

DAILY KOS

Earth Matters: Hate the way things are going environmentally and otherwise? Thank the Kochtopus

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A week after the Supreme Six handed down their wedge-in-the-door decision in *West Virginia v. EPA*, analysts' perspectives on the ruling range from "it's a catastrophe" to "not such a big deal." The court didn't go so far as to reverse the 2007 *Massachusetts v. EPA* ruling affirming that the Environmental Protection Agency (EPA) has authority and an obligation under the Clean Air Act to curtail emissions of pollutants, including carbon dioxide. And it didn't even take away all the tools the EPA has for reducing greenhouse gas emissions from power plants.

But while not totally gutting EPA authority over power plant emissions, by removing the agency's ability to mandate fleet-wide emissions reductions, the six reactionaries on the court have made it tougher to meet the Biden administration's 2035 goal of 100% carbon-free generation of electricity by 2035. They knew their decision would have this effect, and they just didn't care. As many analysts have noted, the worst consequence of the case from the use of the newish and rarely used "major questions doctrine" opens all kinds of doors to potentially pernicious consequences in future cases that go way beyond the EPA.

But you can read about the possibilities using some of the dozen links to analyses on the ruling in this week's "Green Takes" below. Right now, let me talk about something that wasn't mentioned in many places: the role of the Kochtopus.

That was the name libertarian pals of Charles and David Koch lovingly attached to the sprawling, privately owned oil-and-chemical conglomerate of Koch Industries in the 1970s. Perhaps they were unaware of Udo Keppler's hostile use of an octopus to caricature the similarly, if not equally, rapacious Standard Oil in 1904. In any case, the name stuck, but Kochtopus is definitely a term of opprobrium these days. The '70s were just the beginning of the brothers' free-spending crusade to influence and deceive on a range of issues dear to corporate America, including what is arguably the hugest issue of our age: climate change. The EPA was practically a target before the ink of Richard Nixon's signature was dry on the executive order establishing the agency. A half-century of opposition. The Kochs played the long game. Very successfully, as it turned out.

Regulations are what got their goat at the beginning, although they were primed to extremism by their father Fred's John Birchism. Making polluters clean up their own messes instead of making the bystanders and downwinders pick up the health, social, and environmental tab is anathema to a mess-maker who believes economic externalities are somebody else's problem. And there is no bigger mess-maker than the fossil fuel industry. For the big

government-hating Kochs, that made the EPA a special enemy. But certainly not their only one.

Jane Mayer In her eye-opening 2016 book *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right* devotes her first chapter to Kochs, and they get mentions in just about every chapter thereafter.

Here's [Kate Aronoff](#):

Polluters have always been happy to throw small fortunes at the right's quest for minority rule, keen to protect fossil fuel profits and their ability to dump waste into the air and water from pesky things like democracy. As Nancy MacLean writes in *Democracy in Chains*, Charles Koch took a special interest in destroying public education, thus maintaining de facto segregation, before leading the charge against climate policy at every level of government. He continues to be a generous funder of the Federalist Society, an instrumental force in building and filling the pipeline of clerks, judges and cases that has created the judicial branch as we know it, and rulings like the one that overturned *Roe v Wade* last week. Secretive dark-money outfits like Donors Trust, as well as Chevron and the Scaife Foundation—furnished by old oil and aluminum money—have joined him.

And here's [Sharon Lerner](#) at The Intercept:

To ensure further growth of his riches even as science showed that the continued use of fossil fuels would accelerate climate disaster, [Charles] Koch has funneled some of his vast fortune into an extraordinary network of political front groups, lobbying efforts, think tanks, and activist networks that aim to stifle climate action. For decades, the Kochtopus, as some call his many-tentacled political influence machine, has sought to undermine not just the environmental regulation in Koch Industries' path but also the science and philosophy of government on which it is based. [...]

The [*West Virginia v. EPA*] case itself can also be tied directly to Koch. The challengers are 27 Republican attorneys general, who were supported by the Koch-funded Republican Attorneys General Association. At least four Koch-funded entities have filed amicus briefs in the case: the Cato Institute, which was co-founded by Charles Koch; the Competitive Enterprise Institute; the New Civil Liberties Alliance; and Americans for Prosperity. [...]

Indeed, the effects of the ruling will likely far surpass the EPA's ability to limit carbon emissions from power plants. "It's going to trim back the sets of regulations that they even consider," said [Christopher] Leonard. "It's a slow pushback of the EPA and a diminishment of its power over time."

The concentration of economic power in fewer hands was once of great concern to American leaders, including both Roosevelts who served in the White House. But these days that

concentration has soared beyond the inequality levels of the Roaring Twenties and the pushback against the political clout of that concentration has remained, at best, sporadic and weak.

In the case of the Kochs, without them, the Federalist Society might still just be a fringe club, and there wouldn't be six of its members sitting today on the Supreme Court dismantling decades of precedent—including the extension of fundamental rights—based on specious, inconsistent legal theories. And it's obvious they are far from done dismantling and demolishing. These ideologues prize the often-ambiguous words of slaveholders and misogynists, who wrote the Constitution 235 years ago to serve the needs of an agrarian nation, above the needs and desires of people in a 21st century nation.

David Koch is already gone. Charles Koch soon will be. But, as much lasting damage as these men have done, the fight is not about them, Kochism will survive without them just as Trumpism will survive without Trump. The fight is with a system that permits such men free roam to impose their anti-democratic and sometimes lethal obsessions on the nation.

It's too late for simple pushback. Shoving is required. And more of our elected leaders—local, state, national—than is now the case need to be doing that shoving. Or make way for those who will.