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Scientists Seek Prosecution Of Climate Change Deniers Under RICO Statutes

September 21, 2015 by Samuel Wynn (<http://art-of-living.info/author/superadmin/>) 3 Comments

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A group of scientists is circulating a letter (<http://www.iges.org/letter/LetterPresidentAG.pdf>) asking the Obama administration to prosecute those skeptical of the reality of man-made climate change.

The scientists are part of a non-profit organization called *The Institute of Global Environment and Society* (<http://iges.org/>).

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For those unfamiliar with this organization:

The Institute of Global Environment and Society, Inc. (IGES) – a non-profit, tax exempt research institute, incorporated in the State of Maryland – was established to improve understanding and prediction of the variations of the Earth's climate through scientific research on climate variability and climate predictability, and to share both the fruits of this research and the tools necessary to carry out this research with society as a whole. The staff of IGES includes a dedicated group of scientists uniquely qualified to conduct basic research in these areas. Application of scientific knowledge for the sustainable development of society is an important objective of the Institute.

On September 1, 2015, a group of 20 scientists and academics signed the letter asking the Obama administration to initiate an investigation of corporations and other organizations that have knowingly deceived the American public regarding the risks of climate change.

The group was led by **Jagadish Shukla** (<http://iges.org/people/shukla.html>), the president of IGES, **Distinguished University Professor** (<http://un.gmu.edu/courses/faculty-activities-and-scholarship/jagadish-shukla/>) at **George Mason University** (<https://www2.gmu.edu/>) and chair of the Climate Dynamics department, Fellow of the **American Meteorological Society** (<https://www2.ametsoc.org/ams/>), and is also a member of the Joint Scientific Committee of the **World Climate Research Program** (https://en.wikipedia.org/wiki/World_Climate_Research_Program) of the **World Meteorological Organization** (https://en.wikipedia.org/wiki/World_Meteorological_Organization) and a Commissioner in the **Virginia Governor's Commission on Climate Change** (http://www.sealevelrisevirginia.net/main_CCC_files/). Shukla was also the "lead author on the 2007 UN Intergovernmental Panel on Climate Change report committee that shared the Nobel Prize with **Al Gore**. (<http://un.gmu.edu/courses/faculty-activities-and-scholarship/jagadish-shukla/>)"

The letter specifically requested an investigation to be conducted pursuant to the RICO Statutes (Racketeer Influenced and Corrupt Organizations Act).

As Nola.com reports:

Passed in 1970, the **Racketeer Influenced and Corrupt Organizations Act (RICO)** (<http://www.nolo.com/dictionary/racketeer-influenced-and-corrupt-organizations-act-%28rico%29-term.html>) is a federal law designed to combat organized crime in the United States. It allows prosecution and civil penalties for racketeering activity performed as part of an ongoing criminal enterprise. Such activity may include illegal gambling, bribery, kidnapping, murder, money laundering, counterfeiting, embezzlement, drug trafficking, slavery, and a host of other unsavory business practices.

To convict a defendant under RICO, the government must prove that the defendant engaged in two or more instances of racketeering activity and that the defendant directly invested in, maintained an interest in, or participated in a criminal enterprise affecting interstate or foreign commerce. The law has been used to prosecute members of the mafia, the Hells Angels motorcycle gang, and Operation Rescue, an anti-abortion group, among many others.

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The letter comes after repeated calls by Sen. Sheldon Whitehouse (D-RI) for the use of RICO against climate change skeptics. In an **article published by** (https://www.washingtonpost.com/opinions/the-fossil-fuel-industrys-campaign-to-mislead-the-american-people/2015/05/29/04a2c448-0574-11e5-8bda-c7b4e9a8f7ac_story.html) *The Washington Post* in May, Whitehouse wrote that “Fossil fuel companies and their allies are funding a massive and sophisticated campaign to mislead the American people about the environmental harm caused by carbon pollution,” adding that “Their activities are often compared to those of Big Tobacco denying the health dangers of smoking. Big Tobacco’s denial scheme was ultimately found by a federal judge to have amounted to a **racketeering enterprise** (http://money.cnn.com/2006/08/17/news/companies/tobacco_ruling/).”

The Big Tobacco playbook looked something like this: (1) pay scientists to produce studies defending your product; (2) develop an intricate web of PR experts and front groups to spread doubt about the real science; (3) relentlessly attack your opponents. Thankfully, the government had a playbook, too: the **Racketeer Influenced and Corrupt Organizations Act** (<https://www.law.cornell.edu/uscode/text/18/part-I/chapter-96>), or RICO. In 1999, the Justice Department filed a civil RICO lawsuit against the major tobacco companies and their associated industry groups, **alleging that** (<http://publichealthlawcenter.org/topics/tobacco-control/tobacco-control-litigation/united-states-v-philip-morris-doj-lawsuit>) the companies “engaged in and executed — and continue to engage in and execute — a massive 50-year scheme to defraud the public, including consumers of cigarettes, in violation of RICO.”

The letter drafted by IGES discussed Whitehouse’s efforts to invoke the RICO Act and discussed the past success of RICO Act in confronting the tobacco industry:

A RICO investigation (1999 to 2006) played an important role in stopping the tobacco industry from continuing to deceive the American people about the dangers of smoking. 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.

The letter follows in its entirety:

September 1, 2015

As you know, an overwhelming majority of climate scientists are convinced about the potentially serious adverse effects of human-induced climate change on human health, agriculture, and biodiversity. We applaud your efforts to regulate emissions and the other steps you are taking. Nonetheless, as climate scientists we are exceedingly concerned that America’s response to climate change – indeed, the world’s response to climate change – is insufficient. The risks posed by climate change, including increasing extreme weather events, rising sea levels, and increasing ocean acidity – and potential strategies for addressing them – are detailed in the Third National Climate Assessment (2014), Climate Change Impacts in the United States. The stability of the Earth’s climate over the past ten thousand years contributed to the growth of agriculture and therefore, a thriving human civilization. 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.

We appreciate that you are making aggressive and imaginative use of the limited tools available to you in the face of a recalcitrant Congress. One additional tool – recently proposed by Senator Sheldon Whitehouse – is a RICO (Racketeer Influenced and Corrupt Organizations Act) investigation of corporations and other organizations that have knowingly deceived the American people about the risks of climate change, as a means to forestall America’s response to climate change. The actions of these organizations have been extensively documented in peer-reviewed academic research (Brulle, 2013) and in recent books including: Doubt is their Product (Michaels, 2008), Climate Cover-Up (Hoggan & Littlemore, 2009), Merchants of Doubt (Oreskes & Conway, 2010), The Climate War (Pooley, 2010), and in The Climate Deception Dossiers (Union of Concerned Scientists, 2015). We strongly endorse Senator Whitehouse’s call for a RICO investigation.

The methods of these organizations are quite similar to those used earlier by the tobacco industry. A RICO investigation (1999 to 2006) played an important role in stopping the tobacco industry from continuing to deceive the American people about the dangers of smoking. 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.

Sincerely,

*Jagadish Shukla, George Mason University, Fairfax, VA
Edward Maibach, George Mason University, Fairfax, VA
Paul Dirmeyer, George Mason University, Fairfax, VA
Barry Klinger, George Mason University, Fairfax, VA
Paul Schopf, George Mason University, Fairfax, VA
David Straus, George Mason University, Fairfax, VA
Edward Sarachik, University of Washington, Seattle, WA
Michael Wallace, University of Washington, Seattle, WA
Alan Robock, Rutgers University, New Brunswick, NJ*

Eugenia Kalnay, University of Maryland, College Park, MD
William Lau, University of Maryland, College Park, MD
Kevin Trenberth, National Center for Atmospheric Research, Boulder, CO
T.N. Krishnamurti, Florida State University, Tallahassee, FL
Vasu Misra, Florida State University, Tallahassee, FL
Ben Kirtman, University of Miami, Miami, FL
Robert Dickinson, University of Texas, Austin, TX
Michela Biasutti, Earth Institute, Columbia University, New York, NY
Mark Cane, Columbia University, New York, NY
Lisa Goddard, Earth Institute, Columbia University, New York, NY
Alan Betts, Atmospheric Research, Pittsford, VT

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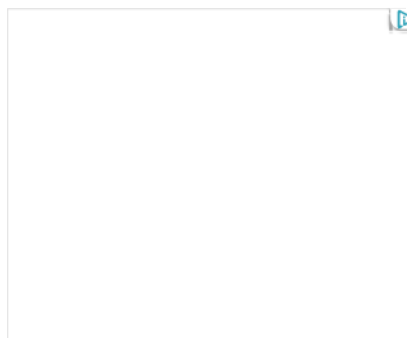
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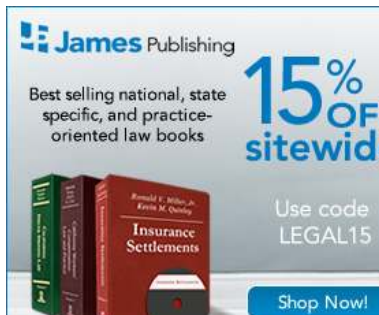
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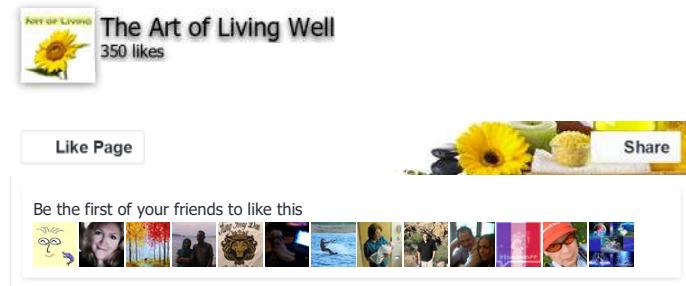
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David Rice · Chama, New Mexico

"A group of scientists is circulating a letter asking the Obama administration to prosecute those skeptical of the reality of man-made climate change."

No, Shit-for-brains: they did not. Good bloody grief. The scientists are asking for prosecution against corporations that have lied about the health risks associated with their products. "Skeptical?" Asshole.

Like · Reply · Sep 22, 2015 3:41am



John Persichilli · James Cook University, Townsville, Australia

I doubt that the Obama administration will do anything in regards to RICO charges against the fossil fuel and climate deniers cobal. The lame stream media is also to blame. They need to stop calling these groups as "skeptics" and start using the phrase deniers as this is the appropriate term. "Skeptics" refers to those who have a science background.

Like · Reply · Sep 22, 2015 3:59am



Donald Brown

I believe the corporations that have been responsible for the climate change disinformation campaign, which has been well document by several sociologists, need to be held legally responsilbe for the enormous damage they have done including loosing over 30 years in getting the US to respond to climate change. This responsibility is not based on the exercize of responsible skepticism, the oxygen of science, but the spread of disinformation that has been accomplished through lies about mainstream science of reckless disregard for the truth and a host of other tactics that are morally reprehensible. Corporations have funded cyber-bullying of scientists and journalists, publishing bogus reports on climate science that has not been subjected to peer-review, and a host of other tactics that are morally repugnant. Donald A. Brown, Widner Commonwealth Law School.

Like · Reply · Oct 2, 2015 8:53pm

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