



Vermont climate scientist says RICO investigations not attack on free speech

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As more than a dozen states investigate energy companies over an alleged global warming coverup, Vermont “RICO 20” professor Alan Betts says backers aren’t engaged in an anti-free-speech witch-hunt.

Last week, top attorneys led by New York State Attorney General Eric Schneiderman and former Vice President Al Gore announced a collective effort to investigate Exxon Mobil over environmentalist claims that the company misled the public about its role in climate change.

Among those present was Vermont Attorney General William Sorrell, who said his office may join the investigation.

Kansas Attorney General Derek Schmidt blasted the investigation as a “publicity stunt,” and touted a 27-state lawsuit to fight the Obama administration’s Clean Power Plan. West Virginia Attorney General Patrick Morrisey, appearing on the Inside Shale Weekly radio program, responded, “You cannot use the power of the office of the attorney general to silence your critics.”

The actions are backed by the “RICO 20,” a group of 20 climate scientists that urged President Obama and U.S. Attorney General Loretta Lynch to use the Racketeer Influenced and Corrupt Organizations Act against fossil fuel companies, especially Exxon Mobil. Jagdish Shukla, a climate dynamics professor at George Mason University, and leader of the RICO 20, has been investigated by Congress for possible abuse of \$1.5 million in taxpayer grants.

Alan Betts, a climate scientist from Pittsford, says the professors aren’t attacking free speech.

“It wasn’t about freedom of speech, it was all about Exxon and their deception back in the 1980s,” Betts told Vermont Watchdog.

“(Critics said) we were attacking scientists and things like that, but that was completely untrue. It was about trying to hold Exxon responsible for their deceit over the years, which has led to a great delay in taking action on greenhouse gases in the atmosphere.”

That “deception” and “deceit” refers to reports authored by Columbia Journalism School fellows — and run in the Los Angeles Times — that accused Exxon of expressing climate change doubts while internal company research supported global warming claims. While Exxon attributes conflicting research to a lack of consensus on what to do about climate change, the New York Post reported that the Columbia Journalism School project was organized by anti-Exxon activist Steve Coll, and funded by a host of anti-fossil-fuel foundations.

Despite telltale signs of environmental advocacy behind claims against Exxon, Betts maintains that Exxon’s actions are akin to tobacco companies defending cigarette marketing while knowing the dangers of smoking. That claim could allow states and the global warming industry to reap a financial windfall on par with the \$206 billion attained through the Tobacco Master Settlement Agreement of 1998. That settlement involved attorneys general of 46 states leading tobacco companies in the United States.

Walter Olson, a RICO expert and senior fellow at the CATO Center for Constitutional Studies, told Vermont Watchdog claims by the RICO 20 lack merit.

“This does remind me of the old days in which the authorities would decide they need to convict someone and now let’s find a crime,” he said. “... It does rather look as if they’ve decided they want to convict someone of something, and now the question is what remote area of law can they turn to in hopes finding guilt.”

According to Olson, companies — especially one with tens of thousands of employees like Exxon Mobil — hire experts to pursue “what-if scenarios,” such as a global warming doomsday situation. He said the companies are not legally bound to promote the views of certain individuals or groups within the company. He added that the effort could have a chilling effect on free speech and open research inquiry.

“They are attempting to attach legal punishment to businesses that speak their mind on controversial public issues — that is something that should frighten everyone in the business community,” he said. Everyone sometimes has problems with government and wants to be free to speak out without punishment, based on the fact that some people think the opinions are wrong.”

Betts denied that environmentalists could be heading for a scandal of their own making, as when leaked emails from East Anglia University in 2009 revealed manipulation of data by climate scientists to hide information which did not support the theory of global warming — a scandal popularly known as “Climategate.”

“Those allegations were created by the various organizations,” Betts said. “... Somebody hacked into their data bases and proceeded to edit their databases and selectively manipulate their emails to try and make a case.”

Olson said fossil-fuel companies can’t be convicted of fraud in this instance because companies aren’t responsible for endorsing any particular internal opinion within a company.

“There is no single unified brain in a company. ... There isn’t a requirement that there be a single person knowing everything that everyone knows in the company and then deciding who’s right,” he said.

He added that companies often keep employees with divergent views to gain the best insights, and that no single researcher represents the company more than another.