
ESSAY

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Al Gore, Oprah, and Silicon Valley: Bringing Main Street and Corporate America into the Environmental Movement

From an outsider's perspective, something momentous appears to be happening in the United States today with respect to climate change remediation.¹ People seem to be thinking and talking about global warming in a qualitatively different manner. The tone of the debate has shifted. New players have emerged.

The shift started around the time of the Democratic Party's victory in the 2006 midterm elections and culminated in late 2007. Years from now, when observers speak of the history of the environmental movement in the United States, there is a good chance they will identify the current era as a watershed moment. The periods pre- and post-2007 will be considered unique stages in the movement's development.

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But why 2007? What happened during the past eighteen months or so that marks the beginning of a new phase of the American environmental movement? More importantly, what does it mean for the future?

Unfortunately, the roots and evolution of cultural change are elusive prey, especially when you try to identify them contemporaneously. For our purposes, however, it isn't necessary to determine precisely what *caused* the culture to shift, so much as to recognize what has occurred and where it is leading us. Rather than seeking to name the recent change in attitudes, we can instead attempt to recognize its symbols—the events that mark its occurrence and help us understand its meaning.

The imagery surrounding the stock market crash of 1929 is an example of this use of symbols. The popular image of a single day of stock market despair ending as anguished brokers hurled themselves from the tops of buildings is simply not accurate. In fact, it took months, not hours, for the markets to hit bottom.² Moreover, many historians doubt that the crash was a significant cause of the Great Depression or its accompanying misery.³ However, these images provide real meaning and understanding. The crash was both abrupt and unexpected, and it hastened the collapse of the economy.⁴ Thus, the image of brokers leaping to their deaths provides an easily recognizable marker of the end of an era—one that captures both the upheaval itself and our lack of preparation for what would come next. Symbols convey meaning, even if they do not always depict causation.

Turning, then, to the shift in the national conversation regarding climate change, there are several readily available symbols that may help us understand what has occurred. In

² See RANDALL E. PARKER, REFLECTIONS ON THE GREAT DEPRESSION 6 (2002) (noting that “the stock market in 1929, although falling dramatically, remained above the value it had achieved in early 1928 . . .”).

³ See generally JOHN A. GARRATY, THE GREAT DEPRESSION: AN INQUIRY INTO THE CAUSES, COURSE, AND CONSEQUENCES OF THE WORLDWIDE DEPRESSION OF THE NINETEEN-THIRTIES, AS SEEN BY CONTEMPORARIES AND IN THE LIGHT OF HISTORY (1986).

⁴ *Id.* at 28 (“Whatever may be said about the causes of the Great Depression, it is quite clear that few people expected trouble in 1929, and almost none of those who did had any idea of how serious the trouble would be.”). For a more focused treatment of the crash itself, see JOHN KENNETH GALBRAITH, THE GREAT CRASH: 1929 (3d ed. 1972).

particular, two events transpired during the past eighteen months that embody the change and may help us to better understand what is at stake. Interestingly enough, they both involved former Vice President Al Gore.

AL GORE

What did Al Gore do in 2007 that was different and unexpected? How did his actions help to change the terms of the climate change debate? The obvious—but incorrect—answer is that he was awarded the Nobel Peace Prize.⁵ (And, by the way, an Oscar and an Emmy.)⁶

Undoubtedly, Gore's winning of the Peace Prize was a momentous event for the environmental movement. The Nobel committee provides legitimacy for social movements and attracts worldwide media attention.⁷ Its prestige sanctions the conclusions of the underlying science. And giving a *peace* prize to an environmentalist formally establishes climate change as a human rights issue.

As far as the overall environmental movement is concerned, however, the grant of the award was simply more of the same old thing. The prize, after all, was awarded by elites. *Foreign*

⁵ The prize was shared by Al Gore and the United Nations' Intergovernmental Panel on Climate Change. See Walter Gibbs & Sarah Lyall, *Gore Shares Peace Prize for Climate Change Work*, N.Y. TIMES, Oct. 13, 2007, at A1.

⁶ The Oscar for Best Documentary Feature was actually awarded to director Davis Guggenheim for his treatment of Al Gore in AN INCONVENIENT TRUTH. See David M. Halbfinger & Sharon Waxman, "*The Departed*" Wins Best Picture, Scorsese Best Director, N.Y. TIMES, Feb. 26, 2007, at E1. The film also won an Oscar for Best Original Song. *Id.* Gore's Emmy was in honor of Current TV, his fledgling youth-oriented cable television network. See Steve Gorman, *Al Gore Collects Interactive Emmy for Current TV*, REUTERS, Sept. 17, 2007, available at <http://www.reuters.com/article/technology/News/idUSN1341763520070917>.

⁷ Consider, for example, the impact the 1997 Peace Prize had on efforts to curb the use of antipersonnel land mines. Though negotiations on an international Mine Ban Treaty had been underway since 1996, the Treaty was not finally ratified until December 1997, more than two months after the Peace Prize was awarded to Jody Williams and the International Campaign to Ban Landmines. Physicians for Human Rights, Celebrating 20 Years of PHR: PHR's Research and Advocacy Fueled the Movement to Ban Landmines, <http://physiciansforhumanrights.org/about/20-years/history/landmines.html> (last visited Mar. 14, 2008). The result has been a marked decrease in the casualty rate from antipersonnel land mines. See generally Robert O. Muller, *New Partnerships for a New World Order: NGOs, State Actors, and International Law in the Post-Cold War World*, 27 HOFSTRA L. REV. 21 (1998).

elites, no less. Thus, while the prize may matter a great deal within certain circles, it is unlikely to have changed many minds. Indeed, there are more than a few Americans who, quite reasonably perhaps, pay little attention to the opinion of a small committee of self-appointed experts in Oslo.⁸

The Nobel Peace Prize is obviously news. However, it isn't *new* news. We already knew that the basic science behind climate change is sound. We also knew that many elites in America are quite concerned about the future of the environment. And we certainly knew that Europeans are concerned. Although it may strengthen the hand of environmentalists, the prize is unlikely to change the underlying terms of the debate.

Instead, Al Gore did something that is symbolic of a much deeper shift in the conversation. In December of 2006, Al Gore appeared on the Oprah Winfrey Show.⁹

OPRAH

Oprah has mass appeal. Hers is one of the highest-rated daytime talk shows in the history of television, drawing an estimated forty-six million viewers each week.¹⁰ According to her website, she has hosted three presidents, two queens, and countless other world leaders, celebrities and opinion makers.¹¹ People who don't care about what the Norwegian Nobel

⁸ Nominations for the Peace Prize are made by government leaders, academics and other opinion leaders at the invitation of the Norwegian Nobel Committee. See Nobel Foundation, Process of Nomination and Selection: Nomination and Selection of the Nobel Peace Prize Laureates, <http://nobelprize.org/nomination/peace/process.html> (last visited Mar. 14, 2008). The Committee itself is comprised of five individuals selected by the Norwegian Parliament. *Id.*

⁹ *The Oprah Winfrey Show: Global Warming 101 with Al Gore* (ABC television broadcast Dec. 5, 2006), available at http://www2.oprah.com/tows/pastshows/200612/tows_past_20061205.jhtml.

¹⁰ The Oprah Winfrey Show has been the number one talk show in the United States for twenty-one consecutive seasons. See Press Release, Oprah.com, The Season's Biggest Surprises Shine on *The Oprah Winfrey Show* During Thanksgiving Week (Nov. 16, 2007), available at http://www.oprah.com/about/press/releases/200711/press_releases_20071116.jhtml (citing the NIELSEN CASSANDRA RANKING REPORT—NOV. '86 TO JULY '99 & WRAP SWEEPS, NOV. '99 TO JULY '06). To date, it has garnered thirty-five Emmy Awards. See Oprah.com, Behind the Scenes: Harpo Studios, http://www.oprah.com/presents/2005/20anniv/tows/tows_trivia.jhtml (last visited Mar. 14, 2008).

¹¹ See Behind the Scenes: Harpo Studios, *supra* note 10.

Committee thinks—as well as many who care a great deal—listen to Oprah.

Consider for a moment her contribution to Barack Obama's success in the 2008 caucuses in Iowa, a rural white state situated in the heartland of America.¹² Oprah's appeal is clearly not a niche appeal. Oslo's appeal is niche. It moves me and many others, certainly. But Oprah's appeal is broad. She moves more than just the cognoscenti. She moves middle America.

And in December of 2006, Oprah threw her entire support behind Al Gore and "An Inconvenient Truth."¹³ Not once, at the end of the show, but almost every time she cut to a commercial or came back from one, she looked straight at the camera—straight at the viewers—and said, DVD in hand, "Every household should *own* this movie."¹⁴

Many events are contributing to the widening concern regarding climate change among mainstream Americans. Certainly, it matters for public opinion that the Democrats won the 2006 midterm Congressional elections.¹⁵ It matters that the science of climate change continues to become stronger.¹⁶ Hurricane Katrina, though an inconceivable tragedy in itself, moved many people's thinking in a positive direction.¹⁷ Younger Evangelicals are re-thinking their approach to environmental

¹² With approximately three-fifths of Iowa's land devoted to farming, its citizens are over 93% white and its median family income under \$45,000. See State Data Center of Iowa, Iowa Quick Facts, <http://www.iowadatacenter.org/quickfacts> (last visited Mar. 14, 2008).

¹³ See *The Oprah Winfrey Show*, *supra* note 9.

¹⁴ See *id.*

¹⁵ According to Zogby International, half of all voters who participated in the 2006 midterm elections reported basing their selection in part on the issue of climate change. Zogby International, *Zogby Post-Election Poll: Dems Gained from Global Warming Debate* (Nov. 16, 2006), available at <http://www.zogby.com/News/ReadNews.dbm?ID=1194>. Of these, 85% voted for the Democratic Party candidate. *Id.*

¹⁶ See Elisabeth Rosenthal & Andrew C. Revkin, *Science Panel Calls Global Warming "Unequivocal,"* N.Y. TIMES, Feb. 3, 2007, at A1 (reporting that the United Nation's Intergovernmental Panel on Climate Change had determined that human activity has "very likely" been the driving force behind global warming; in 2001, the panel had concluded only that human activity "likely" played a role).

¹⁷ For an example of the linkage people draw between the hurricane's devastation and climate change, see *Katrina's Real Name is Global Warming* (Democracy Now! television and radio broadcast Sept. 1, 2005), available at http://www.democracynow.org/2005/9/1/katrinass_real_name_is_global_warming.

stewardship.¹⁸ In the future, historians may well identify some of these developments as being the causes of America's recent change in attitude toward the environment. However, for a single moment of theater—for an image that captures the meaning and import of what has transpired—it is difficult to trump Oprah's very public embrace of Al Gore.

What Al Gore and Oprah symbolize, then, is that the terms of the debate have begun to change. Just as there was once a moment when it became socially unacceptable to be identified as a racist, it is now becoming socially unacceptable to be anything other than green. And as with racism, we may disagree over what is or is not green, but we all now agree that green is good and normal and just. Though some people may secretly be polluters at heart, they can no longer say so in polite society. Thus, green can no longer be dismissed as the purview of some leftist fringe element that wants to take us back to the Stone Age. Rather, it is now part of the mainstream culture. The vocabulary of the national conversation is changing, and hearts and minds will follow.

CORPORATE AMERICA

If Oprah's involvement with Al Gore signifies the joining of mainstream America and the environmental left, then it also signifies the embrace of traditional business interests. Oprah's television show, after all, is not a charity. As much as she may believe in Al Gore's message, she also has advertising time to sell and viewers to entertain. As much as she is a driver of popular thinking, she is also a keen observer and follower of trends.

Businesspeople and academics speak of the "Oprah effect." When Oprah recommends a book, sales rise.¹⁹ When she invites Dr. Phil McGraw on her show, he becomes an industry unto

¹⁸ See Laurie Goodstein, *Evangelical Leaders Swing Influence Behind Effort to Combat Global Warming*, N.Y. TIMES, Mar. 10, 2005, at A16. For a concrete example of this phenomenon, see the Evangelical Environmental Network's website, <http://www.creationcare.org/> (last visited Mar. 14, 2008) ("Worshipping God. Loving His people. Caring for His creation.").

¹⁹ Richard J. Butler, Benjamin W. Cowan & Sebastian Nilsson, *From Obscurity to Bestseller: Examining the Impact of Oprah's Book Club Selections*, 20 PUB. RES. Q. 23, 24 (2005) (noting that, of the first eleven books she recommended for her book club, all went to at least number four on the bestseller list within one week).

himself.²⁰ And when she goes to Iowa to campaign, Barack Obama wins the primary vote.²¹

Businesses, of course, are deeply impacted by consumer trends. As a result, businesses listen to Oprah. And, indeed, businesses are hearing in climate change remediation the sound of opportunity. In particular, companies that sell products and services at retail are responding with a plethora of green initiatives. Everyone these days has become “green.” General Electric is green.²² Ford and GM are green.²³ The oil companies are green.²⁴ Even Wal-Mart is green.²⁵

At first blush, this greening of American business feels insincere. It is easy to dismiss the many environmental initiatives one encounters daily in the newspapers and on the television as old economy businesses doing old economy things. One doesn’t really *believe* them in their greenness. One sees

²⁰ The “Dr. Phil” show was created in 2002 by Oprah Winfrey’s Harpo Productions and now consistently ranks second in daytime talk shows (behind the Oprah Winfrey Show). See Oprah.com, About Oprah, http://www.oprah.com/about/press/about_press_bio.jhtml (last visited Mar. 14, 2008). Dr. Phil is also the author of a number of best-selling books, including LOVE SMART (2006), FAMILY FIRST (2005), SELF MATTERS (2003), THE ULTIMATE WEIGHT SOLUTION (2003), LIFE STRATEGIES (2000), and RELATIONSHIP RESCUE (2000). There is even a book *about* the Dr. Phil phenomenon—SOPHIA DEMBLING & LISA GUTIERREZ, THE MAKING OF DR. PHIL (2005).

²¹ See *The Oprah Winfrey Show (And Obama Was There Too)*, THE INDEPENDENT, Dec. 10, 2007, at 24.

²² See, e.g., Claudia Deutsch, *It’s Getting Crowded on the Environmental Bandwagon*, N.Y. TIMES, Dec. 22, 2005, at C5 (describing General Electric’s introduction of its “Ecomagination” line of products).

²³ See, e.g., Micheline Maynard, *Mr. Environment for General Motors*, N.Y. TIMES, Oct. 24, 2007, at SPG 12; Lawrence Ulrich, *Powerfully Mixed Messages at the Show*, N.Y. TIMES, Apr. 8, 2007, § 12, at 5 (noting that Ford’s green entry, though still only in the test stage, constitutes “exactly the kind of vehicle that might someday eliminate tailpipe emissions entirely”).

²⁴ See, e.g., Jerry Garrett, *Thinking Green, Not Pumping It*, N.Y. TIMES, Mar. 11, 2007, § 12, at 16 (reporting on BP’s opening of the nation’s first “green gas station”); Jad Mouawad, *A Refinery Clears the Air to Grow Roses*, N.Y. TIMES, June 30, 2006, at C1 (“‘The debate about CO₂ is changing,’ Jeroen van der Veer, the chief executive of Shell, said in a recent interview. ‘You can either fight it—which is useless—or you can see it as a business opportunity.’”).

²⁵ See, e.g., Claudia H. Deutsch, *For Suppliers, the Pressure Is On*, N.Y. TIMES, Nov. 7, 2007, at H1; see also Wal-Mart, Sustainability Fact Sheet, <http://www.walmartfacts.com/FactSheets/Sustainability.pdf> (last visited Mar. 15, 2008).

only opportunism. One sees businesses trying to re-make the environmental movement into a brand.

The greening of American business is a significant development, however, and it has tangible benefits. First, it impacts the margins. If GM is determined to make a three-ton Cadillac Escalade, then it can't hurt to incorporate some hybrid technology to take the edge off.²⁶ Meanwhile, Wal-Mart's impact on the behavior of producers is almost beyond calculation. As one of the largest companies in the history of the world, Wal-Mart averages almost forty million dollars of sales *every hour*.²⁷ As a result, everything Wal-Mart does to improve its carbon footprint, no matter how cynical or over-hyped, makes a difference. Certainly, such small, incremental changes are insufficient on their own to turn the tide on a problem as vast and intractable as climate change. However, they do add up and they do help.

Second, it is symbolic of a shift in the thinking of American businesses with regard to climate change. In the past, many businesses denied the underlying science of global warming and sought to defeat legal reforms such as the 1997 Kyoto Protocol that were aimed at remediating climate change.²⁸ Recently, however, business thinking about the environment has undergone a sea change. Many business leaders now view

²⁶ See Posting of Sam Abuelsamid to AutoblogGreen, <http://www.autobloggreen.com/2007/11/09/1a-2007-preview-cadillac-escalade-hybrid-all-the-details> (Nov. 9, 2007, 19:10 PST) (reporting that the Cadillac Escalade Hybrid will be the first ever large luxury SUV to incorporate hybrid technology).

²⁷ According to Wal-Mart's Annual Report for the period ending January 31, 2007, it had net sales of approximately \$345 billion during 2007. Wal-Mart, Annual Report (Form 10-K), at 3 (Mar. 27, 2007). Assuming a 365-day year, this amount approaches \$1 billion per day or over \$40 million per hour.

²⁸ For an example of the mind-set of denial that has prevailed among business interests until relatively recently, consider the remarks of the Vice President of Environmental and Regulatory Affairs at the U.S. Chamber of Commerce:

Recent news reports have fanned global warming hysteria over the contents of a Bush administration report on climate change. . . . Worrying about the weather is harmless until Congress actually believes it can do something about it. The problem is that solutions based on the belief that the "sky is falling" would drastically limit the amount of energy that we can use to run our businesses, homes, cars, computers and every aspect of our lives.

William L. Kovacs, *Chicken Little Lives*, June 2002, <http://www.uschamber.com/press/opeds/0206kovacsclimate.htm>.

climate change not as the enemy but as an opportunity.²⁹ As a result, Corporate America has joined the environmental movement.³⁰

We are now living in an America, as embodied by Oprah's embrace of Al Gore, in which mainstream consumers and consumer-oriented businesses are joining forces with environmental activists in response to the dangers posed by climate change. No longer can raising awareness be the primary goal of the environmental movement. The nation is aware. The next phase of the movement must—and will—involve action in response to the threat. The only question is what form that action will take.

SILICON VALLEY

Having appeared on Oprah at the tail end of 2006, Al Gore did something in 2007 that is symbolic of a change that may prove even more significant in the long-run. He joined the firm of Kleiner Perkins Caufield & Byers.³¹

²⁹ For examples of the changing business attitude toward climate change, see Ben Casselman & Katy McLaughlin, *Politically Correct Developments: Montana Project Raises Ante for PC Amenities; Offsets for Jetting In*, WALL ST. J., Nov. 16, 2007, at W1; Clive Horwood, *The New Colour of Money*, EUROMONEY, Sept. 2007, at 96; Sara Schaefer Munoz, *Going Green to Save Some Green: Lenders Push Mortgages With Discounts and Credits for Energy-Efficient Upgrades*, WALL ST. J., Sept. 12, 2007, at D1; Stephanie Strom, *Make Money, Save the World: Businesses and Nonprofits are Spawning Corporate Hybrids*, N.Y. TIMES, May 6, 2007, § 3, at 31; Todd S. Thomson, *Green Is Good for Business*, BUSINESSWEEK, May 8, 2006, at 124; Emily Thornton & Adam Aston, *Special Report: Wall Street's New Love Affair*, BUSINESSWEEK, Aug. 14, 2006, at 48. See generally Jeffrey Ball, *Handicapping the Environmental Gold Rush*, WALL ST. J., Oct. 29, 2007, at R1.

³⁰ Ultimate proof of this comes from the fact that the Business Roundtable, an association of 160 top corporate CEOs, has publicly declared itself in favor of voluntary climate-change remediation. See Press Release, Business Roundtable (July 17, 2007), available at <http://www.businessroundtable.org/newsroom/document.aspx?qs=58B6BF807822B0F19D5438322FB51711FCF50C8> (“‘Today marks the first time that a broad cross-section of business leaders from every sector of the U.S. economy have reached consensus on the risks posed by climate change and the need for action,’ said John J. Castellani, president, Business Roundtable. ‘The Business Roundtable’s diverse membership stands ready to work with policymakers on proactive solutions that address climate change while sustaining economic growth.’”).

³¹ Matt Richtel, *Investment Firm Names Gore Partner*, N.Y. TIMES, Nov. 13, 2007, at C1; see also Ted Greenwald, *Gore, Joy See Green Economy Powered by Silicon Valley*, WIRED, Nov. 12, 2007, available at http://www.wired.com/techbiz/people/news/2007/11/gore_qa. Lest this be dismissed as an isolated event, see

Kleiner Perkins is one of the nation's oldest and most successful venture capital funds. Its managers found Amazon. They found Sun Microsystems and AOL. They found Google and Compaq and Lotus and Netscape. They found Genentech, Intuit, Travelocity, Symantec, and literally hundreds of other hugely successful technology start-ups.³²

Of course, by "found" I do not mean to suggest that these companies were somehow lost in the wilderness. Rather, I mean that Kleiner Perkins, at a very early stage, recognized the potential of these firms and provided them the funding, connections, and expertise that they needed to become some of the world's largest and most influential companies.³³ And the principals at Kleiner Perkins didn't just talk. They gambled real dollars on the futures of these businesses. Along with other storied venture capital firms like Sequoia and Benchmark Capital, these are the people who fuel innovation.³⁴

In dollar terms as well, Kleiner Perkins has real heft. Its website, for example, lists over one hundred portfolio companies that it has taken public.³⁵ In terms of investable cash, its latest fund raised over \$600 million.³⁶ Moreover, Silicon Valley as a

Felicity Barringer & Andrew Ross Sorkin, *Prominent Green Group to Help Buyout Firm*, N.Y. TIMES, May 1, 2008, at C1 (reporting on the new level of cooperation between the Environmental Defense Fund and Kohlberg Kravis Roberts & Co., the nation's largest buyout fund).

³² Kleiner Perkins Caufield & Byers, Innovative Portfolio Companies, <http://www.kpcb.com/portfolio/> (last visited Mar. 15, 2008) (listing Kleiner Perkins' portfolio of successful investments).

³³ Because venture capital funds frequently invest alongside other funds, Kleiner Perkins was not the only fund to recognize the merits of many of these triumphs of innovation. Thus, the credit for discovering them does not go to Kleiner alone, but must be shared among a number of players in the industry.

³⁴ For this reason, venture capital firms are frequently referred to as "smart money"—money that is imbued with the entrepreneurial savvy, business contacts, executive talent, and patience of financiers with long experience in helping small companies succeed." THOMAS M. DOERFLINGER & JACK L. RIVKIN, *RISK AND REWARD: VENTURE CAPITAL AND THE MAKING OF AMERICA'S GREAT INDUSTRIES* 16 (1987).

³⁵ See Kleiner Perkins Caufield & Byers, Innovative Portfolio Companies: Public Companies, <http://www.kpcb.com/portfolio/portfolio.php?ipo> (last visited Mar. 15, 2008).

³⁶ See Marc Gunther & Adam Lashinsky, *Cleanup Crew*, FORTUNE, Nov. 26, 2007, at 82, 84 (noting that Kleiner Perkins anticipates investing over thirty-three percent of its latest fund in "technologies that aim to reduce emissions of carbon dioxide").

whole is much larger. In 2006, for example, investors added about twenty-five billion dollars of *new money* into venture capital funds.³⁷

What should get the attention of environmentalists, however, is not so much the size and influence of Al Gore's new business partners, but the fact that they've been right so often in the past. So it is that when the best minds in the venture capital industry start talking green—and when they support such talk by paying Al Gore real dollars in exchange for his connections and knowledge of the green marketplace—environmental leaders should take pause.

What Al Gore's new partnership symbolizes, then, is the promise that is inherent in the joining of entrepreneurship and environmentalism. In fact, the entire venture capital industry, Kleiner Perkins and Al Gore included, believe that green technology innovation will transform the world.³⁸ To use their words:

[A]s four billion people move from rural to urban living in the next 50 years: they all want . . . clean water, clean power and clean transportation. At the same time we face climate crisis. . . . Scientific breakthroughs in biology and materials technology mean there's never been a better time to start and grow a great green venture. Greentech could be the largest economic opportunity of the 21st century.³⁹

In assessing the accuracy of this statement, note that Kleiner Perkins does not need publicity. Entrepreneurs and others in the industry are quite aware of who Kleiner Perkins is and what it represents. Kleiner Perkins doesn't need Al Gore's brand name with consumers or retail investors. It certainly doesn't do thirty-second TV spots or appear on Oprah.

Instead, the interests of venture capitalists are quite narrowly focused on profits. Agency costs that pervade corporations due

³⁷ Tennille Tracy, *Private-Equity Firms Raked in Record Amounts Last Year*, WALL ST. J., Jan. 11, 2007, at C6.

³⁸ See, e.g., Laurie J. Flynn, *Silicon Valley Rebounds, Led by Green Technology*, N.Y. TIMES, Jan. 29, 2007, at C8; Ryan J. McCarthy, *Venture Capitalists Flock to Green Technology*, INC.COM, Mar. 28, 2006, <http://www.inc.com/news/articles/200603/green.html>; David Worrell, *Keen on Green: Venture Capitalists See Potential in Green Business*, ENTREPRENEUR, Sept. 2006, at 67.

³⁹ Kleiner Perkins Caufield & Byers, *Initiatives: Greentech*, <http://www.kpcb.com/initiatives/greentech/index.html> (last visited Mar. 15, 2008).

to the separation of ownership and control are generally absent from venture capital funds.⁴⁰ This is partly because the managers of venture capital funds are not paid any significant compensation unless they return a profit for their investors, and partly because they are rewarded handsomely when they do generate positive returns.⁴¹

Thus, although it may sometimes appear that venture capitalists are the equivalent of gamblers in high-priced suits, freely tossing money at every wild, unproven idea, they really cannot afford to take such risks. Certainly, many of the ventures they back fail outright or succeed only modestly.⁴² However, unless at least some of them resulted in huge successes, venture capitalists would be out of business.⁴³ They are, in other words, much more risk-averse than is popularly imagined.

The partners at Kleiner Perkins are very serious people, representing very serious investors.⁴⁴ Their goal is neither publicity nor social change; it is profit. As a result, when they start to see their financial future linked to Al Gore, we should recognize that they too have become part of the environmental movement. Moreover, their history of past success should give us real reason for optimism.

FELLOW TRAVELERS

The partnership of Al Gore and Kleiner Perkins, not to mention Oprah's public embrace of "An Inconvenient Truth," suggests that American environmentalism is being transformed

⁴⁰ Robert C. Illig, *The Promise of Hedge Fund Governance: How Incentive Compensation Can Enhance Institutional Investor Monitoring*, 60 ALA. L. REV. (forthcoming 2008) (arguing that agency costs are less prevalent among venture capital and other private equity funds than in corporations).

⁴¹ *Id.* For a detailed description of the workings of venture capital fund compensation, see Robert C. Illig, *What Hedge Funds Can Teach Corporate America: A Roadmap for Achieving Institutional Investor Oversight*, 57 AM. U. L. REV. 225, 282-87 (2007).

⁴² See Martin Kenney & Richard Florida, *Venture Capital in Silicon Valley: Fueling New Firm Formation*, in UNDERSTANDING SILICON VALLEY: THE ANATOMY OF AN ENTREPRENEURIAL REGION 98, 101-02 (Martin Kenney ed., 2000).

⁴³ See *id.*

⁴⁴ See generally PAUL A. GOMPERS & JOSH LERNER, *THE MONEY OF INVENTION: HOW VENTURE CAPITAL CREATES NEW WEALTH* (2001).

into a big-tent social movement. No longer will it be comprised only of those on the left. Instead, going forward, it will encompass groups with very different ideas about non-environmental issues and about what it means to be environmental stewards. The traditional American left, in other words, is about to find itself standing shoulder-to-shoulder with middle America and big business. Without a doubt, this is a unique partnership that carries both risks and opportunities.

On the side of risks, two stand out as having particular importance. The first involves differences of style and culture. Reform movements, throughout history, have always had a significant cultural element. To be deemed a *real* environmentalist, you have to dress a certain way, eat certain foods, and behave in a certain manner. Of course, this attitude is not limited to environmentalists. Every group—reform or otherwise—has its unique culture and lingo, as well as its own tests of purity. My point is that in this post-Oprah phase, the environmental movement is going to have to figure out how to welcome contributions from regular Joes and average Janes, not to mention from green-eye-shade types. Green activists are going to have to learn to sit down with green consumers and green entrepreneurs.

Most importantly, the movement must avoid the easy tendency towards infighting. We're going to have to circumvent the inclination to purge those who we think are simply not green enough. If Wal-Mart's managers want to improve their environmental record, then we need to work with them to achieve real results and not just dismiss them as unworthy pretenders.

That being said, there is a second risk that comes with aligning the movement with corporate America. Businesses will never seek to protect the environment as an end in itself. Their goal, as their critics contend, will always be to enhance shareholder value.

Certainly, we should not overstate this proposition. Corporations are fictional legal entities that lack a physical persona.⁴⁵ As such, they are operated by a diverse group of

⁴⁵ ROBERT CHARLES CLARK, CORPORATE LAW § 1.2.3, at 15 (1986) (calling a corporation's legal personality "[o]ne of the law's most economically significant contributions to business life").

human beings with goals and values that are not limited to the financial well-being of their investors. As with any group of people, some are nice, some are not. Some genuinely care about the environment, some don't.

Nonetheless, business leaders do operate within certain constraints, both legal and normative, and the chief among them is the norm that the goal of business is to make a profit.⁴⁶ Thus, while much of the new interest in the green economy may constitute a heartfelt response by concerned business managers, the real issue for most will always be the economic opportunity that the green economy represents.

In this respect, however, the profit-maximization goal of corporate America can be turned on its head and used to the advantage of the environmental movement. Changing attitudes among consumers, for example, can be transformed into both camouflage and impetus. Business leaders who want to become green will now have justification to do so. Meanwhile, those who don't support the environmental agenda may believe they must in order to remain competitive.

As a result, we need to continue to pay careful attention to the legislative agenda to ensure that only truly sustainable ventures are profitable. Going forward, it will no longer be enough to seek to raise the costs of polluting or to force companies to internalize their negative impacts on the environment. Certainly, these goals remain crucial elements of the environmental agenda. However, in the next phase of the movement, we must also support green entrepreneurship and create incentives for change. Businesses will seize upon policies that support alternative and renewable energy sources, tax incentives for green technology innovation, higher fuel standards on cars, and an effective carbon tax.⁴⁷ However, they will respond just as aggressively to poor or misaligned incentives. Thus, we need to be ever so careful about how business opportunities are created.

⁴⁶ *Id.* § 16.2, at 678–79 (noting that, although corporate statutes do not typically identify the purposes of a business corporation, “[t]he general profit-maximizing purpose has nearly always been assumed by courts and lawyers”).

⁴⁷ See, e.g., Elias Blawie, Alison Freeman-Gleason & Todd Glass, *How to Turn Clean Energy into a Powerhouse*, BUSINESSWEEK, Sept. 5, 2007, http://www.businessweek.com/technology/content/sep2007/tc2007094_253556.htm?campaign_id=rss_daily.

Even as the focus of the environmental movement shifts to include business, the law will continue to play an absolutely crucial role. If we shape the regulatory and policy landscape properly, we can shape the response of business. On the other hand, if we mismanage this opening, conducting politics as usual, we will squander an important opportunity to enlist the incredible power and entrepreneurial spirit of the American economy in the fight to create a more sustainable world.

THE BUSINESS OF ENVIRONMENTAL JUSTICE

In addition to the risks described above, the joining of forces—left, right, and middle—offers real hope. When the world’s most prominent environmental activist joins forces with some of the world’s most renowned investors in innovation, something is clearly afoot. Hope, then, resides in the promise of technological change.

Admittedly, it is difficult to avoid being a cynic. Hope as I may, I doubt the world will ever reach some kind of great awakening or nirvana moment when all you need really is love. We’re not going to roll over in bed one day and agree to turn back the clock to some version of pre-industrial Eden.

For one thing, change is extremely difficult, especially lifestyle change. People are fallible. Though we all strive to improve ourselves, we inevitably come up short. Moreover, our nation’s infrastructure may not be conducive to the rapid deployment of change, even if we as individuals were to demonstrate the necessary will.

Of equal or greater concern, however, is the impact of the rest of the world. Economists estimate, for example, that China and India will build 290 million cars over the next twelve years.⁴⁸ To put that number in perspective, it appears to exceed the total number of vehicles—new and used—that the United States currently has on its roads.⁴⁹

⁴⁸ William Falk, Op-Ed., *You Must Remember This*, N.Y. TIMES, Dec. 27, 2007, at A29. In India, locally owned Tata Motors is introducing the People’s Car, a small automobile with a sticker price of under \$2,500. *No Lakh of Daring: Tata Unveils its 21st-Century Indian Version of the “People’s Car,”* ECONOMIST, Jan. 10, 2008, at 59.

⁴⁹ According to Census Bureau data, there were approximately 240 million vehicles registered in the United States in 2004. U.S. CENSUS BUREAU,

However, the real problem isn't limited to cars or China or India. The real dilemma of climate change remediation is the very reasonable short-term desire of the world's many impoverished people to get ahead—to feed and educate their children. Developing nations, despite great economic improvements, remain full of absolutely destitute people who are engaged in a daily struggle for the bare necessities to stay alive. For them, the goal is not to consume less of the Earth's dwindling resources, but to consume a great deal more. Their goal is to *increase* their carbon footprint. As a result, any response to climate change, to be successful, must move us and the rest of the world forward, not backward.

The possibility of technology change that is underscored by the partnership of Al Gore and Kleiner Perkins is thus almost elemental in its importance. They seek to foster innovations that will raise the world's living standards while at the same time making those standards more sustainable.⁵⁰ The solution they envision is forward-looking—remediation through innovation and development. Thus, the promise of environmental entrepreneurship is that it holds the solution to issues of environmental justice.

Businesses, like Mother Nature, don't care about political borders or socio-economics. They care about chasing opportunities. Obviously, a huge portion of the opportunities presented by the green economy will continue to be found in helping Americans reduce our energy consumption. Despite concerns about the rest of the world, our commitment to living a carbon-intensive lifestyle remains the most intractable part of the problem.⁵¹ However, to the extent that there are also opportunities in helping developing nations grow in a more

STATISTICAL ABSTRACT OF THE UNITED STATES 681 tbl. 1066 (2008), *available at* <http://www.census.gov/compendia/statab/2008edition.html>.

⁵⁰ As an example of this, consider the name of the new fund organized by Oregon investor Dave Chen, Equilibrium Capital Group LLC. The name is intended to emphasize the fund's dual purpose: "to balance sustainability with profits and capital growth." See Aliza Earnshaw, *Chen Seeks \$200 Million to Invest in Sustainable Sector*, PORTLAND BUS. J., Sept. 21, 2007, at 7.

⁵¹ Although it appears that total carbon emissions from China may now exceed those of the United States, when calculated by population size they comprise less than one-quarter of U.S. emissions. See John Vidal & David Adam, *China Overtakes US as World's Biggest CO₂ Emitter*, GUARDIAN, June 19, 2007, <http://www.guardian.co.uk/environment/2007/jun/19/china.usnews>.

sustainable manner—and there certainly will be many such opportunities—businesses will go there, too.

One of the great strengths of capitalism is that businesses are motivated to actively seek out opportunity and need. Entrepreneurs have powerful incentives to uncover the nooks and crannies in the economy that others (including governments) have overlooked. Thus, if all goes well—if Al Gore and Kleiner Perkins succeed—those 290 million cars in China and India will be built, but in a manner that won't have the negative impact on the climate that we all fear.

It's just a hope, but the hope is that we can harness the money, expertise, and entrepreneurial spirit of Silicon Valley for a sustained effort to innovate in the realm of climate change. As consumers and businesses enter the broader environmental movement, we can seek to ameliorate climate change through innovation and entrepreneurship.

Paradoxically, then, it may be that the future health of the Earth's environment lies with the future direction of the American economy. If there is to be a solution to the climate change dilemma, Main Street and corporate America need to become green. And the good news, as Al Gore has shown us, is that this seems to be exactly what is happening.

