

DC Think Tank Behind Boulder's Climate Lawsuit Won't Address Ties To Anti-Oil Crusade

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The Washington, D.C., think tank behind climate litigation in Colorado is refusing to address questions related to its involvement in similar lawsuits San Francisco and Oakland have leveled against Exxon Mobil.

David Bookbinder, chief counsel for the Niskanen Center, has continually back peddled when asked about his group's connection to the California lawsuits. Yet there is a paper trail tying Bookbinder to litigation in California accusing Exxon of contributing to climate change

Bookbinder couldn't remember when the Niskanen got involved with the Colorado lawsuit and he didn't "really know much" about his group's connection to California's anti-Exxon campaign, the chief counsel told Western Wire on April 24. Bookbinder's comments come less than a year after he posted a blog on Niskanen's website, fleshing out details about the Oakland lawsuit.

Bookbinder has "been consulting with lawyers working on the nuisance cases," he also disclosed in a December 2017 editorial for Vox. The lawsuits are filed under the "public nuisance" doctrine — a centuries-old idea justifying the campaign to force the oil industry into helping cities adapt to sea-level rise.

Bookbinder was also spotted at the climate tutorial hearing in the California cases. Keeling Curve Prize, a group that doles out grants for climate research, confirmed his appearance in a March 18 tweet. The tweet noted how their "advisory council member David Bookbinder was in the courtroom" for the hearing.

Neither Bookbinder nor Niskanen senior leadership responded to The Daily Caller News Foundation's request for comment about whether they consulted California officials before targeting Exxon and Succor. EarthRights International is providing support for the litigation.

Niskanen received hundreds of thousands of dollars from various environmental groups before eventually leaping into the anti-oil fray.

The Rockefeller Brothers Fund, for one, gave Niskanen a \$200,000 donation for its climate program in February less than two months before the former libertarian group joined a climate lawsuit. Niskanen also got \$350,000 from the Energy Foundation and a \$300,000 grant from the William and Flora Hewlett Foundation.

Niskanen is an offshoot of the Cato Institute — a benchmark D.C.-based libertarian group mired in turmoil shortly after the 2012 death of co-founder William Niskanen. Former Cato senior fellow Jerry Taylor founded Niskanen in 2014 after a falling out he had with fellow libertarians

who wanted to alter Cato's mission. Taylor's group supports many issues countering traditional liberation causes, including rebel rousing for a tax on carbon.

Niskanen's involvement in the climate lawsuit gives environmentalists cover while pursuing Exxon. Many of the groups currently crusading against the oil industry are environmentalists generally opposed to libertarian orthodoxy. Media outlets still refer to Niskanen as a libertarian group, even as Taylor continues to push back against that label.

Bookbinder maintains the climate case is about protecting citizens' property rights — not fighting global warming — even though he spent several years as a legal adviser with Sierra Club.