant of \$2,000,000 from the Hewlett Foundation to, *inter alia*, “fund the establishment of a Climate Briefing Service.”¹⁴⁰

138. July 26, 2017, email; Subject, “2018–2020 INTERNATIONAL POLITICAL STRATEGY.”

139. EuroBrussels.com, “European Relationship Manager—Climate Briefing Service,” job listing, (a) <https://web.archive.org/web/20150213213546/>; (b) https://www.eurobrussels.com/job_display/100062/European_Relationship_Manager_Climate_Briefing_Service_ECF_European_Climate_Foundation_Brussels_Belgium.

140. Hewlett Foundation grant to ClimateWorks Foundation, January 27, 2015, <https://www.hewlett.org/grants/climateworks-foundation-for-the-climate-briefing-service-and-communications-infrastructure-support/>. Viewed July 27, 2018.

Conclusion

GOVERNOR JERRY BROWN'S September Summit turns up in planning documents obtained through public records requests as a milestone event for nearly every Secretariat-run activist group, whether it's USCA, Michael Bloomberg's "America's Pledge," "We Are Still In," or others. Reasons for this include the desire—made clear in the Climate Briefing Service memo—to finally make climate a major election issue in the United States, courtesy of activist donors, if through the use of public office.

The annual Conference of the Parties to the UNFCCC—the climate treaty that yielded the Kyoto and Paris climate deals—is being held in Katowice, Poland, after elections in the United States. The absence of a glamour venue for a media circus promoting the climate agenda creates an acute need for an earlier event in a location attractive to U.S. media. Something had to be done. Governor Brown's Summit is a big part of that response—thanks to the plethora of funder interest underwriting the larger politician/donor/NGO axis of which this Summit is merely a symptom.

Notes from one public-private strategy session confirm that efforts presently unfolding are "in service of the 2018 Global Climate Action Summit and the COP and Facilitative dialogue in 2018 to maximize impact of those moments."¹⁴¹ For that, they "[n]eed funders to collaborate and coordinate; best to have one integrated process."¹⁴² What is missing is oversight of such dealings. Different states have different laws and "a plethora of activists and funders" clearly are exploiting the absence of precise and outright prohibitions on privately financed government activism. Nonetheless, specific prohibitions do exist.

For example, in Washington state, "No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty."¹⁴³ Yet, what is the act of requesting tens of millions of dollars to supplement them in their work, to pay for "necessary support functions" and "more capacity" to make their lives easier so as to use their office in the way

141. "Notes from Non-state and Subnational Action meeting in NYC. Informal meeting to coordinate analysis/aggregation of climate action pre-2018 Summit/COP, September 20, 2017, UN Foundation, NYC," Attachment to October 26, 2017, email from CalEPA's Alexa Kleysteuber to colleague Heather Hickerson; Subject: Fw: Meeting to coordinate analysis/aggregation of climate action pre 2018 Summit/COP etc., "NSA_Meeting_Notes_Sep202017.docx."

142. Ibid.

143. Wash. Rev. Code Ann. § 42.52.110: Compensation for official duties or nonperformance.

donors desire, on the claim that “it can’t always be us staff”?

It is startling to consider that a legislature would have to even consider the need to expressly forbid an elected officeholder from complementing the resources provided by the legislature, with millions of dollars in in-house “staff” and consultant services from donors with avowed activist, policy objectives.

Open record productions, as revealed in this paper, uncover enough about these two

models of off-the-books governance to demand immediate legislative oversight—at the state and federal levels—to determine the propriety and legality of this use, and the means of funding the use, of public offices. Legislatures and inspectors general should promptly inquire whether the perceived gaps in the laws are real and, if so, remedy that immediately. If the supposed authority to engage in this practice is imagined, and this violates state law then that, too, calls for remedy.

About the Author

CHRISTOPHER HORNER HAS BEEN A senior fellow with Competitive Enterprise Institute, which is a Washington, D.C., think tank, for 20 years, and is Executive Director of the transparency group titled Government Accountability & Oversight. As an attorney in private practice for more than two decades in Washington, Horner provides regulatory counsel and has represented think tanks, scientists, and Members of Congress on matters of environmental policy in the federal courts.

Horner has contributed to numerous opinion pages including the *Daily Caller*, *Washington Examiner*, *Washington Times*, National Review Online, Pajamas Media, BigGovernment.com, *Human Events*, and *Energy Tribune*, as well as Spain's *Actualidad Economica* and the Brussels legislative news magazine *EU Reporter*. He has discussed legal, policy, and political issues hundreds of times on television and radio programs in the United States, Europe, Canada, and Australia. He was also a guest on "The Daily Show" with Jon Stewart in 2007.

He is the author of four books including two best-sellers, *Red Hot Lies: How Global Warming Alarmists Use Threats, Fraud, and*

Deception to Keep You Misinformed and *The Politically Incorrect Guide to Global Warming and Environmentalism*, which spent six months on *The New York Times* bestseller list in 2007. His fourth book, from Simon & Schuster's Threshold Editions, was a freedom of information exposé and manual titled *The Liberal War on Transparency: Confessions of a Freedom of Information "Criminal."*

Politico called Horner "Master of FOIA [Freedom of Information Act]" and "a determined digger" who "bedevils the White House" with his exposés about the Environmental Protection Agency and other federal agencies. He has testified before state legislative bodies, the U.S. Senate Committees on Foreign Relations and Environment and Public Works, and the House and Senate Western Caucuses, and he has given numerous addresses to audiences in the European Parliament in both Strasbourg and Brussels and before policy makers in multiple European capitals.

Horner received his Juris Doctorate from Washington University in St. Louis, where he received the Judge Samuel Breckenridge Award for Advocacy.



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