



## **Vermont climate scientist wants RICO prosecutions of climate change opponents**

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A climate scientist from Vermont is among 20 environmentalists calling on the Obama administration to use federal racketeering laws to prosecute climate change dissenters.

In a Sept. 1 letter, academics and activists from eight universities and multiple research institutes urged the president and attorney general to investigate corporations and other organizations that have “knowingly deceived the American people about the risks of climate change.” The group wants President Obama and U.S. Attorney General Loretta Lynch to use the Racketeer Influenced and Corrupt Organizations Act to silence political opponents of government climate change policies.

Enacted in 1970 to fight racketeering by Mafia, RICO laws impose criminal penalties on organizational leaders whose indirect influence has led to crimes committed by others. The signatories want prosecutors to shake down fossil fuel companies in the same way RICO was used to investigate tobacco companies a decade ago.

“We are now at high risk of seriously destabilizing the Earth’s climate and irreparably harming people around the world, especially the world’s poorest people,” the letter states. “If corporations in the fossil fuel industry and their supporters are guilty of the misdeeds that have been documented in books and journal articles, it is imperative that these misdeeds be stopped as soon as possible so that America and the world can get on with the critically important business of finding effective ways to restabilize the Earth’s climate, before even more lasting damage is done.”

Alan Betts, a leading climate scientist from Pittsford, is among the letter’s signatories. Betts told Vermont Watchdog he believes opposition to man-made climate change involves organizational deceit worth investigating.

“Bring them to court and make them face up,” Betts said. “Somebody downstream is going to have to pay the staggering costs of all the delays in taking action on climate change. The fossil fuel companies are now deeply culpable because of their deliberate deceptive strategies.”

Betts, who founded Atmospheric Research in 1979 to inform the public about climate-related threats, said fossil fuel companies have known for decades their activities could increase global temperatures 3 to 5 degrees.

“They shifted from analyzing and understanding the problem from a scientific point of view to developing a strategy to cause doubt,” Betts said, adding that fossil fuel companies fund opposition to global warming regulations.

Walter Olson, senior fellow at the CATO Center for Constitutional Studies, and an expert on RICO, said Betts and the other researchers are undermining their own profession.

“They are playing with dynamite as far as freedom of science goes,” Olson told Vermont Watchdog. “If science is to be free, if intellectual life is to be free, people have to be given leeway to say things that other people are going to believe are wrong or not objective.”

While Olson said he didn’t think courts would take this use of RICO seriously, he added it’s hard to predict, because groups have become skilled at targeting favorable judges and jurisdictions to advance causes. Nevertheless, he said using RICO in this case is an attempt to give government power over public debate.

“The government could somehow or another arm-twist them into saying, ‘We were wrong to commission scientific studies, we were wrong to lobby. We promise never to interfere in public debate again.’ But if so, that would be a very dangerous step. In our system the government isn’t supposed to decide who can lobby. It’s not supposed to get to decide who can take part in public debate and who can’t.”

The push for a RICO investigation is of particular interest to Vermont, which is currently experiencing a green-energy gold rush. Massive solar and wind farms planned for Ludlow, Barton, Highgate and Swanton have sparked backlash among residents, and selectboards in Bennington, Strafford have opposed projects due to aesthetic problems, controversial REC selling and intervenor claims against developers.

The hurried rush to cover Vermont’s landscape with solar panels and wind turbines has divided local environmental groups and created many new opponents of the state’s climate change policies.

Mark Whitworth, a board member of Energize Vermont, a group that advocates small-scale renewable solutions that preserve Vermont’s natural habitats, argues the state’s renewable energy plan will increase the negative impact of global warming.

“The most important response we can make in dealing with climate change is to provide for adaptation to it,” Whitworth said. “Preservation of forests and all kinds of wildlife habitat are absolutely essential for the survival of the species on the planet and in this region.”

“By fragmenting forests, by compromising wetlands and water quality in our rivers, by jeopardizing our headwater streams, we are negatively impacting the very resources that species’ adaptation to climate change will require.”

According to Whitworth, massive solar arrays planned for Barton, Sheldon, Highgate and Ludlow — a combined 837 acres of new land development — undermine responsible environmentalism.

“There are four huge solar installations planned, each listed at 20 megawatts. That’s 10 times the size of anything we have now. . . . I don’t know what kind of terrain this is going to require us to rearrange, but in my opinion large projects like this undermine a principle value of solar energy.”

Asked if RICO could be used to investigate local intervenors or dissenting environmental groups like Energize Vermont, Betts said, “I don’t think so. Everyone has a right to discuss.” The scientist also dismissed concerns that RICO investigations might violate the right to free speech, saying, “I have no idea how it affects the First Amendment.”

While the researchers aim to cut off funding for opponents of global warming policies, the letter’s main author, George Mason University professor Jagadish Shukla, made \$1.5 million from government grants related to global warming research between 2012 and 2014. The 990 tax forms (1,2,3) for Shukla’s nonprofit tax-exempt research group, Institute of Global Environment and Society, show Shukla earned \$1,076,416 during that period. Shukla’s wife, the business manager for IGES, earned \$469,916.

The money-making potential of global warming science has echoes in Vermont, where one of the best-funded lobbyist organizations is the Vermont Public Interest Research Group, an environmental organization with ties to Big Wind and Big Solar.

Interestingly, Betts and Whitworth agree Vermont’s transition to an all-renewable economy won’t have any impact on the world’s CO2 balance.

“If the whole world went carbon neutral tomorrow, the earth has huge lags in it, and we’ll be faced with rising temperatures and greater extremes for the next 50 years,” Betts said.

Asked if Vermont’s green energy build out will help stop climate change, Whitworth replied, “No. Consumption of electricity represents only 5 percent of our carbon emissions, according to our own Agency of Natural Resources. The majority of our carbon emissions result from transportation, and it doesn’t matter how many solar panels we put up, they’re not going to reduce that.”

Nevertheless, Betts said Vermont must embrace a renewable energy economy. “It’s totally unrealistic to pretend that Vermont will control a global problem, but if everybody takes the attitude that what we do doesn’t matter, of course we will not solve the problem, and Vermont loses.”

Whitworth disagrees with the state’s current approach. Asked why Vermont would promote industrial-scale renewables that have no impact on global warming, he replied, “There’s gold in them there hills.”